

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 – APRIL 23, 2026 Amended 4/13/26

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, April 23, 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:

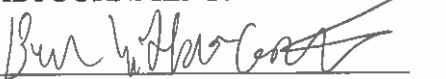
1. **Case 211-067 (04-23-26):** Hudson Community Food Pantry Corporation, 23 Library Street, Hudson, NH, requests a variance for **72 Burns Hill Road**, Hudson, NH to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]
2. **Case 176-026 (04-23-26):** Farrukh Chaudhry, 214 Central St., Hudson, NH, requests a variance for **214-216 Central St.**, Hudson, NH to replace a nonconforming 32.16 sqft. existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a nonconforming structure may not be altered or expanded, except by variance per HZO §334-31– Nonconforming structures. The freestanding sign is nonconforming due to a setback distance less than 25 feet from the right-of-way. [Map 176, Lot 026, Sublot-000; Zoned Business (B); HZO Article XII: Signs; §334-60 C, General Requirements & §334-64 C, Freestanding business and industrial signs]
3. **Case 245-012 (04-23-26):** Bradford Baker, Sr., **23 Fairway Dr.**, Hudson, NH requests a variance to allow a proposed concrete slab foundation with a metal garage to encroach the side yard setback by 2 feet leaving 13 feet of side yard setback where 15 feet is required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

VI. REVIEW OF MINUTES: 03/26/2026 edited draft Meeting Minutes

VII. OTHER BUSINESS:

- **Registration is now open:** Office of Planning and Development's Spring 2026 Planning and Zoning (virtual) Conference on **Saturday, May 9, 2026, 8:45 AM - 3:30 PM**. The cost is free. Details on handouts.

VIII. ADJOURNMENT:


Ben Witham-Gradert, Associate Planner

72 BURNS HILL ROAD

CASE # 211-067

STAFF REPORT

April 23, 2026

APPLICANT: Hudson Community Pantry Food Corp., 23 Library St. Hudson, NH 03051

MAP & LOT: Map 211/Lot 067-000 — 1,080,984.96 Sq ft (24.816 Acres) & 972 feet of frontage.

ZONING: Residential – Two (R-2)

PROPOSAL: to subdivide a portion of the property and construct a community food pantry classified as a civic use (D-22) along with standard appurtenances.

VARIANCE REQUESTED:

1. §334-21 – Table of Permitted Principle Uses: to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district.

ATTACHMENTS:

1. Department Comments
2. Variance Application
3. Zoning Determination #26-008
4. Concept Plan, dated March 26, 2026

APPLICATION TRACKING:

- March 31, 2026 – Variance application filed.
- April 23, 2026 – Public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The proposed site is approximately 1.4 acres and is located in the Residential – Two (R-2) district and is currently undeveloped. Currently no utilities are available to the property, however water may be brought to the site from further along Burns Hill Road. The parent site is home to significant wetlands, along with wetlands bordering the northern edge of the tract to be subdivided. The wetland buffers associated with these areas are marked on the proposed map, and no wetland or wetland buffer encroachments are noted at this time. The parent lot contains 972 linear feet of frontage and 24.8 acres of land, leaving ample space for subdivision of the site for this use while retaining a useable lot. The dimensions of the subdivision are not hard set at this time, nor would granting of the variance require them to be set prior to Planning Board approval.

DEPARTMENT COMMENTS

Engineering has provided the following comments:

1. Applicant shall demonstrate the proposed driveway entrance has adequate sight distance.

Fire has provided the following comment:

1. The applicant should be aware that if the variance is granted and the applicant proceeds to the Planning Board for approval, the design shall comply with the State Adopted Fire Code NFPA 1 chapter 18 for fire department access and water supply for firefighting. The water supply would require extending the water main and provide fire hydrants or install a water cistern.

Planning has provided the following comment:

1. The applicant will be required to appear before the Planning Board for Subdivision and Site Plan approval upon the successful granting of the necessary variance.

Comment sheets may be found in attachment one. None of the comments listed require a stipulation upon any potential approval, nor bar granting of the variance at this time.

STAFF COMMENTS

Staff notes that while wetlands are present on the parent site, they pose minimal to no issue for this development. This parcel was rezoned via town vote in 2024 to be entirely within the R-2 district, where part of the parent parcel was previously in the General (G) district. Staff have found no factual errors within the applicant’s application and arguments.

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 §334-21 – Table of Permitted Principle Uses: to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district, 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: 211-067 (04-23-26) **(VARIANCE)**

Property Location: 72 Burns Hill Rd

For Town Use

Plan Routing Date: 04/01/2026 Reply requested by: 04/07/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 04/01/2026
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Applicant shall demonstrate the proposed driveway entrance have adequate sight distance.

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

REQUEST FOR REVIEW/COMMENTS:

Case: 211-067 (04-23-26) **(VARIANCE)**

Property Location: 72 Burns Hill Rd

For Town Use

Plan Routing Date: 04/01/2026 Reply requested by: 04/07/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 04/01/2026
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

The applicant should be aware that if the variance is granted and the applicant proceeds to the Planning Board for approval, the design shall comply with the State Adopted Fire Code NFPA 1 chapter 18 for fire department access and water supply for firefighting. The water supply would require extending the water main and provide fire hydrants or install a water cistern.

**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

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

On **04/23/2026**, the Zoning Board of Adjustment heard **Case 211-067**, being a case brought by **Hudson Community Food Pantry Corporation, 23 Library Street, Hudson, NH, requesting a variance for 72 Burns Hill Road, Hudson, NH to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district.** [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

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

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: _____

TOWN OF HUDSON
New Hampshire
03051

MAR 31 2026

LAND USE DIVISION
ZONING DEPT.

PRUNIER & PROLMAN, PLLC
ATTORNEYS AT LAW
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Nashua, New Hampshire 03063-1981
TEL (603) 883-8900
FAX (603) 883-7959
www.prunierlaw.com

GERALD R. PRUNIER
1940 - 2022

ANDREW A. PROLMAN
aprolman@prunierlaw.com

March 31, 2026

HAND DELIVERY

Tracy Goodwyn, Administrative Aide II
Zoning and Code Enforcement
12 School Street
Hudson, NH 03051

Re: Use Variance – 72 Burns Hill Road

Dear Tracy:

On behalf of the Hudson Community Food Pantry Corporation, enclosed please find our original Variance Application (plus ten copies) for the property at 72 Burns Hill Road. Also enclosed is our \$268.72 filing fee and two sets of abutter labels. Please schedule us for the April 23, 2026 ZBA Agenda.

Thank you.

Sincerely



Andrew A. Prolman

AAP/mds
Enclosure

cc: Hudson Community Food Pantry Corporation
Ethan M. Beals, IMEG

APPLICATION FOR A VARIANCE

MAR 31 2026
LAND USE DIVISION
ZONING DEPT.

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 211-067(4-23-26)
Date Filed 03/31/2026

Name of Applicant Hudson Community Pantry Food Corporation Map: 211 Lot: 67 Zoning District: R-2

Telephone Number (Home) (603) 883-6048 (Work) (603) 883-8900

Mailing Address 23 Library Street, Hudson, NH 03051

Owner Tumpney Hurd Clegg, LLC

Location of Property 72 Burns Hill Road
(Street Address)

Signature of Applicant [Signature] Date 3/26/26

Signature of Property-Owner(s) [Signature] Date 3/26/26

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: 3/31/26

COST:

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

Abutter Notice:

<u>13</u> Direct Abutters x Certified postage rate	\$ <u>6.08</u> =	\$ <u>79.04</u>
<u>6</u> Indirect Abutters x First Class postage rate	\$ <u>0.78</u> =	\$ <u>4.68</u>
Total amount due:		\$ <u>268.72</u>

Amt. received: \$ 268.72 Check # 1178

Receipt No.: 860,114

Received by: [Signature]

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

AUTHORIZATION

72 Burns Hill Road
Hudson, New Hampshire 03051

To: Hudson, NH Zoning Board of Adjustment, Planning Board, NH Division of Environmental Services

From: Tumpney Hurd Clegg LLC

Date: MARCH 30, 2026

Re: 72 Burns Hill Road, Hudson, NH

Please be advised that Tumpney Hurd Clegg LLC, owner of 72 Burns Hill Road, Tax Map 211, Lot 67-000, Hudson, New Hampshire do hereby authorize the Hudson Community Food Pantry Corporation, Prunier & Prolman, PLLC, and Hayner/Swanson/IMEG to apply for and seek any and all permits and approvals they deem necessary for the development of the Hudson Food Pantry upon a portion of our property.

TUMPNEY HURD CLEGG CORPORATION

By: 
George Hurd

Its: Member

Duly Authorized

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.

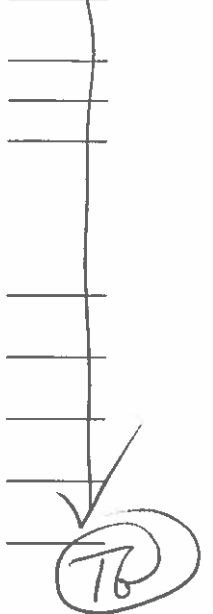
Applicant Initials		Staff Initials
<u>CAP</u>	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>CAP</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>CAP</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>CAP</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>CAP</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.)	<p><u>pending</u> 3/31/26 <u>(TG)</u></p>
<u>CAP</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>CAP</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>CAP</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>CAP</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:


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

*see
Conceptual
plan

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



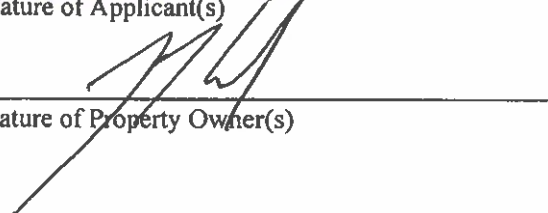
The applicant and owner have signed and dated this form to show his/her awareness of these requirements.



Signature of Applicant(s)

3/26/26

Date



Signature of Property Owner(s)

3-26-26

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) Applicant: Hudson Community Food Pantry Corp.	23 Library St. Hudson, NH 03051
211	067-000	Owner: Tumpney Hurd Clegg, LLC	39 Trigate Rd. Hudson, NH 03051
217	028-002	Nichols, Winnie N.; Michugu, James M.	2B Mark Street Hudson, NH 03051
210	011-000	Provincial Heights Neigh Assoc.	14 St. Francis Place Hudson, NH 03051
211	066-000	Town of Hudson	12 School Street Hudson, NH 03051
211	068-000	Levesque, Mark D., Tr; Levesque, Michele, Tr.	84 Wason Road Hudson, NH 03051
212	004-000	Scarvalsas, Sharon	92 A Wason Road Hudson, NH 03051-0043
212	008-000	Giuffrida, Perry J., Tr.; Giuffrida Revocable Trust	100B Wason Road Hudson, NH 03051-5136
212	009-000	Giuffrida, Frank E.	9 Beech Street Windham, NH 03081-1935
212	012-000	Giuffrida, Frank E.	9 Beech Street Hudson, NH 03081-1935
217	026-000	Harmon, Christine K.	79 Burns Hill Road Hudson, NH 03051
217	027-000	Brough, Fred, Tr.; Felton, Sharon, Tr.	75 Burns Hill Road Hudson, NH 03051
217	028-001	Levasseur, Jane N.	2A Mark Street Hudson, NH 03051

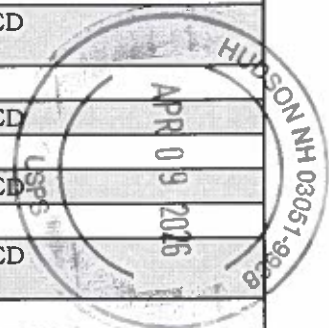
ALL DIRECT ABUTTERS Continued from page 4

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.

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
217	035-000	Silver, Peter A.; Silver Sandra R.	71 Burns Hill Road Hudson, NH 03051
217	036-000	Eaton, John F.; Eaton Tammy L.	69 Burns Hill Road Hudson, NH 03051

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 211-067 VARIANCE 72 Burns Hill Rd., Hudson, NH Map 211, Lot 067, Sublot 000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/23/2026 ZBA Meeting
1	7022 1670 0001 4990 9081	HUDSON COMMUNITY FOOD PANTRY CORPORATION 23 LIBRARY ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	7022 1670 0001 4990 9098	TUMPNEY HURD CLEGG, LLC 39 TRIGATE RD., HUDSON, NH 03051	<i>Abutter</i> APPLICANT/OWNER NOTICE MAILED
3	7022 1670 0001 4990 9104	PROVINCIAL HEIGHTS NEIGH.ASSOC 14 ST FRANCIS PLACE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 1670 0001 4990 9111	LEVESQUE, MARK D., TR.; LEVESQUE, MICHELE, TR. 84 WASON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 1670 0001 4990 9128	SCARVALAS, SHARON 92 A WASON ROAD, HUDSON, NH 03051-0043	ABUTTER NOTICE MAILED
6	7022 1670 0001 4990 9135	GIUFFRIDA, PERRY J., TR.; GIUFFRIDA REVOCABLE TRUST 100B WASON ROAD, HUDSON, NH 03051-5136	ABUTTER NOTICE MAILED
7	7022 1670 0001 4990 9142	GIUFFRIDA, FRANK E. 9 BEECH STREET, WINDHAM, NH 03081-1935	ABUTTER NOTICE MAILED
8	7022 1670 0001 4990 9159	HARMON, CHRISTINE K. 79 BURNS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7022 1670 0001 4990 9166	BROUGH, FRED, TR.; FELTON, SHARON, TR. 75 BURNS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	7022 1670 0001 4990 9173	LEVASSEUR, JANE N. 2A MARK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
11	7022 1670 0001 4990 9180	NICHOLS, WINNIE N.; MICHUGU, JAMES M. 2B MARK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
12	7022 1670 0001 4990 9197	SILVER, PETER A.; SILVER, SANDRA R. 71 BURNS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
13	7022 1670 0001 4990 9203	EATON, JOHN F.; EATON, TAMMY L. 69 BURNS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
	Total Number of pieces listed by sender 13	Total number of pieces rec'vd at Post Office <i>13</i>	Postmaster (receiving Employee) <i>Paula Angelle</i>



USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 211-067 VARIANCE 72 Burns Hill Rd., Hudson, NH Map 211, Lot 067, Sublot 000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/23/2026 ZBA Meeting
1	Mailed First Class	MATTHEWS, DENISE G. TR.; GUERETTE, RICHARD A. TR. 50 BURNS HILL RD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	DUBOIS, GREGORY; DUBOIS, STACIA H. 86 WASON ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	MORIN, DAVID J.; MORIN, KATHERINE 67 BURNS HILL RD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	INGS, RICHARD A.; HESSE, REBECCA K. 82 WASON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	Andrew A. Prolman; Prunier & Prolman, PLLC 20 Trafalgar Square, Suite 100, Nashua, NH 03063-1981	Legal Representative-copy of Applicant Notice Mailed
6	Mailed First Class	Ethan M. Beals; IMEG (Formerly Hayner Swanson, Inc.) 3 Congress Street, Nashua, NH 03062	Project Engineer-copy of Applicant Notice Mailed
7			
8			
9			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Paula Angeli</i>





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

April 9, 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, April 23, 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 211-067 (04-23-26): Hudson Community Food Pantry Corporation, 23 Library Street, Hudson, NH, requests a variance for 72 Burns Hill Road, Hudson, NH to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

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

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Case 211-067 (04-23-26): Hudson Community Food Pantry Corporation, 23 Library Street, Hudson, NH, requests a variance for 72 Burns Hill Road, Hudson, NH to subdivide a portion of the 25-acre lot to be used for a community food pantry classified as a civic use (D-22) where this use is not allowed in the Residential-Two (R-2) district. [Map 211, Lot 067, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

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 V of HZO Section(s) 334-21 Table of Permitted Users in order to permit the following:

Requests for a variance for 72 Burns Hill Road, Hudson, NH to subdivide a portion of the 25 acre lot to be used for a community food pantry classified as a civic use (D-22) in the Table of Permitted Principal Uses where this use is not allowed in the Residential-Two (R-2) district.

To allow the relocation of the Hudson Community Food Pantry Corporation ("Hudson Food Pantry") from 23 Library Street to an approximately 1.4 acre portion of 72 Burns Hill Road. Please see attached Narrative and Variance Criteria.

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.”)

Please see attached Project Narrative and Variance Criteria.

- 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.”)

Please see attached Project Narrative and Variance Criteria.

- 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.)

Please see attached Project Narrative and Variance Criteria.

- 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.)

Please see attached Project Narrative and Variance Criteria.

**Hudson Board of Adjustment
72 Burns Hill Road
Hudson Community Food Pantry Corporation**

PROJECT NARRATIVE

We present this Variance application on behalf of the Hudson Community Food Pantry Corporation (the “Hudson Food Pantry”). The Hudson Food Pantry has an opportunity to acquire an approximately 1.4-acre portion of 72 Burns Hill Road from owner Tumpney Hurd Clegg LLC. Please see our Concept Plan from IMEG dated March 16, 2026. The intent would be to subdivide the property to establish the Hudson Food Pantry lot. If successful with permitting and build out, the Hudson Food Pantry would move from its current location at 23 Library Street to Burns Hill Road.

The Hudson Food Pantry helps Hudson residents address food insecurity and provides basic living and household items. Enclosed is a copy of the Hudson Food Pantry’s 2025 Nonprofit Report, which provides a summary of their operations to benefit those in need in Hudson. See also *hudsonfoodpantry.org*.

The Hudson Food Pantry staff and volunteers pick up, check, and sort donations over the course of the week. Distribution primarily occurs one evening a week (currently Thursday from 5-7 pm with a smaller secondary distribution in winter months for a few clients who cannot drive at night (currently Wednesday 9-10 am). Finally, there is a holiday distribution three Saturdays a year prior to the Easter, Thanksgiving, and Christmas holidays. During a typical week, the Pantry is visited by a total of approximately 40-55 cars for food distributions but that number can fluctuate based on season and client needs. All clients are scheduled with timed pick-ups to manage the flow of cars. No money is exchanged for the food and living supplies.

Our proposal would be to subdivide approximately 1.4 acres in the northwest corner of the 25 acre lot. The new Hudson Food Pantry building is currently estimated to be a 2-story building totaling 4,800 square feet, with usual site improvements such as parking, drainage, etc. The building will be serviced by typical utilities and designed to appear residential to fit the neighborhood.

VARIANCE CRITERIA

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

The actual active use of the Hudson Food Pantry is minimal. The employees and volunteers are on site approximately ten hours a week. With a proper residential design, the proposed Hudson Food Pantry will not threaten public health or safety, and will not be out of character for the neighborhood.

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

The prohibition of “civic” uses in the R2 District is intended to keep incompatible uses away from others. Considering the minimal use of the Hudson Food Pantry, and the service it provides to the community, we submit that the Hudson Food Pantry will not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

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

The balancing test of the “substantial justice” factor weighs strongly in favor of the Applicant. With little impact to the neighborhood, the Hudson Food Pantry provides critical food and supplies to our neighbors in need.

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

The proposed Hudson Food Pantry lot is surrounded by woods and wetlands on both sides of Burns Hill Road. Our closest neighbor is the Town of Hudson lot at 62 Burns Hill Road. With a residential look of the building, and the limited use of the property, we respectfully submit that the Hudson Food Pantry will not impact surrounding property values.

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

A.

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

The large lot at 72 Burns Hill Road contains significant wetlands with pockets of dry upland. A large scale development would be a challenge. Given the unique lot and limited hours of operation for a critical service to the Town, we do not see a fair and substantial reason to prohibit the Hudson Food Pantry at this site.

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

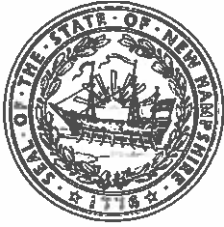
The proposed use is reasonable considering the number of hours of our services, and the critical void the Hudson Food Pantry fills for the Town.

Respectfully Submitted,

Hudson Community Food Pantry Corporation
By its attorney
Prunier & Prolman, PLLC



Andrew A. Prolman
20 Trafalgar Square, Ste. 100
Nashua, NH 03063
603-883-8900
aprolman@prunierlaw.com



State of New Hampshire
Department of State
2025 NONPROFIT REPORT

Filed
Date Filed: 4/24/2025
Effective Date: 4/24/2025
Business ID: 849609
David M. Scanlan
Secretary of State

BUSINESS NAME: HUDSON COMMUNITY FOOD PANTRY CORPORATION
BUSINESS TYPE: Domestic Nonprofit Corporation
BUSINESS ID: 849609
STATE OF INCORPORATION: New Hampshire

CURRENT PRINCIPAL OFFICE ADDRESS	CURRENT MAILING ADDRESS
23 Library Street Hudson, NH, 03051, USA	23 Library Street Hudson, NH, 03051, USA

PRINCIPAL PURPOSE(S)	
NAICS CODE	NAICS SUB CODE
<p>OTHER / The object/purposes for which this corporation is established are to operate exclusively for charitable, scientific, literary, educational, civic and community purposes, including to provide food and other assistance to income qualified Hudson, New Hampshire residents suffering from food insecurity, who need basic living and household items, or who need limited financial assistance to meet basic living needs. The corporation shall accept donations of food, basic living and household items, and raise funds and develop other resources by various acceptable means including without limitation federal and state governmental grants and aid, foundation and business support, private philanthropy, loans on ordinary or advantageous terms and periodic fundraising events. (For additional principal purpose information please see attached business formation documentation in the filing history.)</p>	

OFFICER / DIRECTOR INFORMATION		
NAME	BUSINESS ADDRESS	TITLE
Carlos Pestana	23 Library Street, Hudson, NH, 03051, USA	Vice President
Karen McLavey	23 Library Street, Hudson, NH, 03051, USA	Treasurer
Richard Wojcik	23 Library Street, Hudson, NH, 03051, USA	Chairman of the Board of Directors

I, the undersigned, do hereby certify that the statements on this report are true to the best of my information, knowledge and belief.

Title: **Treasurer**

Signature: **Karen McLavey**

Name of Signer: **Karen McLavey**



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 #26-008

January 28, 2026

Sent Via: First Class Mail

Andrew A. Prolman
Prunier & Prolman, PLLC
20 Trafalgar Sq. Ste 100
Nashua, NH 03063

72 Burns Hill Rd
Hudson Map 211 Lot 67-000
Town Residential Two (R-2)

Dear Attorney Prolman,

Your Request: Can the Hudson Food Pantry be classified as a Community Facilities Use (C4) under Municipal Services and Facilities?

Zoning Review / Determination:

Plan Attached: Conceptual Site Plan – 72 Burns Hill Rd – Revision Plan - Date: August 8, 2023

Existing Conditions:

This lot was originally General (G) until the March 2024 Town vote. The following districts were rezoned from General (G) to Residential Two (R-2). According to the Town of Hudson records, this lot encompasses approximately 1,080,288 square feet, with 972 linear feet of frontage. This lot is currently vacant. The current use of the property is designated under "Farm Current Use."

It is essential to note that the premises include wetland areas, which may possess significant environmental value and warrant careful assessment to ensure their protection and proper management.

Additionally, monitoring wells are located on the property, which are associated with a nearby town dump site that was closed in the 1970s.

Pertinent Ordinances:

Article V: Permitted Uses; §334-21 — Table of Permitted Principal Uses
Article III: General Regulations; §334-16 – Site Plan Approval,

Determination:

Municipal services and facilities in a zoning context is typically defined to mean town/city-owned or operated services, such as administration buildings, public works garages, police/fire stations, public utilities, and similar government-run functions. Hudson's ordinance groups this with other government-type community uses.

A nonprofit or charitable food pantry (e.g., Hudson NH Community Food Pantry) is often:

- Not town/city owned or operated
- Primarily a nonprofit social service use
- This request does not naturally fit with in the narrow concept of municipal services and facilities.

Without a definition of “municipal” extending to privately or nonprofit-operated uses, you cannot, on that basis alone, classify a food pantry as a municipal community facility under existing ordinance text.

A community food pantry would be considered a civic use under the zoning classification (D-22). This classification falls within the category of commercial uses and, consequently, requires obtaining a variance from the Zoning Board of Adjustment, per §334-21 - Table of Permitted Principal Uses.

In accordance with §334-16 – Site Plan Approval, the applicant must obtain an approved site plan from the Planning Board before proceeding with any related activities.

Sincerely,



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

cc: Brooke Dubowik, Town Planner
Elvis Dhima, Town
Jim Michaud
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.

PRUNIER & PROLMAN, PLLC
ATTORNEYS AT LAW
20 Trafalgar Square, Suite 100
Nashua, New Hampshire 03063-1981
TEL (603) 883-8900
FAX (603) 883-7959
www.prunierlaw.com

GERALD R. PRUNIER
1940 -2022

ANDREW A. PROLMAN
aprolman@prunierlaw.com

January 27, 2026

By email only: csullivan@hudsonnh.gov

Chris Sullivan
Zoning Administrator
Town of Hudson
12 School Street
Hudson, NH 03051

Re: Request for Zoning Determination
72 Burns Hill Road

Dear Chris,

I represent the Hudson Community Food Pantry Corporation (the "Hudson Food Pantry"). The Hudson Food Pantry has an opportunity to acquire an approximately 1.5-acre portion of 72 Burns Hill Road from owner Tumpney Hurd Clegg LLC. Please see our mark up from the Town's GIS. The intent would be to subdivide the property to establish the Hudson Food Pantry lot. If successful with permitting and build out, the Hudson Food Pantry would move from its current location at 23 Library Street to Burns Hill Road.

The Hudson Food Pantry helps Hudson residents address food insecurity and provides basic living and household items. Enclosed is a copy of the Hudson Food Pantry's 2025 Nonprofit Report, which provides a summary of their operations to benefit those in need in Hudson.

The Hudson Food Pantry staff pick up donations over the course of the week. Distribution primarily occurs one evening a week (currently Thursday from 5-7 pm) and the three Saturdays a year prior to Easter, Thanksgiving, and Christmas. Hudson recipients are scheduled with timed pick-ups to manage the flow of cars. No money is exchanged for the food and living supplies.

72 Burns Hill Road is in the R-2 Zoning District. HZO §334-18, B describes the R-2 District as follows:

Residential - Two (R-2). The R-2 Residential District is

Chris Sullivan
Request for Zoning Determination
January 27, 2026
Page 2

established to provide for the development of single-family and/or two-family (duplex) residences and customary accessory uses and structures and complementary nonresidential uses. The district is intended to provide a diversity of housing types, *community facilities*, recreational uses and other uses which benefit and are enhanced by the pre-dominantly residential character of the district. (Emphasis added.)

Turning to the Table of Permitted Principal Uses (the "Table"), Hudson has five categories of uses (which coincides with HZO §334-9, B). The Hudson Food Pantry would not be considered a Residential Use (Category A), an Agricultural Use (B), or an Industrial Use (E). As to Hudson's Commercial Uses (D), I respectfully submit that the Hudson Food Pantry is not a commercial enterprise, and that none of the thirty Commercial Uses listed in the Table match the Hudson Food Pantry's operation for those in need in Hudson.

Focusing on Community Facilities Uses (C), I suggest that out of the seven uses listed, "Municipal services and facilities" (Use No. 4) is the best fit for the Hudson Food Pantry. The Hudson Food Pantry is obviously not a part of the Town of Hudson's government. Nevertheless, the services that the Hudson Food Pantry provides to Hudson's residents supplements the services that the Town provides. The Hudson Food Pantry essentially provides municipal services. If you agree that of all the uses listed in the Table, "municipal services and facilities" best fits the Hudson Food Pantry's operations, then we would be a permitted use at 72 Burns Hill Road.

We welcome your response.

Thank you.

Sincerely,



Andrew A. Prolman

AAP/mds
Enclosures

cc: Hudson Community Food Pantry Corporation
Tumpney Hurd Clegg LLC
Ethan M. Beals, IMEG

Property Location: 72 BURNS HILL RD
 Vision ID: 8702 Account #: 10434

Parcel ID: 211/067/000//
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 6100
 Print Date: 03-23-2026 11:51:56

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)									
TUMPNEY HURD CLEGG, LLC 39 TRIGATE RD. HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
		RE	Residential Average			2025	6100	9,529	2025	6100	9,529	2024	6100	9,107	
		TOPO	UTILITIES												
				Total		9,529		Total		9,529		Total		9,107	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
TUMPNEY HURD CLEGG, LLC		9493 0142	07-02-2021	U	V	495,000	90	Grantor: MATTHEWS, DENISE G., TR.	Appraised Bldg. Value (Card)			0
MATTHEWS, DENISE G., TR		7438 0516	03-31-2001	U	V	0	38		Appraised Xf (B) Value (Bldg)			0
								Grantor: MATTHEWS, DENISE G., TR.	Appraised Ob (B) Value (Bldg)			0
									Appraised Land Value (Bldg)			297,200
									Special Land Value			9,529
									Total Appraised Parcel Value			297,200
									Valuation Method			C
									Total Appraised Parcel Value			297,200

SUPPLEMENTAL DATA				CURRENT ASSESSMENT							
Parcel ID	211-067-000	Descript	Code	Appraised	Assessed						
Zoning	R2:Residential-2	LAND	6100	297,200	9,529						
Flood Hazard	B										
Neigh/Abut1											
Neigh/Abut2											
Neigh/Abut3											
GIS ID	211-067-000	PREV	0015-0026-0000								
		Assoc Pid#									
				Total:	297,200	9,529					297,200

NOTES				VISIT / CHANGE HISTORY			
2002 LOT CREATED FROM CORRECTION AND LOT LINE RELOCATION FROM MAP 14 LOT 176 AND MAP LOT 15/LAND SIZE ADJ PER PLAN# 3160 6 5/22 VACANT LOT				Date	Id	Cd	Purpost/Result
				05-03-2022	23	10	Vacant Lot
				01-11-2022	21	30	Sales Data Verification
				08-30-2002	00	05	Hearing-Info

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

LAND LINE VALUATION SECTION																
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	6100	CU-FARM	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00					170,000
1	6100	CU-FARM	Excess	23.816	AC	6,000	0.89	1.00	0	1.00	RE	1.00				127,200
Total Card Land Units:				24.816	AC	Parcel Total Land Area:				24.816	AC	Total Land Value:			297,200	

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

Property Location: 72 BURNS HILL RD
 Vision ID: 8702 Account #: 10434

Parcel ID: 211/067/000/1
 Bldg #: 1

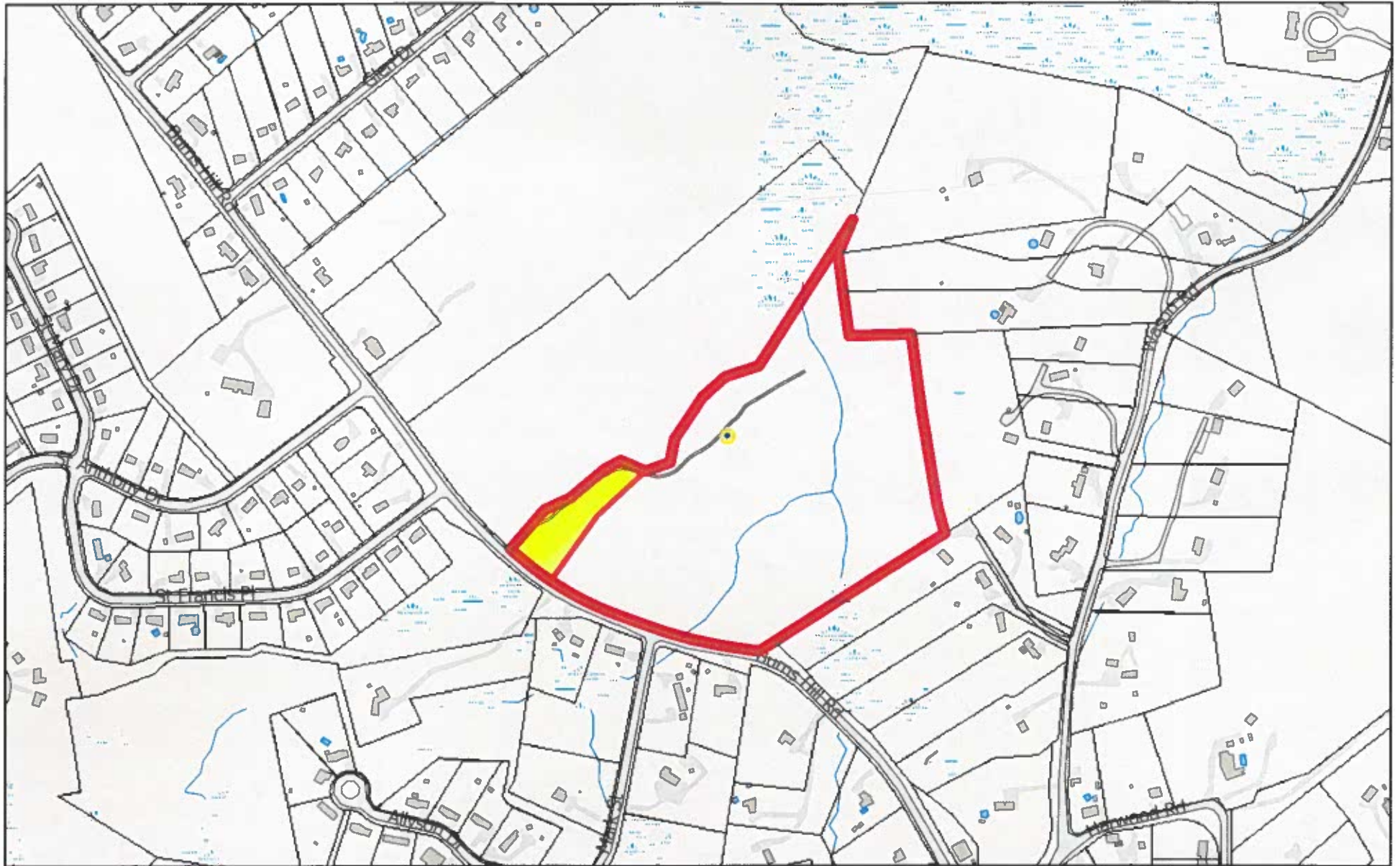
Card Address:
 Card #: 1 of 1

LUC: 6100
 Print Date: 03-23-2026 11:51:57

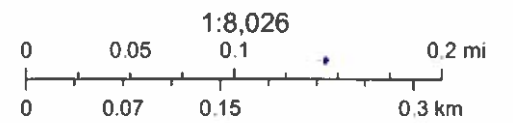
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO			
Element	Cd	Description	Element	Cd	Description				
Model	00	Vacant	Avg Ht/FL						
Stories:	99	Vacant Land	Extra Kitchens						
Style:			Add Kitchen Ra						
Grade:									
(Liv) Units									
Exterior Wall 1									
Roof Structure									
Roof Cover									
Frame									
Foundation									
Interior Wall 1									
Interior Floor 1									
Heat Fuel									
Heat Type									
# Heat Systems									
AC Percent									
Total Rooms									
Bedrooms									
Full Baths									
3/4 Baths									
Half Baths									
Extra Fixtures									
Kitchens									
Kitchen Rating									
Bath Rating									
Half Bath Rating									
Bsmt Garage									
Fireplace(s)									
Fireplace Rating									
WS Flues									
Color									
Avg Ht/FL									
Extra Kitchens									
COST / MARKET VALUATION									
			Building Value New		0				
			Year Built						
			Effective Year Built		0				
			Depreciation Code						
			Remodel Rating						
			Year Remodeled						
			Depreciation %						
			Functional Obsol						
			External Obsol						
			Trend Factor		1.000				
			Condition						
			Condition %						
			Percent Good						
			RCNLD		0				
			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
BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value			
	Total Liv Area/Gr. Area/Eff Are	0	0	0	Total Value	0			

No Sketch

HCFPC 72 Burns Hill Road



1/21/2026



Printed
3/31/2026
4:21PM
Created
3/31/2026
4:17 PM

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

Receipt# 860,114
tgoodwyn

<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00 Zoning Application-4/23/26 ZBA Meeting 72 Burns Hill Rd Map 211, Lot 067-000 Zone R-2 Variance (use)	0.00	268.7200	0.00
		Total:	268.72

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Hudson Community Food Pantry Corporatio	CHECK	CHECK # 1178	268.72	0.00	268.72
			Total Due:		268.72
			Total Tendered:		268.72
			Total Change:		0.00
			Net Paid:		268.72

HUDSON COMMUNITY FOOD PANTRY CORPORATION

1178

3/26/26

Town of Hudson - 268.72

Zoning Submittal

ABUTTER COMMENTS

TOWN OF HUDSON
New Hampshire
03051

APR 13 2026

LAND USE DIVISION
ZONING DEPT.

Fred Brough
75 Burns Hill Road
Hudson, NH
603-490-5585

April 13, 2026

Town of Hudson, NH
Chairman Tristan Dion
Zoning Board of Adjustment
12 School Street
Hudson, NH 03051

Dear Mr. Tristan Dion,

This letter is in regards to the upcoming zoning board meeting coming up on April 23, 2026. On the agenda is **Case 211-067** (04-23-26) for 72 Burns Hill Road. The agent, Hudson Community Food Pantry Corporation, wants a variance to change the present zoning from R-2 to D-22.

I am an abutter of the parcel of land they want to divide. I am out of town and unable to come to the meeting in person. I strongly vote **“NO”** to this variance.

Sincerely yours,

Fred Brough

214-216 CENTRAL STREET

CASE # 176-026

STAFF REPORT

April 23, 2026

APPLICANT: Farrukh Chaudhry, 214 Central Street, Hudson, NH 03051

OWNER: Justine Mary Holdings, c/o Don Levesque, 214 Central Street, Hudson, NH 03051

MAP & LOT: Map 176/Lot 026-000 — 94,525.2 Sq ft (2.17 Acres) & 254.5 feet of frontage.

ZONING: Business (B)

PROPOSAL: To replace a nonconforming 32.16 sqft. existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a nonconforming structure may not be altered or expanded, except by variance per HZO §334-31 – nonconforming structures.

VARIANCE REQUESTED:

§334-60.C – General Requirements: to permit a sign to encroach the front setback requirement by 23 ft, leaving a setback of 2 ft from the public right of way, where 50% (25 ft) would otherwise be required.

ATTACHMENTS:

1. Department Comments
2. Zoning Determination #26-005, dated January 16, 2026
3. Variance Application
4. Zoning Determination #26-005 R-2, dated March 31, 2026
5. Signage Specifications

APPLICATION TRACKING:

- March 31, 2026 – Variance application filed.
- April 23, 2026 – Public hearings scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The site is approximately 2.17 acres and is located in the Business district. The site is home to three retail structures, dating back to 1969 or prior. The site is serviced by town water and sewer. Wetlands are present in the north of the property; however, they are ~400 linear feet from the signage in question. Much of the construction on this site is considered pre-existing non-conforming due to its age. The application before the board today is strictly for the above listed portion of non-conformance, with the other aspects proposed to remain the same as previously existing.

DEPARTMENT COMMENTS

All departments have indicated no comment for this application. Comment sheets may be found in attachment one.

STAFF COMMENTS

Staff notes that the applicant has received a revised iteration of the zoning determination, with the original being dated January 27, 2026. The original determination stated no variance was required. In discussion with the applicant, it has been made clear that they acted upon this advice and ordered the sign in question. The applicant then received the revised determination notifying them that a variance was in fact required. The applicant has filed an application seeking relief to ensure the sign remains lawful, despite municipal estoppel. While this does not remove the need for finding of hardship, the context is required to explain the order of events on the part of the applicant.

Furthermore, the application, based on the information found within Zoning Determination #26-005(R-2) requests a variance from §334-31. While this section creates the need for a variance, the section for which a variance needs to be granted is §334-60.C. This differentiation is relatively minor in nature, and the applicant’s arguments address the issue at hand.

RECOMMENDATION

Staff recommends hearing of the case along with applicant testimony and public comment, prior to rendering a decision. Staff has not determined that additional information is required at this time. 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 §334-60.C – General Requirements: to permit a sign to encroach the front setback requirement by 23 ft, leaving a setback of 2 ft from the public right of way, where 50% (25 ft) would otherwise be 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: 176-026 (04-23-26) **(VARIANCE)**

Property Location: 214-216 Central Street

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

BD Name: Brooke Dubowik Date: 04/09/2026
(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: 176-026 (04-23-26) **(VARIANCE)**

Property Location: 214-216 Central Street

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 04/09/2026
(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: 176-026 (04-23-26) **(VARIANCE)**

Property Location: 214-216 Central Street

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

DRH _____ Name: David Hebert Date: 04/07/2026
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner



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 # 26-005

January 16, 2026

Farrukh Chaudhry
214 Central Steet
Hudson, NH 03051

Re: 214 Central Steet
Map 176 Lot 026-000
District: Business (B)

Dear Mr. Chaudhry

Your Request: To replace the existing backlit steel sign with a two (2)-sided LED electronic sign, as the current sign is not effective.

Zoning Review:

Existing Conditions: The subject property is located within the Business District (B) and contains approximately 94,525 square feet. The site is improved with a mixed-use shopping center building, originally constructed in 1969. The proposed sign will be installed in the same location as the existing sign, with no change to the overall size of the sign.

Pertinent Ordinances:

- Article XII Signs § 334-60 General Requirements
- Article XII Signs §334-64 Freestanding business and industrial signs,
- Article III §334-16 Building Permits

Determination:

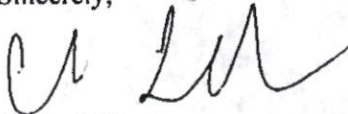
Pursuant to § 334-60 General Requirements, electronic changing signs are permitted within the Business Zoning District, subject to full compliance with all applicable provisions of the Zoning Ordinance. Such signs are permitted only as a component of a freestanding business sign and are permitted allowed as standalone signs or wall-mounted electronic displays.

The proposed electronic changing sign must comply with **§334-64 Freestanding business and Industrial Signs** requirements, including, but not limited to, the following:

- A maximum of one electronic changing sign is permitted per lot.
- The electronic display area shall not exceed 50 percent of the total sign area or 50 square feet, whichever is less.
- The sign must comply with all required setbacks, lot frontage requirements, and minimum separation distances from other electronic changing signs.
- The sign must also comply with the required separation distances from residential dwelling units, as set forth in the ordinance.
- The sign shall not flash, and all message transitions shall comply with ordinance standards.
- The sign shall be equipped with automatic dimming controls and must comply with all applicable illumination and brightness limitations.
- Operation of the electronic changing sign shall be limited to the hours during which the business is open.

All signs require approval through a sign permit issued by the Inspection Service in accordance with § 334-16, **Building** Permits, prior to installation. A complete application, including detailed sign specifications and illumination data, must be submitted for review and approval.

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
Justine Mary Holdings and Don Levesque
File

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

#26-005



TOWN OF HUDSON
New Hampshire
03051
JAN 14 2026
LAND USE DIVISION
ZONING DEPT.

LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request

1/14/26

Property Location

214 Central St Hudson NH 03051

Map 176 Lot 026 Sublot 000

Zoning District if known

B zone

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

Request to change backlit street sign to two (2) silver LED electronic sign. Current sign is not very efficient and does not serve the intent purpose.

Farrukh Chandley

Applicant Contact Information:

Name:

Farrukh Chandley

Address:

214 Central Street, Hudson, NH 03051

Phone Number:

(603) 438-6663

Email:

nhbceoberry4@gmail.com

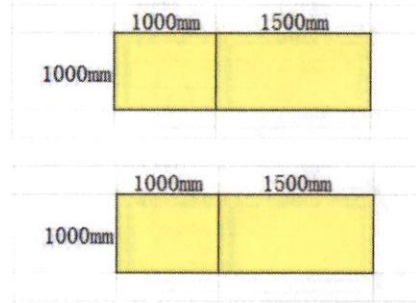
For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: Current BP # 2025-01227

ZONING DETERMINATION LETTER SENT DATE: 1/16/26

QUOTATION

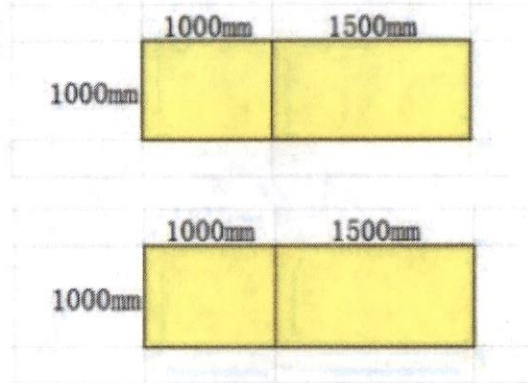


Item	Item Description	Qty	UNIT	Unit Price(USD)	Total Amount(USD)
FC series LED screen	1.Outdoor P4.81 2.Brightness: 6000-6500nits, 110-220V 3.SMD1921 Nationstar led lamp,3840Hz high refresh ICND1065L 4.Front and back access aluminum cabinet with HUB board connection 5.Cabinet size 1000x1000mm and 1500*1000mm Screen size W2.5*H1m*2pcs, total 5 sqm	5	m2	\$679.00	US\$3,395.00
Control system	Novastar T840 +4G module	1	Set	\$236.00	US\$236.00
Accessories	10m Main power cables	2	PCS	\$14.00	US\$28.00
	10m Main signal cables	1	PCS	\$9.00	US\$9.00
	Power cable between cabinets	2	Set	Free	Free
	Signal cable between cabinets				
Recommended spare part	500*250mm Module	2	PCS	\$45.00	US\$90.00
	Receiving card	2	PCS	\$14.00	US\$28.00
	220V Power supply	2	PCS	\$14.00	US\$28.00
	HUB board	1	PCS	\$20.00	US\$20.00
Package	4pcs cabinets +accessories+spare parts into 1 wooden case	1	PCS	\$50.00	US\$50.00
TOTAL COST EXW				US\$3,884.00	

REMARKS

- Valid period of the above quotation:10 days
- Price term: EXW price
- Payment term: 50% T/T for deposit,50% T/T balance before shipment
- Lead time: 20-35 working days
- Warranty: **5 years**.In the warranty, we are responsible for all product problem(excluding wrong operation), including necessary replacement.
- Package: By wooden case

QUOTATION



Item	Item Description	Qty	UNIT	Unit Price(USD)	Total Amount(USD)
FC series LED screen	1.Outdoor P4.81 2.Brightness: 6000-6500nits, 110-220V 3.SMD1921 Nationstar led lamp,3840Hz high refresh ICND1065L 4.Front and back access aluminum cabinet with HUB board connection 5.Cabinet size 1000x1000mm and 1500* 1000mm Screen size W2.5*H1m*2pcs, total 5 sqm	5	m2	\$679.00	US\$3,395.00
Control system	Novastar TB40 +4G module	1	Set	\$236.00	US\$236.00
Accessories	10m Main power cables	2	PCS	\$14.00	US\$28.00
	10m Main signal cables	1	PCS	\$9.00	US\$9.00
	Power cable between cabinets	2	Set	Free	Free
	Signal cable between cabinets				
Recommended spare part	500*250mm Module	2	PCS	\$45.00	US\$90.00
	Receiving card	2	PCS	\$14.00	US\$28.00
	110-220V Power supply	2	PCS	\$14.00	US\$28.00
	HUB board	1	PCS	\$20.00	US\$20.00
Package	4pcs cabinets +accessories +spare parts into 1 wooden case	1	PCS	\$50.00	US\$50.00
TOTAL COST EXW					US\$3,884.00
Freight	DDP sea shipping to 214 central street, Hudson NH. 03051, USA.				US\$833.00
TOTAL COST (DDP)					US\$4,717.00

FC series - P4.81-W2.5*H1m*2pcs-Double side Outdoor Aluminum Cabinet LED Screen With Hub Board Connection


Customer information

Attn: Tahir	Contact: Nancy
Company: /	Mobile: 86-18098982411 Email: nancy@ddw.net
ADD: USA	Quote Date: 2026/01/13

Screen Solution 2.5*1m *2 pcs

	Screen		Total	Unit
Cabinet Quantity (WxH)(pcs)	1	1	1	pcs
Cabinet size	1000	1000	----	mm
Cabinet resolution	208	208	43222.50	----
Cabinet Quantity (WxH)(pcs)	1	1	1	pcs
Cabinet size	1500	1000	----	mm
Cabinet resolution	312	208	64833.74	----
Screen area (WxH) m for 1 screen	2.5	1	2.50	m ²
Screen area (WxH) m for double screen	/	/	5.00	m ²
Screen resolution (WxH) for each screen	520	208	108056	dots

Module Parameters


	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>IC Driver</td> <td>ICND1065L</td> </tr> <tr> <td>Pixel Pitch/mm</td> <td>4.81</td> </tr> <tr> <td>Module Width(mm)</td> <td>500</td> </tr> <tr> <td>Module Height(mm)</td> <td>250</td> </tr> <tr> <td>Color Configuration</td> <td>SMD 3in1 1R1G1B</td> </tr> <tr> <td>Pixel Density(m²)</td> <td>43264 dots</td> </tr> <tr> <td>Driver Mode</td> <td>1/7 scan</td> </tr> </table>	IC Driver	ICND1065L	Pixel Pitch/mm	4.81	Module Width(mm)	500	Module Height(mm)	250	Color Configuration	SMD 3in1 1R1G1B	Pixel Density(m ²)	43264 dots	Driver Mode	1/7 scan
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Module Width(mm)	500														
Module Height(mm)	250														
Color Configuration	SMD 3in1 1R1G1B														
Pixel Density(m ²)	43264 dots														
Driver Mode	1/7 scan														

Cabinet Parameters

Cabinet Width(mm)	1000	1500
Cabinet Height(mm)	1000	1000
Cabinet Resolution W	208	312
Cabinet Resolution H	208	208
Module Quantity (each cabinet)	2*4=8pcs	3*4= 12 pcs
Average Power Consumption	650W/m ²	650W/m ³
Max. Power Consumption	200W/m ²	200W/m ³
Material	Aluminum	Aluminum
Cabinet Weight	22.5KG/PCS	33 KG/PCS




Screen Parameters

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>IP grade</td> <td>IP65</td> </tr> <tr> <td>Screen Resolution/dots</td> <td>108056</td> </tr> <tr> <td>Controlling system</td> <td>Novastar TB40</td> </tr> <tr> <td>Refresh rate</td> <td>3840 hz</td> </tr> <tr> <td>Power Supply</td> <td>5V 60A</td> </tr> <tr> <td>Max power consumption</td> <td>650W/m² ←</td> </tr> <tr> <td>Average power consumption</td> <td>200W/m²</td> </tr> <tr> <td>Brightness</td> <td>6000-6500cd/m² ←</td> </tr> <tr> <td>Driving Method</td> <td>1/7scan</td> </tr> <tr> <td>View Angle H/V</td> <td>140°/160°</td> </tr> </table>	IP grade	IP65	Screen Resolution/dots	108056	Controlling system	Novastar TB40	Refresh rate	3840 hz	Power Supply	5V 60A	Max power consumption	650W/m ² ←	Average power consumption	200W/m ²	Brightness	6000-6500cd/m ² ←	Driving Method	1/7scan	View Angle H/V	140°/160°
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View Angle H/V	140°/160°																				



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

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

ELECTRONIC CHANGING SIGN AFFIDAVIT

The following information is the requirements from the Hudson Zoning Ordinance for all electronic changing signs. These requirements are strictly enforced. All participants must read and initial each zoning regulation below.

§ 334-59 Definition

ELECTRONIC CHANGING SIGN: Electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB) – Signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. **[Amended 3-10-2009 by Amdt. No. 2]**

§ 334-60 General Requirements.

- H. Electronic changing signs are allowed in the Business (B) and Industrial (I) zoning districts subject to the requirements of § 336-64 (C) see below. Electronic changing signs shall be prohibited in the Town Residence (TR), Residential (R-1, R-2) and General (G and G-1) zoning districts. FSC

§ 334-64. Freestanding business and industrial signs

- C. Electronic changing signs are allowed only as a component of a freestanding sign and shall conform to the following minimum requirements along with all other requirements for freestanding signs within the sign ordinance: **[Added 3-9-2010 by Amdt. No 2]** FSC

(1) Definitions relevant to Electronic Changing Signs:

BRIGHTNESS - Also known as "Intensity"; the LED Industry measures display intensity in candelas per square meter, which is also referred to as "NITS."

DIMMING - The ability to increase or decrease the overall display intensity brightness.

DIODE - Also called "light emitting diode" (LED) or "surface mounted diode" (SMD).

LED (LIGHT EMITTING DIODE/SMD) - A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.

LUMINANCE - The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.

NIT or NITS - A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.

SI UNIT - An abbreviation for the International System of Units.

TEXT - Any form in which writing exists. FSC

- (2) No more than one (1) electronic changing sign shall be allowed per lot. FSC

- (3) Electronic changing signs shall not exceed 50% of the area of a freestanding sign or 50 square feet, whichever is smaller. Electronic changing signs shall be restricted to a maximum of four lines of text or message display, and text shall be restricted to a maximum of 10 inches in height. FSC

- (4) Electronic changing signs shall be required to have a minimum of 150 feet between other electronic changing signs located on the same side of a street or roadway. FSC

- (5) Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the Table of Minimum Dimensional Requirements. FSC

- (6) FSC Electronic changing signs shall be located a minimum of 200 feet from any residential dwelling unit.
- (7) The portion of a freestanding sign that contains an electronic changing sign component shall only be operated during the hours the business associated with the electronic changing sign is open. **Hours of operation** 8 AM to 10 PM (If applicable, please indicate summer and winter hours.) FSC
- (8) All illumination elements on the face of electronic changing sign shall remain at a fixed level of illumination for a period of not less than 15 minutes. FSC
- (9) All text and message displays of an electronic changing sign shall fade onto and off of the electronic message display area, statically and uniformly, at a rate of change of no more than two seconds. FSC
- (10) Electronic changing signs shall be equipped with automatic dimming controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 20% of the sign maximum brightness. FSC
- (11) Under the provisions of this ordinance, the applicant for a sign permit for a electronic changing sign shall provide with the application an affidavit, sworn or attested by the land owner, applicant and sign installer attesting to the fact that:
 - (a) The sign to be installed meets all of the criteria set forth in the ordinance; and
 - (b) That the sign shall operate in a manner consistent with the criteria set forth in this ordinance; and
 - (c) That the land owner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines or cost incurred by the Town of Hudson to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in the ordinance. FSC

If you have any question regarding these requirements, please contact the Inspectional Services Division at 603-886-6005.

The undersigned represents that they have read and understand the requirements for an electronic sign and agree to adhere to the Town of Hudson electronic sign requirements.

Property Owner's Signature Date

Subscribed and sworn before me this ____ day of _____ 20__

Justice of the Peace/Notary Public

Sign Company's Signature Date

Subscribed and sworn before me this ____ day of _____ 20__

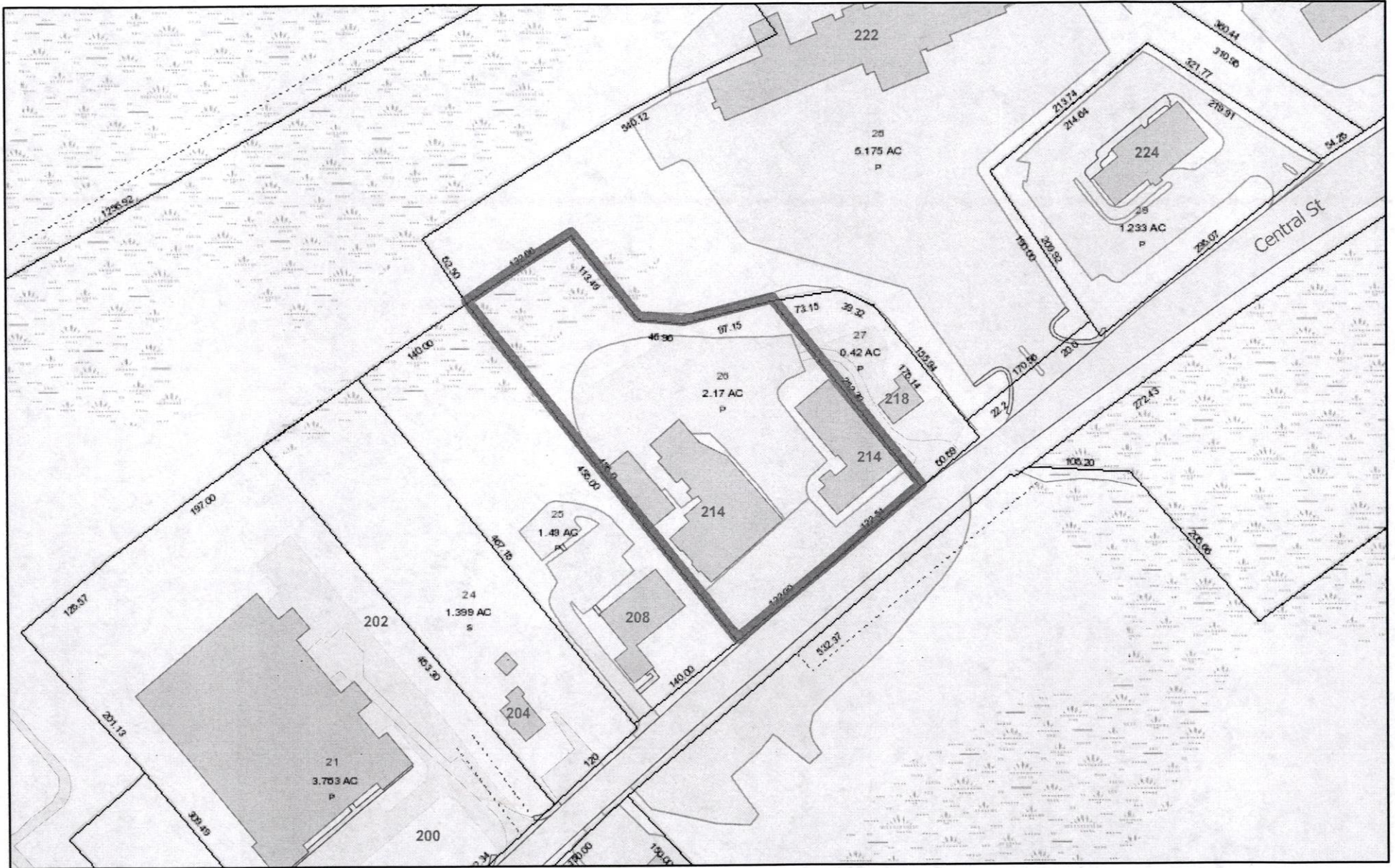
Justice of the Peace/Notary Public

[Signature]
Applicant's Signature Date 1/14/20

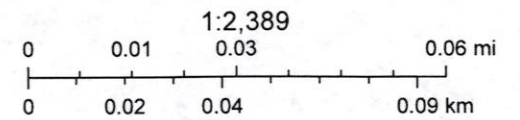
Subscribed and sworn before me this ____ day of _____ 20__

Justice of the Peace/Notary Public

214-216 Central St. (Map 176, Lot 026-000)



1/15/2026



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

On **04/23/2026**, the Zoning Board of Adjustment heard **Case 176-026**, being a case brought by **Farrukh Chaudhry, 214 Central St., Hudson, NH**, requests a **variance** for **214-216 Central St., Hudson, NH** to replace a **nonconforming 32.16 sqft. existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a nonconforming structure may not be altered or expanded, except by variance per HZO §334-31– Nonconforming structures. The freestanding sign is nonconforming due to a setback distance less than 25 feet from the right-of-way.** [Map 176, Lot 026, Sublot-000; Zoned Business (B); HZO Article XII: Signs; §334-60 C, General Requirements & §334-64 C, Freestanding business and industrial signs]

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: _____

APPLICATION FOR A VARIANCE

APR 06 2026
LAND USE DIVISION
ZONING DEPT.

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

To: Zoning Board of Adjustment
Town of Hudson

Case No. 176-026(04-23-26)

Date Filed 4/6/2026

Name of Applicant Farrukh Chaudhry Map: 176 Lot: 26 Zoning District: B

Telephone Number (Home) (617) 459-8388 (Work) (617) 459-8388

Mailing Address 214 Central Street, Hudson, NH 03051

Owner ^{Justine} ~~Justin~~ Mary Holdings c/o Don Levesque ^{TG 4/7/26}

Location of Property ⁻²¹⁶ 214 Central Street, Hudson, NH 03051
(Street Address)

Signature of Applicant [Signature] Date 3/24/2020

Signature of Property-Owner(s) [Signature] Date 3/30/26

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: 4/6/26

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>6</u> Abutter Notice:		
<u>6</u> Direct Abutters x Certified postage rate	\$ <u>6.08</u> =	\$ <u>36.48</u>
<u>1</u> Indirect Abutters x First Class postage rate	\$ <u>0.78</u> =	\$ <u>0.78</u>
Total amount due:		\$ <u>222.26</u>
Amt. received:		\$ <u>222.26</u>
Receipt No.:		<u>860,963</u>

Received by: [Signature] Check#
1265

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

Tuesday, March 31, 2026


Letter for Consent of Owner

Dear Hudson Planning/Zoning Department:

Subject: Variance application for Tobacco Barn 214 Central Street, Hudson, NH

I Donald Levesque as the owner of the subject property located at 214 Central Street, Hudson, NH hereby consent to Farrukh Chaudhry submitting variance application for the subject property. The nature of the proposed request is to get variance approved for the new two sided LED sign.

Sincerely,



Donald Levesque

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
FSC	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	TG
FSC	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	TG 4/6/26
FSC	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.	CJP
FSC	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.)	CJP
FSC	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.)	CJP TG Next Letter
FSC	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	CJP
FSC	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	CJP
FSC	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.	CJP
FSC	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/S

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)

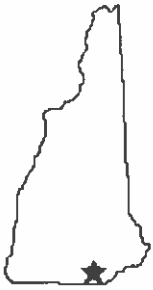
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
	APPLICANT	*Include Applicant & Owner(s) FARRUKH CHAUDHRY	CHAUDHRY, FARRUKH 214 CENTRAL STREET, HUDSON, NH 03051
176	17	WESTVIEW CEMETERY C/O RUTH PARKER	WESTVIEW CEMETERY 11 OLD ROBINSON ROAD HUDSON, NH 03051
176	25	HUDSON VETERINARY R.E. LLC	HUDSON VETERINARY R.E. LLC 235 W. CENTRAL STREET, NATICK, MA 01760
176	26	JUSTINE MARY HOLDINGS C/O DON LEVESQUE	JUSTINE MARY HOLDINGS 214 CENTRAL STREET HUDSON, NH 03051
176	27	JUSTINE MARY HOLDINGS C/O DON LEVESQUE	JUSTINE MARY HOLDINGS 214 CENTRAL STREET HUDSON, NH 03051
176	28	PLANTE, MARIO, TR PLANTE, DENYSE, TR	PLANTE, MARIO, TR; PLANTE, DENYSE, TR 9 OLD DERRY ROAD
176	41	MEADOWS PROPERTY, LLC 207 CENTRAL STREET, HUDSON, NH 03051	MEADOWS PROPERTY, LLC 195R CENTRAL ST. HUDSON, NH 03051
185 185	40-000 40-001	HUDSON, TOWN OF 23-27 KIMBALL HILL RD; 19 KIMBALL HILL RD, HUDSON, NH 03051	HUDSON, TOWN OF 12 SCHOOL ST. HUDSON, NH 03051

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 176-026 VARIANCE 214-216 Central St, Hudson, NH Map 176, Lot 026, Sublot 000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/23/2026 ZBA Meeting
1	7022 1670 0001 4990 9210	FARRUKH CHAUDHRY	APPLICANT NOTICE MAILED
		214 CENTRAL STREET, HUDSON, NH 03051	
2	7022 1670 0001 4990 9227	JUSTINE MARY HOLDINGS; C/O DON LEVESQUE	ABUTTER NOTICE MAILED; RE: 176-026-000 and 176-027-000
		214 CENTRAL STREET, HUDSON, NH 03051	
3	9589 0710 5270 0646 5674 76	WESTVIEW CEMETERY; C/O RUTH PARKER	ABUTTER NOTICE MAILED
		11 OLD ROBINSON ROAD, HUDSON, NH 03051	
4	9589 0710 5270 0646 5674 83	HUDSON VETERINARY R.E. LLC	ABUTTER NOTICE MAILED
		235 W CENTRAL ST., NATICK, MA 01760	
5	9589 0710 5270 0646 5674 90	PLANTE, MARIO, TR; PLANTE, DENYSE, TR	ABUTTER NOTICE MAILED
		9 OLD DERRY ROAD, HUDSON, NH 03051	
6	9589 0710 5270 2409 0634 78	MEADOWS PROPERTY, LLC	ABUTTER NOTICE MAILED
		195R CENTRAL ST., HUDSON, NH 03051	
7	Mailed First Class	TESSIER, KEITH R.	ABUTTER NOTICE MAILED
		52 GREELEY ST., HUDSON, NH 03051	
8			
9			
10			
11			
12			
13			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>Paula Angeli</i>



7
Direct Certified + 1 Indirect (first class)



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

April 9, 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, April 23, 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 176-026 (04-23-26): Farrukh Chaudhry, 214 Central St., Hudson, NH, requests a variance for 214-216 Central St., Hudson, NH to replace a nonconforming 32.16 sqft. existing backlit street sign with a 26.9 sqft. programmable (two-sided) LED sign where a nonconforming structure may not be altered or expanded, except by variance per HZO §334-31-Nonconforming structures. The freestanding sign is nonconforming due to a setback distance less than 25 feet from the point of the intersecting right-of-way. [Map 176, Lot 026, Sublot-000; Zoned Business (B); HZO Article XII: Signs; §334-60 E, General Requirements & §334-64 C, Freestanding business and industrial signs]

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

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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 VIII of HZO Section(s) 334-31

in order to permit the following:

§ 334-31 Alteration and expansion of nonconforming structures.

Variance application to allow a single (two sided) LED sign in place of an old existing backlit street sign. New sign dimensions are 98.43"X39.37" (WXH) (26.9 square feet)

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.”)
 - We are not trying to install a new sign.
 - This variance request is merely to replace a back lit sign with an equal size LED sign.
 - LED sign will conform to all the guidelines set forth by the town zoning commission for LED signs.
 - Granting the variance will not be contrary to public interest as LED signs are common through out the town of Hudson, NH as they immensely help the consumer and businesses.

- 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 sign will aid the business to better advertise itself to the public.
 - The usage of the LED sign will be observed in accordance with the rules for LED signs set forth by the zoning commission.

- 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.)
 - If variance is granted it will greatly help the business.
 - We can better advertised our goods to prospective customers.
 - We have already commissioned and purchased the sign and its ready to be installed. Not being able to install it would cost the business thousands of dollars in lost investment.
 - The old sign does not help the business in advertising itself as well as a programmable LED sign would aid.

- 4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)
 - The proposed sign will not diminish the value of surrounding properties as its merely replacing an already existing old school back lit sign.
 - We do not intend to hinder or alter the foot print of the existing street sign.

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*

- Literal enforcement of the ordinance will result in unnecessary hardship as the business has already purchased the sign. As aforementioned, not being to use the new sign will be waste of thousands of dollars already invested in the purchase.
- Not being able to use the new sign will also drastically hinder in business' growth.
- The old sign is dated and was installed decades ago, enforcement of the ordinance will result in this statement to stay true and the sign to stay dated rather than being changed to a new modern programmable LED sign.

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

- Central street, Hudson, NH is very busy and looking down the road its populated heavily with street signs advertising the local businesses.
- Our request is reasonable as it will help us better advertise our business and stand out from the sea of signs.
- Central street, Hudson, NH business district is every changing, our new sign is just helping the business keep up with the times as LED signs are ever so common these days due to their programmable, hi visibility nature.
- The old street sign is 32.15 square feet where as the new LED sign is 20% smaller at 26.9 square feet.

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



TOWN OF HUDSON

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 # 26-005

January 16, 2026
Revised January 27, 2026
Revised March 31, 2026

Farrukh Chaudhry
214 Central Steet
Hudson, NH 03051

Re: 214 Central Steet
Map 176 Lot 026-000
District: Business (B)

Dear Mr. Chaudhry,

Your Request: To replace the existing backlit steel sign with a two (2)-sided LED electronic sign, as the current sign is not effective.

Zoning Review:

Existing Conditions: The subject property is located within the Business District (B) and contains approximately 94,525 square feet. The site is improved with a mixed-use shopping center building, originally constructed in 1969. The proposed sign will be installed in the same location as the existing sign, with no change to the sign's overall size.

Pertinent Ordinances:

- Article XII Signs; § 334-60 General Requirements
- Article III General Regulations; §334-16 Building Permits
- Article VIII Nonconforming Uses, Structures and Lots; § 334-31 Alteration and expansion of nonconforming structures.

Determination:

The existing sign at 214 Central Street does not comply with §334-60(E), which requires a minimum setback of 25 feet from intersecting rights-of-way. Therefore, the sign is classified as a § 334-31 **Alteration and expansion of nonconforming structures**. If the sign is replaced in kind, it may be done without additional approvals, provided the replacement does not increase the degree

of nonconformity and complies with all other applicable regulations. However, because the proposal involves converting the sign to an electronic changing sign, a variance from the Zoning Board of Adjustment (ZBA) is required pursuant to § 334-31 **Alteration and expansion of nonconforming structures.**

If the variance is approved, a sign permit must be obtained from the Inspection Services office in accordance with §334-16 — **Building Permits** before installation. A complete application, including detailed sign specifications and illumination information, must be submitted for review and approval.

Sincerely,

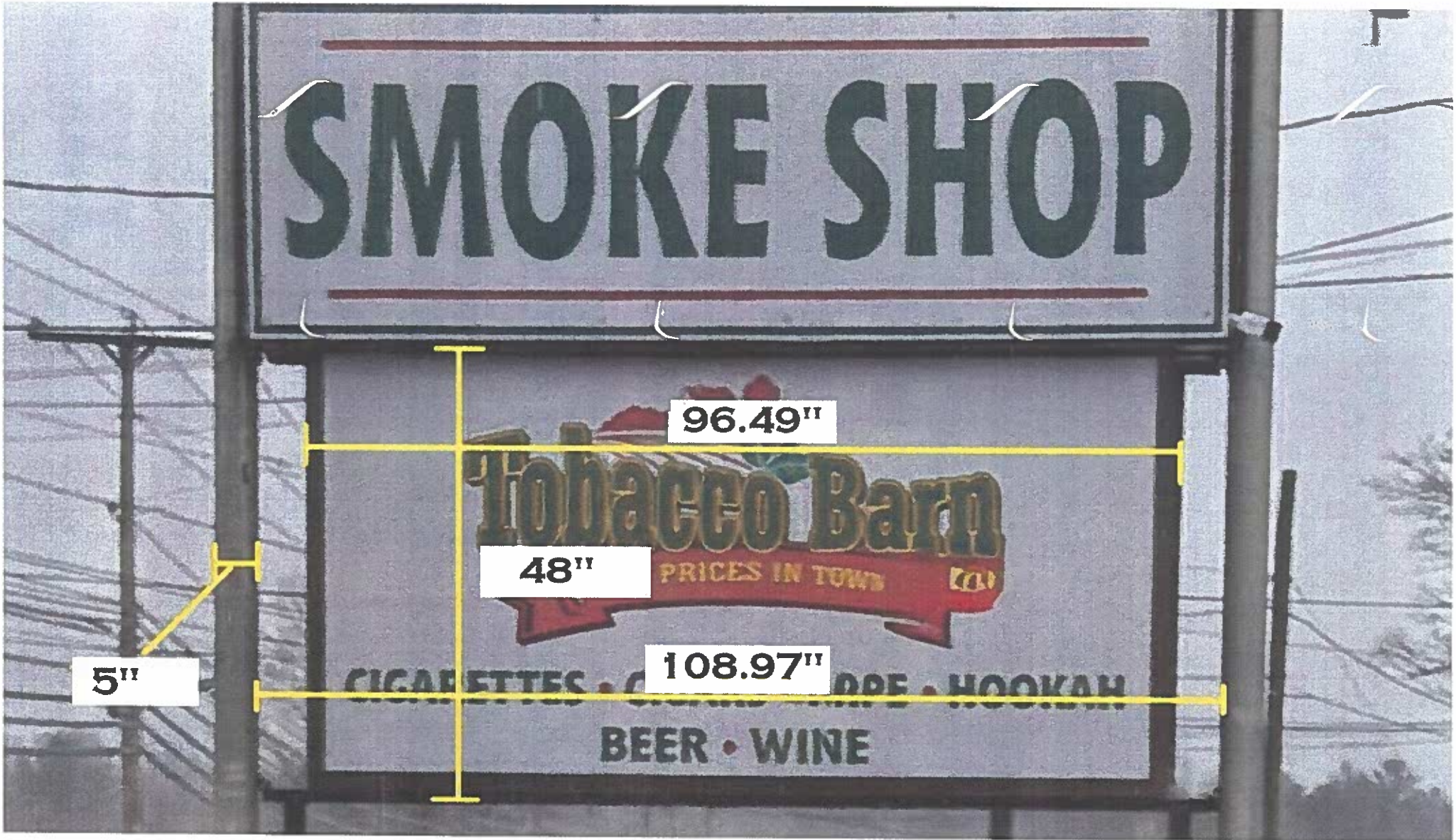


Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
csullivan@hudsonnh.gov

cc: Brooke Dubowik, Town Planner
Elvis Dhima, Development Services, Director
Jim Michaud, Chief Assessor
Inspectional Services
Justine Mary Holdings and Don Levesque
File

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

Existing Sign



SMOKE SHOP

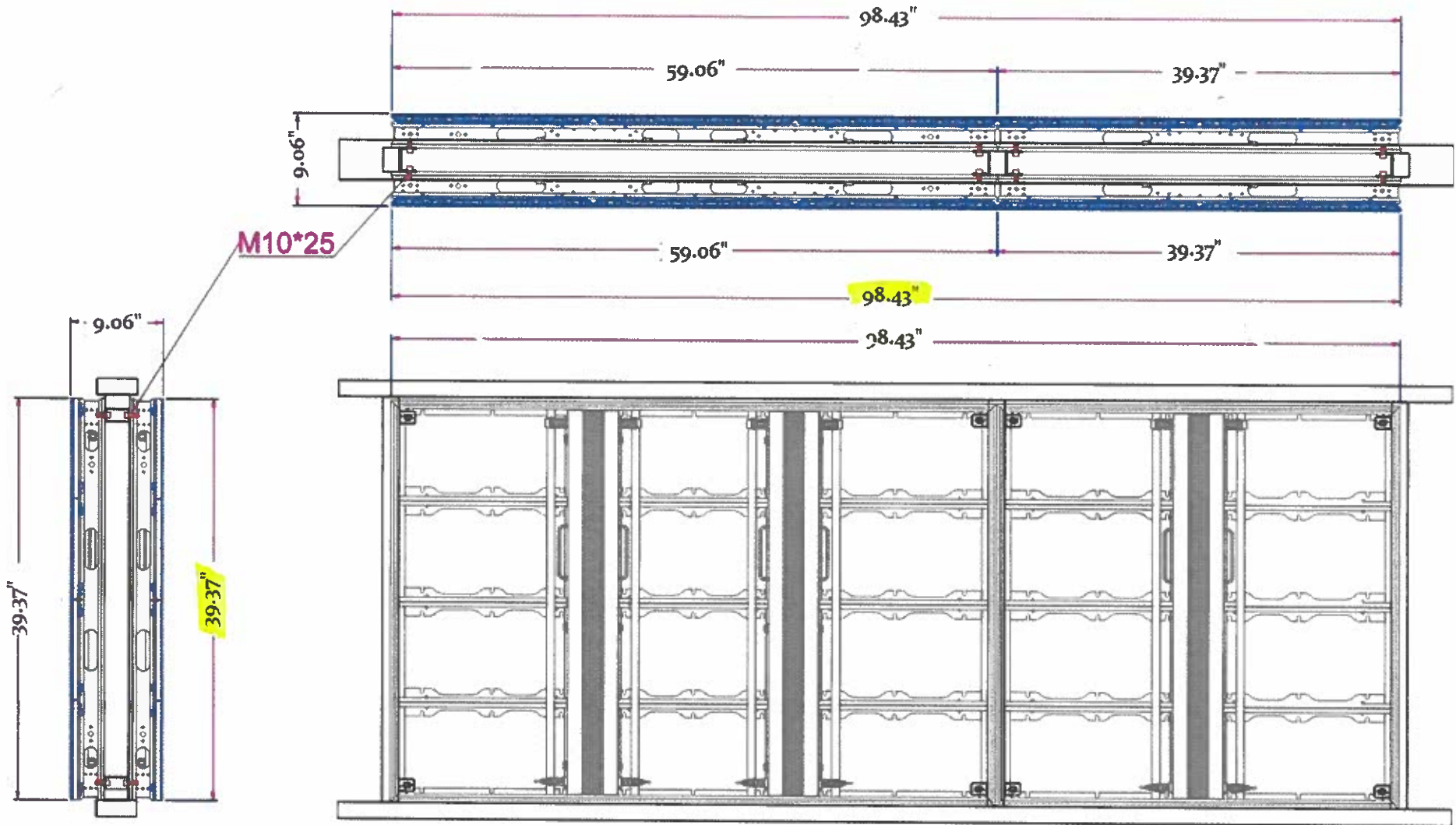
Tobacco Barn
BEST PRICES IN TOWN

**CIGARETTES • CIGARS • PIPE • HOOKAH
BEER • WINE**

OLD SIGN DIMENSIONS : 96.49" X 48" (32.16 SQ. FEET)

NEW SIGN DIMENSIONS (YELLOW BOX) : 98.43" X 39.37" (26.91 SQ. FEET)

Proposed Sign Dimensions

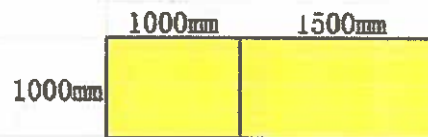
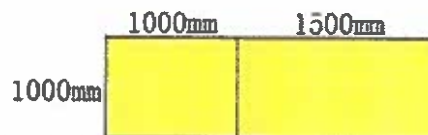


214 CENTRAL ST, HUDSON NH 03051



	Dimensions	Area
Sign 1	192" X 48"	64 sq. feet
Sign 2	108" X 36"	27 sq. feet
Sign 3	96" X 48"	32 sq. feet
Sign 4	107" X 28"	20.80 sq. feet

QUOTATION



INVOICE

Item	Item Description	Qty	UNIT	Unit Price(USD)	Total Amount(USD)
FC series LED screen	1.Outdoor P4.81 2.Brightness: 6000-6500nits, 110-220V 3.SMD1921 Nationstar led lamp,3840Hz high refresh ICND1065L 4.Front and back access aluminum cabinet with HUB board connection 5.Cabinet size 1000x1000mm and 1500* 1000mm Screen size W2.5*H1m*2pcs, total 5 sqm	5	m2	\$679.00	US\$3,395.00
Control system	Novastar TB40 -4G module	1	Set	\$236.00	US\$236.00
Accessories	10m Main power cables	2	PCS	\$14.00	US\$28.00
	10m Main signal cables	1	PCS	\$9.00	US\$9.00
	Power cable between cabinets	2	Set	Free	Free
	Signal cable between cabinets				
Recommended spare part	500*250mm Module	2	PCS	\$45.00	US\$90.00
	Receiving card	2	PCS	\$14.00	US\$28.00
	110-220V Power supply	2	PCS	\$14.00	US\$28.00
	HUB board	1	PCS	\$20.00	US\$20.00
Package	4pcs cabinets +accessories+spare parts into 1 wooden case	1	PCS	\$50.00	US\$50.00
				TOTAL COST EXW	US\$3,884.00
Freight	DDP sea shipping to 214 central street, Hudson NH. 03051, USA.				US\$833.00
				TOTAL COST (DDP)	US\$4,717.00

Property Location: 214 CENTRAL ST
 Vision ID: 2388 Account #: 1881

Parcel ID: 176/ 026/ 000/ /
 Bldg #: 1

Bldg Name:
 Card #: 1 of 2

LUC: 0310
 Print Date: 03-10-2026 3:51:24 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
JUSTINE MARY HOLDINGS C/O DON LEVESQUE 214 CENTRAL STREET HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MC2		Commercial Central St		2025	0323	332,008	2025	0323	332,008	2024	0323	332,008
		TOPO		UTILITIES			0323	586,560		0323	586,560		0323	586,560
		01	Level	03	Town Water		1010	76,892		1010	76,892		1010	76,892
				02	Town Sewer		1010	21,192		1010	21,192		1010	21,192
						1010	37,440		1010	37,440		1010	37,440	
						Total	1,283,400		Total	1,283,400		Total	1,283,400	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
JUSTINE MARY HOLDINGS		5921	1022	J3-30-1998	U	I	300,000	40	Grantor: CHB REALTY Grantor: GAGNON, JOS/ANNE/FOREC	Appraised Bldg. Value (Card)			478,400
CHB REALTY		5767	0844	11-12-1996	U	I	325,000	40		Appraised Xf (B) Value (Bldg)			74,600
										Appraised Ob (B) Value (Bldg)			84,200
										Appraised Land Value (Bldg)			646,200
										Special Land Value			0
										Total Appraised Parcel Value			1,283,400
										Valuation Method			C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				SALE NOTES		APPRAISED VALUE SUMMARY		
Parcel ID	176-026-000			Descript	Code	Appraised	Assessed					
Zoning	BD:Business District			BLDG	0323	332,008	332,008					
Flood Hazard	A			LAND	0323	586,560	586,560					
Neigh/Abut1				OB	0323	76,892	76,892					
Neigh/Abut2				BLDG	1010	21,192	21,192					
Neigh/Abut3		PREV	0020-0019-0000	LAND	1010	37,440	37,440					
GIS ID	176-026-000	Assoc Pid#		OB	1010	37,440	37,440					
				Total:		1,283,400	1,283,400			Total Appraised Parcel Value		1,283,400

NOTES		VISIT / CHANGE HISTORY					
DAIGLE POOLS, SHATTUCK RUG & FLOORING, I FOR SALE \$2,500,000 INCL LOT 27. 2ND F		Date	Id	Type	Is	Cd	Purpost/Result
NKD TATTOOS. LOW COST CONSTRUCTION, NO S LOOR AREA EST		05-16-2022	24			45	Field Review
PRKLR, MIN WINDOWS, HEAT DETECTORS FORE.		08-30-2019	18			02	Measured
EST APT, NO INSP./ 4 sale , 7-2019 = \$		06-12-2017	09			45	Field Review
2,750,000 inc Lot 27. 8/19 SPACE FOR LEA		03-22-2017	07			81	Income And Expense Retu
SE. SHATTUCK RUG AND FLOORINGTATTOO SHOP		02-24-2017	07			80	Income And Expense Requ
		02-26-2016	12			15	Permit Visit
		10-29-2014	01			38	HFD Letter
		05-10-2012	09			45	Field Review

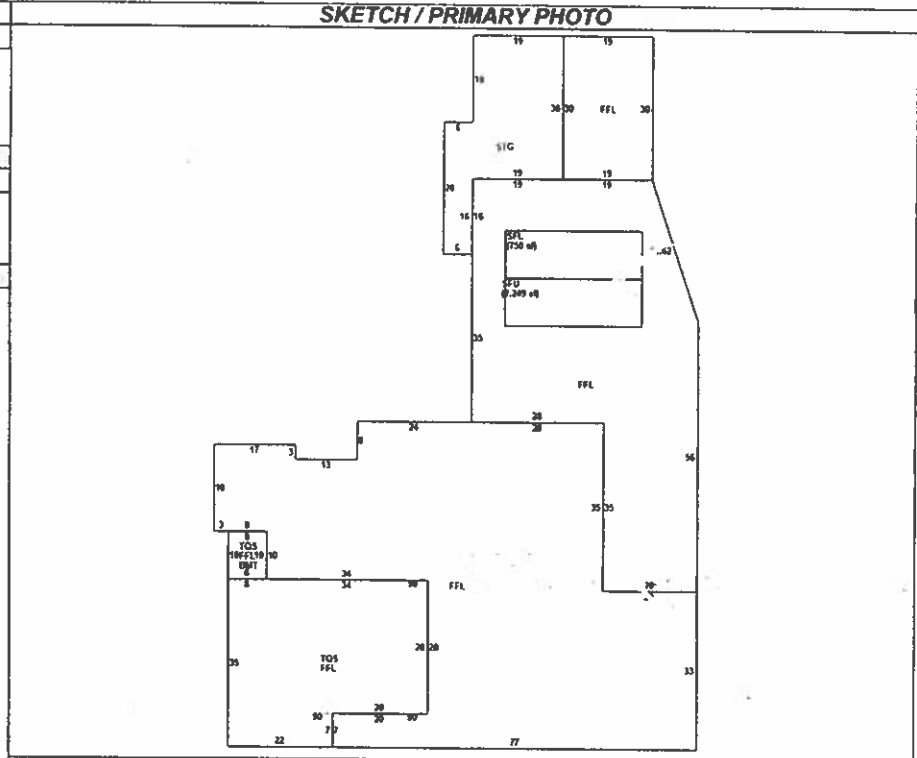
BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments	
2025-01172	12-12-2025	NT		0	C	Tenant		New Tenant CO ""Tobacco Barn II""	
2025-01227-3-E	12-11-2025	EL		400	C	Scott Sousa		Electrical for signs	
2025-01227-2-SI	11-13-2025	SI		6,640	C	Express Sign & Graphics		New Wall Mount sign ""Smoke Shop""	
2025-01227-1-SI	11-13-2025	SI		1,800	C	Express Sign & Graphics		FreeStanding Sign Lens Replacement ""Tobacco Barn""	
2025-01227	11-13-2025	SI		1,200	C	Express Sign & Graphics		FreeStanding Sign Lens Replacement ""Smoke Shop""	
2025-01126	10-24-2025	MG		300	C	DC Mechanical		Gas pipe pressure test for service turn on	
2024-01040	09-16-2024	SI		200	C	James Buchino		Install 4' x 8' wall sign - lens replacement:	
2024-01039	09-16-2024	SI		200	C	James Buchino		Freestanding non-illuminated sign - 3' x 8' lens replacement.	
2024-01014	09-10-2024	NT		0	C	TRUMP MERCHANDISE		CO for New Tenant: APPAREL STORE	
2022-00564	06-29-2022	NT		0	C	Trees 2 Treasures Custo		New Tenant CO: Trees 2 Treasures Customs	
2022-00684	06-22-2022	PI		500	C	Rossino and Sons Plumbi		Hot water heater and check system. Customer had permission letter from plumber	

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	0323	SHOPPING CENTER M	Site	1.600	AC	260,000		1.00	E	1.00	MC2	1.50		624,000
1	3230	SHOPPING CENTER	Comm Exces	0.570	AC	26,000		1.00	0	1.00	MC2	1.50		22,200
Total Card Land Units:				2.170	AC	Parcel Total Land Area:				2.170	AC	Total Land Value:		646,200

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	01	
Style:	17	Store	Foundation	02	
Grade	D+	Fair/Avg	Bsmt Garage	0	
Stories:	2				
# of Units	7				
Wall Height	12.00				
Exterior Wall 1	04	Vinyl			
Exterior Wall 2	06	Stucco			
Roof Structure	07	Shed			
Roof Cover	10	Rolled			
Interior Wall 1	12	Wall Board			
Interior Wall 2	01	Drywall			
Interior Floor 1	12	Concrete			
Interior Floor 2	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
2nd Heat Type					
AC Percent	25				
Heat/AC	01	HEAT/AC PKGS			
Full Baths	1				
3/4 Baths	0				
Half Baths	3				
Kitchens	1				
Baths/Plumbing	02	AVERAGE			
Bedrooms	2				
Ceiling/Wall	05	SUS-CEIL & WL			
Rooms/Partition	T	Typical			
% Corn Wall	0.00				
% Heated	100				
# Heat Systems	3				
% Sprinkler					
Frame	01	Wood			

MIXED USE		
Code	Description	Percentage
0323	SHOPPING CENTER MU	94
1010	SINGLE FAMILY RES	6
		0

CO. / MARKET VALUATION	
RCN	960,519
Year Built	1969
Effective Year Built	1976
Depreciation Code	FR
Remodel Rating	
Year Remodeled	
Depreciation %	46
Functional Obsol	25
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	29
RCNLD	278,600
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

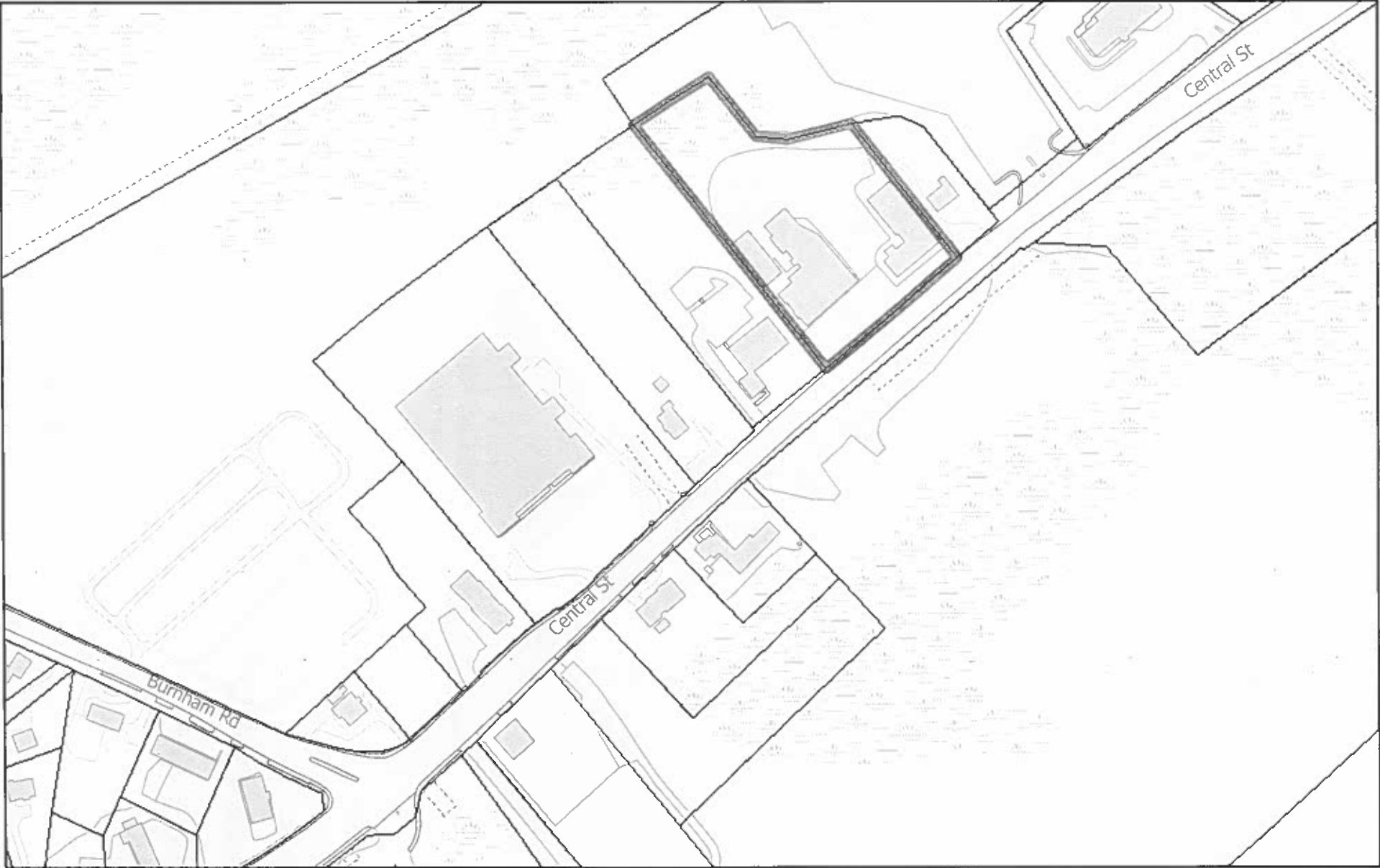


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Price	Yr Bilt	Cond.	% Gd	Assd. Value
GAR2	Garage, Full 2 Story, Not Fini	L	2,220	SQ. FT	55.60	1920	FR	50	61,700
PAVASP	Asphalt Paving	L	12,300	UNITS	2.00	1969	AV	60	14,800
SGNIL	Internally Lighted Sign	L	27	SQ. FT	44.00	2009	AV	60	700
SGNIL	Internally Lighted Sign	L	32	SQ. FT	44.00	2014	EX	95	1,300
SGNIL	Internally Lighted Sign	L	48	SQ. FT	44.00	2009	AV	60	1,300
SGNIL	Internally Lighted Sign	L	48	SQ. FT	44.00	2015	EX	95	2,000
XFOFC	Office	B	750	SQ. FT	90.00	1969	AV	29	19,600
XFRTL	Retail	B	2,370	SQ. FT	80.00	1969	AV	29	55,000

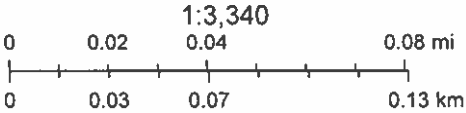
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	80	20	18.49	1,479
FFL	First Floor, Finished	9,480	9,480	9,480	73.96	701,141
SFL	Second Floor, Finished	750	750	750	73.96	55,470
SFU	Second Floor, Unfinished	0	2,249	1,125	37.00	83,205
STG	Storage, Unfinished	0	738	554	55.52	40,974
TQS	3/4 Story, Finished	1,058	1,410	1,058	55.50	78,250
Total SQFT / Sketched Area / Eff Area		11,288	14,707	12,987	Totl Value	960,519



214-216 Central Street



3/30/2026



Printed
4/07/2026
9:42AM
Created
4/07/2026
9:37 AM

Transaction Receipt

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

Receipt# 860,963
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-4/23/26 ZBA Mtg. 214-216 Central Street Map 176, Lot 026-000 Zone B Variance-sign	0.00	222.2600	0.00
			Total:	222.26

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Tobacco Barn II LLC	CHECK	CHECK # 1265	222.26	0.00	222.26
			Total Due:		222.26
			Total Tendered:		222.26
			Total Change:		0.00
			Net Paid:		222.26

23 FAIRWAY DRIVE

CASE # 245-012

STAFF REPORT

April 23, 2026

APPLICANT: Bradford M. Baker, 23 Fairway Drive, Hudson, NH 03051

MAP & LOT: Map 245/Lot 012-000 — 99,316.8 sq. ft. (2.28 Acres) & 153.13 feet of frontage.

ZONING: Residential – One (R-1)

PROPOSAL: to construct a concrete slab with 39 ft x 41 ft garage 13 feet from the side lot line, where 15 feet is required.

VARIANCE REQUESTED:

1. §334-27 – Table of Minimum Dimensional Requirements: to allow for a proposed concrete slab foundation with a metal garage to encroach on the side yard setback by two (2) feet, leaving thirteen (13) feet of side yard setback where fifteen (15) feet is required.

ATTACHMENTS:

1. Department Comments
2. Variance Application
3. Zoning Determination #26-089
4. Certified Foundation Plan, last revised April 6, 2026

APPLICATION TRACKING:

- April 7, 2026 – Variance application filed.
- April 23, 2026 – Public hearings scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The site is approximately 2.28 acres and is located in the Residential – One (R-1) district and is currently home to a single-family home. The site is serviced by town water, but no sewer. The parent site is home to significant wetlands, along with wetlands bordering the northern edge of the tract to be subdivided. The garage in question was first heard January 23, 2025 for an equitable waiver which was denied. It was reheard June 26, 2025 and remained denied. Since then, the applicant has cut back the entirety of the front setback encroachment, and relocated the structure and slab to come closer to in-line with the ordinance. At this time the hearing before the board is a variance, not an equitable waiver to render the structure lawful. This application is considered fresh, and is independent of prior hearings before the board.

DEPARTMENT COMMENTS

No department has elected to provide comment on the proposal at this time. Comment sheets may be found attached.

STAFF COMMENTS

Staff notes that the physical conditions on site reflect the plan before the board, and that they are substantively different from the prior equitable waiver request. Staff have found no factual errors within the applicant’s application and arguments.

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 allow for a proposed concrete slab foundation with a metal garage to encroach on the side yard setback by two (2) feet, leaving thirteen (13) feet of side yard setback where fifteen (15) feet is 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: 245-012 (04-23-26) (**VARIANCE**)

Property Location: 23 Fairway Drive

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

DRH _____ Name: David Hebert Date: 04/07/2026
(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: 245-012 (04-23-26) (**VARIANCE**)

Property Location: 23 Fairway Drive

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 04/09/2026
(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: 245-012 (04-23-26) (**VARIANCE**)

Property Location: 23 Fairway Drive

For Town Use

Plan Routing Date: 04/07/2026 Reply requested by: 04/10/2026 ZBA Hearing Date: 04/23/2026

I have no comments I have comments (see below)

BD Name: Brooke Dubowik Date: 04/09/2026
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

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

On **04/23/2026**, the Zoning Board of Adjustment heard **Case 245-012**, being a case brought by **Bradford Baker, Sr., 23 Fairway Dr., Hudson, NH** requesting a variance to allow a proposed concrete slab foundation with a metal garage to encroach the side yard setback by 2 feet leaving 13 feet of side yard setback where 15 feet is required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

(Continue-next page-Hardship Criteria) (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: _____

APR 07 2026
LAND USE DIVISION
ZONING DEPT.

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 245-012(04-23-26)
Date Filed 04-07-26

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

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

Mailing Address 23 Fairway Drive Hudson NH 03051

Owner Bradford M Baker Sr.

Location of Property 23 Fairway Drive
(Street Address)

Signature of Applicant [Signature] Date 4-7-26

Signature of Property-Owner(s) [Signature] Date 4-7-26

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: 4/7/26

COST:

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

5 Abutter Notice: \$ 30.40

2 Direct Abutters x Certified postage rate \$ 6.08 = \$ 12.16

2 Indirect Abutters x First Class postage rate \$ 0.78 = \$ 1.56

Total amount due: \$ 216.96

Amt. received: \$ 216.96

Receipt No.: 861, 023

Received by: TSG

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

ALL DIRECT ABUTTERS

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

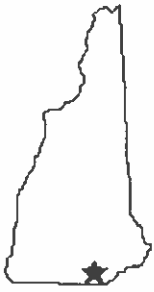
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
245	012	*Include Applicant & Owner(s) Bradford Baker, Sr.	23 Fairway Drive Hudson, NH 03051
245	013	John & Samantha King	21 Fairway Drive Hudson, NH 03051
245	011	Charles W. & Lynn K. Ashworth	25 Fairway Drive Hudson, NH 03051
245	022	Richard D. & Maureen D. Speer, Tr.	22 Fairway Drive Hudson, NH 03051
239	001	Target Corporation	1000 Nicollet Mall, TPN 12H Minneapolis, MN 55403

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL Name of Addressee, Street, and post office address	Case# 245-012 VARIANCE 23 Fairway Drive, Hudson, NH Map 245, Lot 012, Sublot 000 (1 of 1)
	ARTICLE NUMBER		04/23/2026 ZBA Meeting
1	9589 0710 5270 3393 6525 32	BAKER, BRADFORD SR. 23 FAIRWAY DRIVE, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 3393 6525 49	JOHN AND SAMANTHA KING 21 FAIRWAY DRIVE, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED <i>Abutter</i>
3	9589 0710 5270 3393 6525 56	CHARLES W. & LYNN K. ASHWORTH 25 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 3393 6525 63	RICHARD D. & MAUREEN D. SPEER, TR. 22 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 3393 6525 25	TARGET CORPORATION 1000 NICOLLET MALL, TPN 12H MINNEAPOLIS, MN 55403	ABUTTER NOTICE MAILED
6	Mailed First Class	LEONARD J. & JOHANNAH M. LEONE 19 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	JAMES M. & CHRISTINE L. MCDOWELL, TR. 27 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
11			
12			
13			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office <i>7</i>	Postmaster (receiving Employee) <i>Paula Anselmi</i>





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

April 9, 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, April 23, 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 245-012 (04-23-26): Bradford Baker, Sr., 23 Fairway Dr., Hudson, NH requests a variance to allow a proposed concrete slab foundation with a metal garage to encroach the side yard setback by 2 feet leaving 13 feet of side yard setback where 15 feet is required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); 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

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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 §334-27 Art VII of HZO Section(s) Article VII: Dimensional 334-27 in order to permit the following:

- Existing slab to remain <24" over the side setback.
 - Existing base structure starts 12" from edge of slab.
 - Structure will be less <12" from the side setback.
 - Seeking next phase of building permit to complete garage.
 - To allow a Proposed concrete slab and metal garage to encroach the side yard setback 24" (2'), totalling 13' of side yard setback where 15' is required.
-
-
-
-
-
-
-
-

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

The overhang of the side setback is very minor. The slab is at its furthest point 24" over the line. The structure does not start until 1' from the slabs edge. The angle is such that the overhang tapers out to less than 22" on the slab at the rear. The structure remaining in its current location vs being relocated to meet the exact setbacks will not look different to the human eye other than the building size will no longer be reduced if the new slab must be poured/modified. The property owner with setback in question has expressed that they do not have a problem with the placement.

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.”)

Residential and personal use only. The issue involves a simple sideyard setback overlap. The overhang is very minor and still allows more than 14' of distance from the structure to the side yard property line. Such a minor infringement will not be noticeable to the naked eye and allows the spirit of the ordinance, to keep buildings from encroaching each other and destroying access to existing sunlight or visibilities.

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 contractor misread the surveyors pins, and therefore misplaced the pad. The garage size has been reduced to avoid issues with the front setback. If the structure is completely relocated it will go back to original size in a location that is almost exactly where it currently sits. By granting the variance, the owner does not have to pay additional construction costs, to relocate the garage, but the overall size is reduced allowing it to remain on the current slab. The owner loses some of the space within the garage but does not incur additional costs and delays.

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 difference would not be noticeable to the human eye without measuring tools. The neighbor whose setback is in question has expressed that they do not have a problem with the location of the structure. The proposed use is simply for residential storage of vehicles and personal use equipment.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

The costs associated with relocating the structure over the one to two feet needed to clear the side setback are prohibitive based on the end result of moving the structure such a small amount and placing it further outside of the existing treecover.

Adding such a small section of concrete on one load bearing side of the slab will require additional reinforcement adding to the expense.

Moving the structure from side to side will be complicated and result in the loss of thousands of dollars in existing material.

Moving the structure over may make it more visible to the neighborhood based on the existing yard shape and tree cover.

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

The spacing between the property line and the home at 21 Fairway is substantial.

The spacing between the structure and the property line is very close to the 15' setback requirement. The structure is at a slight angle.

The reduction of the size of the garage may result in a less visible structure than the relocation of the slab which would be expanded by 8 feet on the west side if the slab is re-poured.

The overhang is minimal and the disruption caused by redoing the slab would be substantial for the end result of moving the structure 1-2 feet.

Moving the structure over enough to meet the exact setback requirement would not change the visible appearance of the structure.. There is more tree-cover on the side it is closer too.

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



TOWN OF HUDSON

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 #25-089

November 5, 2025

Sent Via 1st Class Mail

Bradford Baker Sr.
23 Fairway Drive
Hudson, NH 03051

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

Dear Mr. Baker,

Your request to seek clarification on zoning regulations associated with setback requirements for your new garage. (Proposed plan attached)

Zoning Review / Determination:

The property is located at 23 Fairway Lane. This property has historically been a lot of records, featuring a single-family residence constructed in 1980. The lot size is 99,316 square feet. According to current requirements, a minimum of 43,560 square feet is required

The owner had poured a cast-in-place concrete foundation that encroached into both the side and front yard setbacks. Specifically, the foundation was within 13 feet of the side yard setback and 22.3 feet of the front yard setback, which deviates from the established setback requirements. This encroachment was only discovered after the certified foundation plan was completed, and the owner had subsequently applied for an equitable waiver in relation to this issue.

The initial meeting for the equitable waiver took place on January 23, 2025. Following the deliberation by the Zoning Board of Adjustment (ZBA), the request was denied. Subsequently, on March 27, 2025, the property owner requested a rehearing. After reviewing the additional information supplied by the owner, the ZBA determined that new evidence had been presented and granted a new hearing. The case was deferred for several months, and the owner subsequently attended the rehearing on June 26, 2025. Despite considering the new information, the ZBA ultimately denied the equitable waiver request.

The owner has recently relocated the structure out of the front setback. As a result of this move, the structure is now only situated within the side setback. Additionally, the relocation has resulted in the structure being smaller than its previous size.

Pertinent Ordinances:

- Article VII: Dimensional Requirements §334-27– Table Minimal Dimensional Requirements
- Article III: General Regulations; §334-16 – Building Permits

Determination:

After not getting the equitable waiver, the owner has recently relocated the structure out of the front setback. As a result, the structure now resides solely within the side setback. Additionally, the relocation has caused the structure to be smaller than its previous size. The owner can apply for a variance if the facts and circumstances have materially changed. The structure, now situated only in the side setback, does not conform to the minimal dimensional requirements per **§334-27– Table Minimal Dimensional Requirements**. This will require a variance to be considered by the Zoning Board of Adjustment.

As part of the process, you would need to request a building permit from Inspectional Services for the construction of your garage in accordance with **Article III § 334-16 Building Permits**.

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)								
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
BAKER, BRADFORD SR.		RG	Residential Very Good		2025	1010	481,000	2025	1010	481,000	2024	1010	481,000	
23 FAIRWAY DRIVE		TOPO		UTILITIES										
		Rolling		Town Water			1010	186,100		1010	186,100		1010	186,100
				Septic			1010	60,300		1010	60,300		1010	41,400
HUDSON NH 03051						Total		727,400	Total		727,400	Total	708,500	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
BAKER, BRADFORD SR.		9419 352	01-29-2021	Q	I	564,000	00	Grantor: LEBOURDAIS, RICHARD R.	Appraised Bldg. Value (Card)			423,400	
LEBOURDAIS, RICHARD R.		8578 1327	05-16-2013	U	I	0	46	Grantor: LEBOURDAIS, RICHARD R.	Appraised Xf (B) Value (Bldg)			57,600	
LEBOURDAIS, RICHARD R.		7138 1450	12-16-2003	Q	I	379,900	00	Grantor: LEBOURDAIS, RICHARD R.	Appraised Ob (B) Value (Bldg)			60,300	
VRABLIC, WALTER S., TR		7038 1225	02-12-2003	U	I	0	38	Grantor: VRABLIC, WALTER S., TR.	Appraised Land Value (Bldg)			186,100	
VRABLIC, WALTER S.		2742 0121	12-14-1979	Q	V	0	00	Grantor: VRABLIC, WALTER S.	Special Land Value			0	
						Total:		727,400	Total		727,400	Total	727,400

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY					
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed	Total Appraised Parcel Value	Valuation Method
245-012-000	R1:Residential-1	AE	GM		HLC-D	245-012-000	BLDG	1010	481,000	481,000	727,400	C
					HLC-D	245-012-000	LAND	1010	186,100	186,100		
					HLC-D	245-012-000	OB	1010	60,300	60,300		
PREV 0004-0004-0001		Assoc Pid#						Total:	727,400	727,400	Total Appraised Parcel Value	727,400

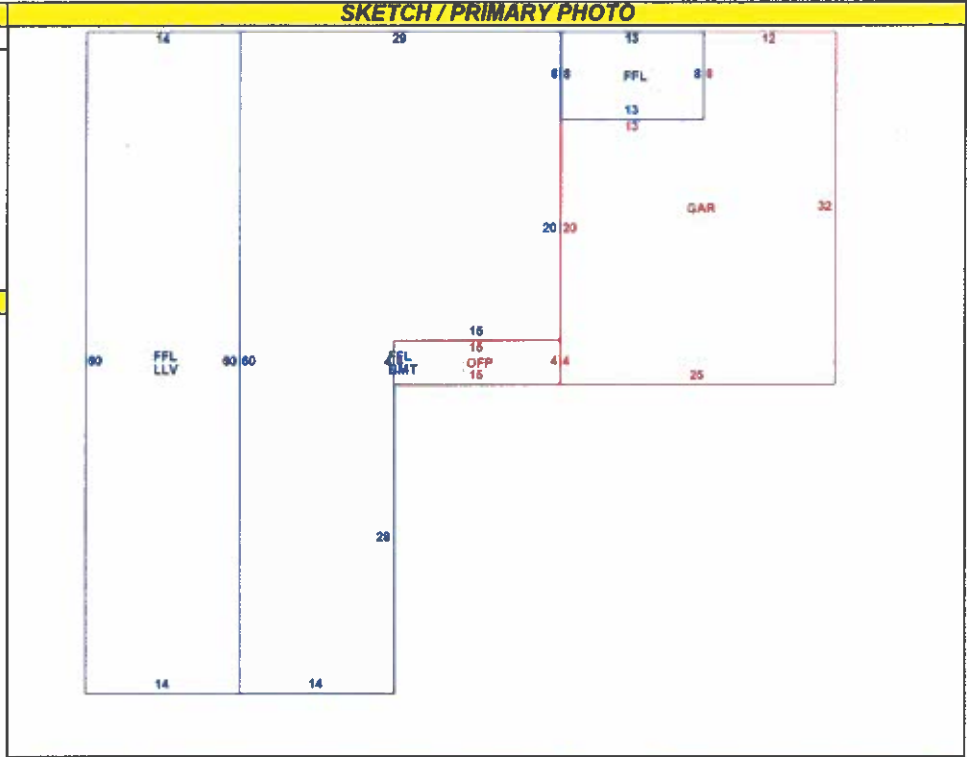
NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
GARAGE HAS PULL DOWN ATTIC STAIRS. 4 ZON		05-07-2025	21	15	Permit Visit
E SYSTEM 2000 FURNACE 2008.//good siding		05-03-2023	21	15	Permit Visit
and roof		07-15-2022	28	45	Field Review
		06-30-2021	21	30	Sales Data Verification
		09-14-2018	19	02	Measured
		03-31-2011	14	15	Permit Visit
		03-02-2010	01	27	Abate Denied
		02-19-2010	12	03	Meas/Inspect

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2023-00728-1-	03-19-2024	FD		85,000	C	BAKER, BRADFORD S		Construct 39 x 41 detached garage.	
2023-00728-2-	09-28-2023	DR		0	C	BAKER, BRADFORD S		Driveway Permit to expand existing driveway to connect to new detached garage. DRIVEW	
2023-01017	08-11-2023	TI		0	C	Irving Energy-Amherst		Install two (2) 120 gal propane tanks.	
2022-00531-2-	07-19-2022	MG			C	Irving Energy-Amherst		Piping for 20' x 40' inground gunite pool. Pool fence by others to NH code.	
2022-00531-1-	06-03-2022	EL			C	Stephen Pagliccia		Electrical for 20' x 40' inground gunite pool. Pool fence by others to NH code.	
2022-00531	05-19-2022	PI		50,475	C	New England Pool Buil		Excavate and install a 20' x 40' inground gunite pool. Pool fence by others to NH code.	
2017-0057	01-20-2017	PRO	Propane Tk	0	C				
2010-52-1-EL	03-09-2010	ELEC	Electrical	500	C			Wire Kitchen& Etc.;	
2010-52	03-08-2010	IR	Int Renov	15,000	C			Reno Kitchen;	

LAND LINE VALUATION SECTION															
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000		1.00	5	1.00	RG	1.10	Easement	0.95	177,700
1	1010	SINGLE FAMILY RES	Excess	1.280	AC	6,000		1.00	0	1.00	RG	1.10			8,400
Total Card Land Units:				2.280 AC		Parcel Total Land Area:				2.280 AC		Total Land Value:		186,100	

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

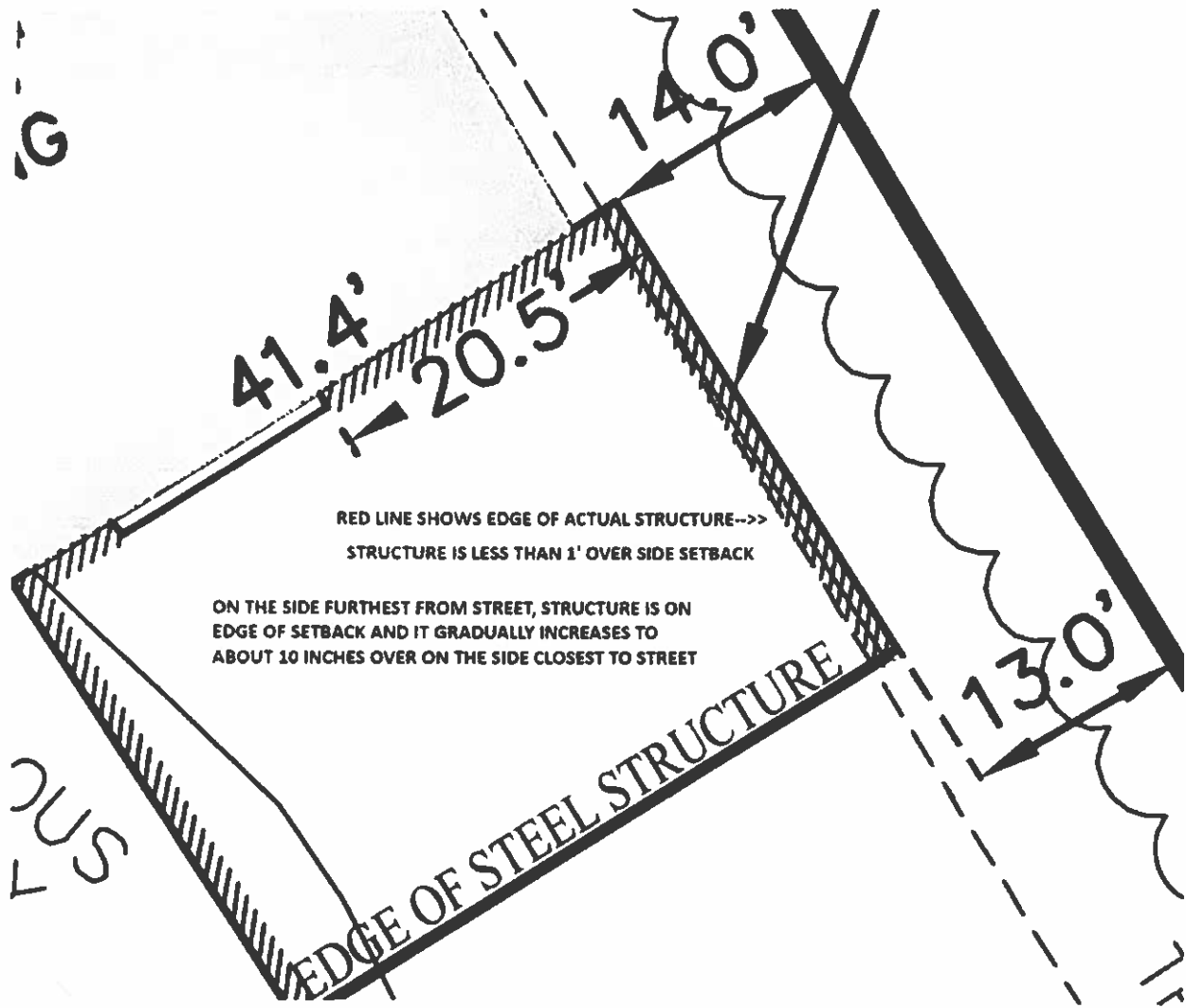
COST / MARKET VALUATION	
Building Value New	475,782
Year Built	1980
Effective Year Built	2011
Depreciation Code	GV
Remodel Rating	
Year Remodeled	
Depreciation %	11
Functional Obsol	
External Obsol	
Trend Factor	1,000
Condition	
Condition %	
Percent Good	89
RCNLD	423,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
PATIO	Patio	L	502	UNITS	7.30	1980	AV	60	2,200	
SHEDNV	Shed No Value - Less Than 1	L	96	UNITS	0.00	1980	AV	60	0	
SHEDWD	Shed-Wood	L	336	UNITS	31.02	2018	VG	90	9,400	
XFFLA	Fin Living Area, LLV	B	840	SQ. FT	50.00	1980	AV	89	37,400	
XFRRM	Rec Room, Fin, BMT	B	504	SQ. FT	45.00	1980	AV	89	20,200	
POOLIG	Pool - Gunite In Ground Pool	L	648	UNITS	57.47	2022	GD	80	29,800	
CPORT	Carport	L	1,560	UNITS	22.00	2024	FA	55	18,900	

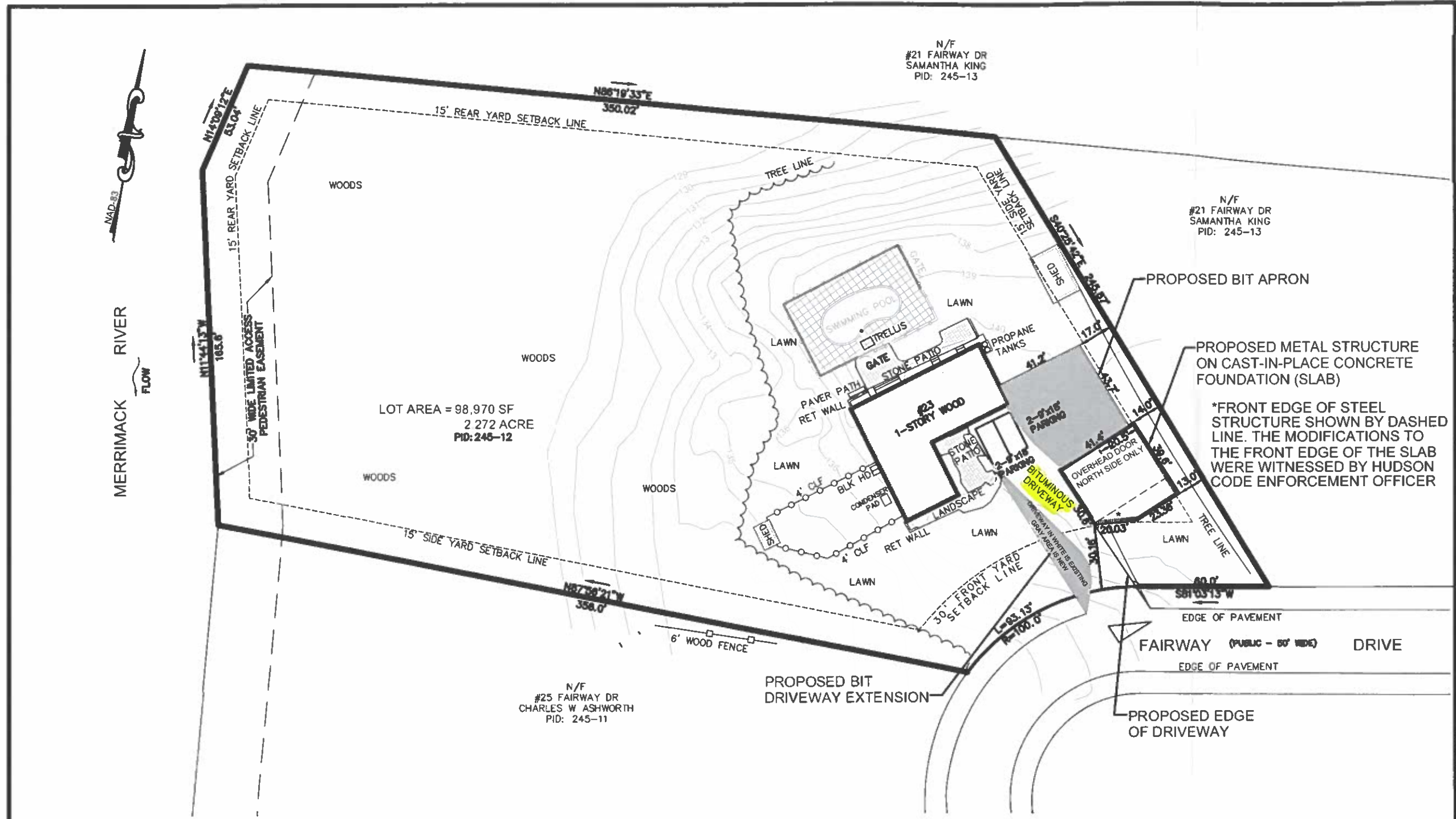
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,260	315	37.72	47,533
FFL	First Floor, Finished	2,204	2,204	2,204	150.90	332,580
GAR	Garage	0	696	244	52.90	36,819
LLV	Lower Level, Unfinished	0	840	378	67.90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





CLOSEUP OF SIDE YARD ENCROACHMENT

1. **Edge of structure starts 1 foot from edge of slab facing setback in question.**
2. **North side edge of slab is 14' from side setback.**
3. **South side edge of slab is 13' from side setback.**



OWNER OF RECORD:
BRADFORD BAKER
BK 9419 PG 352
PID 245-12
LOT AREA = 98,970 SF

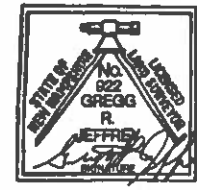
CURRENT ZONING:
ZONING DISTRICT: GENERAL-1 (G-1)
CURRENT DIMENSIONAL REQUIREMENT:
MIN. LOT AREA: 87,120 SF
MIN. LOT FRONTAGE: 200'
MIN. FRONT YARD: 30'
MIN. SIDE YARD: 15'
MIN. REAR YARD: 15'



JOB. NO: 22-106
DATE: 12/20/2024
SCALE: 1" = 30 FT.
SHEET: 1 OF 1

FLD. BK: TAJ-22
CHECK: HSA
SURVEY: DC
CALC: HSA
DRAFT: DC/AF

TAJ ENGINEERING, LLC
CIVIL & STRUCTURAL ENGINEERS, LAND SURVEYORS
PROJECT MANAGEMENT, PERMITTING
225 STEEDMAN ST., SUITE 308, LOWELL, MA, 01851
PHONE: 978-230-8173 FAX: 978-770-0632
info@tajengineering.com



CERTIFIED FOUNDATION PLAN
PROPOSED BIT APRON, PARKING
& DRIVEWAY EXTENSION
23 FAIRWAY DRIVE
HUDSON, NH
PREPARED FOR:
BRADFORD BAKER

-(HMM) Edits for proposal made 4/6/26

Printed
4/07/2026
2:19PM
Created
4/07/2026
2:09 PM

Transaction Receipt

Receipt# 861,023
tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/23/26 ZBA Mtg. 23 Fairway Drive Map 245, Lot 012-000 Zone R-1			
	Variance (setback)	0.00	216.9600	0.00
			Total:	216.96

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Astronaut Security Technologies LLC	CHECK	CHECK# 697	216.96	0.00	216.96

Total Due: 216.96
Total Tendered: 216.96
Total Change: 0.00
Net Paid: 216.96



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 – MARCH 26, 2026 – edited DRAFT

I. CALL TO ORDER

Mr. Dion called the meeting to order at 7:04 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

Full members absent were: 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

Alternates Zachary McDonough and Brendon Sullivan were appointed to vote.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

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]

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

Applicant’s Representative Testimony:

Aaron Hudson, 659 Primrose Street, Haverhill, MA and representing the Applicant, explained that there is a wetland which cuts directly through the center of this property, leaving approximately 85% of it completely unusable. Also, directly to the right of the proposed garage location is a septic pump system which runs directly beside the house, and a retaining wall. This makes it so that the garage cannot be attached to the side of the house. The proposed spot is

44 literally the only place to place the garage. He has adjusted the garage size multiple times to
45 make sure it is outside the wetland, off the septic system, and off the retaining wall. The
46 proposed location is behind an existing driveway and to the north of the house as far as possible
47 without encroaching on the wetland. This leads to be request for a variance. His client is elderly
48 and the intention is to allow a place to store vehicles in the winter.
49

50 Mr. Hudson reviewed the Variance criteria. There is already a paved driveway on the property.
51 The location of the proposed garage is outside of the wetland buffer zone. There are other
52 detached garages in the neighborhood. The garage will be set back behind the paved driveway. It
53 will not impede the wetland, snow removal, etc. The property owner has approximately a 3/4 -
54 acre lot that is mostly unusable due to a wetland. The proposed area is the only area to construct
55 the garage. There are also a retaining wall and septic system closer to the house, so attaching it is
56 not an option. The addition of a garage will only serve to increase the value of the property.
57 There is a significant wetland buffer on the property. Additionally, there is a septic pump system
58 and retaining wall directly abutting the house, preventing an attached option. The existence of
59 the wetland buffer, the location of the septic system, and the existence of the retaining wall, all
60 create an immense hardship to build an enclosed space to park vehicles. The majority of the
61 property is rendered unusable due to the wetland that runs directly through the middle of it.
62

63 **Board Questions:**

64

65 Mr. Sakati asked if the applicant assessed how much it would cost to move or change the septic
66 system. Mr. Hudson stated that this has already been changed once as there was a failed leach
67 field on the front of the property. The only other place to put the septic system on the property is
68 where it already failed, as it cannot be placed in the wetland. He spoke to a plumber about
69 replacing it, which would likely cost approximately \$30,000-\$40,000. The excavation for a
70 garage costs approximately \$25,000 so removal of a septic system would be much more than that
71 and it is unclear where else it could be moved to.
72

73 Mr. Sakati asked for details ~~of~~ about the retaining wall. Mr. Hudson explained that there is a path
74 leading up to the house. At the bottom of that path, earth is built up in front of the house to make
75 it at grade. The grade on the side of the house is lower, due to it being a walkout, and so there are
76 retaining blocks holding the earth in place.
77

78 Mr. Dion asked about a path from the north side of the house. Mr. Hudson explained that the
79 retaining wall is between the two marked sections, with paths from the north and west sides of
80 the house.
81

82 Mr. McDonough asked the proposed height of the garage. Mr. Hudson stated that the garage will
83 have standard 8'-9' walls with a standard pitch. The garage will not be finished or have a second
84 floor. The garage will be the same color as the house and will have power to it to allow for
85 garage door openers.
86

87 Mr. Dion asked if the Applicant evaluated placing the garage on the north side of the property.
88 Mr. Hudson stated that there is not enough room in that area for a garage, and this would require
89 removal of a number of trees. Mr. Witham-Gradert stated that he reviewed this further and there

90 is perhaps a 3' gap between the edge of the buffer and the front setback on that edge of the
91 property.

92
93 Mr. Lanphear asked about the number of vehicles on site. Mr. Hudson stated that there will be
94 three vehicles parked on site. Mr. Lanphear noted that there is approximately 13.6' from the front
95 of the garage to the road. A four-door pickup truck will not fit in that space and so would need to
96 park elsewhere on the property.

97
98 Mr. Lanphear asked about the pipes in this area. Mr. Judson explained that there is one pipe for
99 the old leach field and one for the new leach field. The pump system runs under the walkway
100 which comes from the side of the house. Mr. Lanphear asked if there might be a possibility to
101 slide the garage over 10'. Mr. Hudson stated that he does not believe there is 10' available in that
102 area. This would lead to a corner of the garage sitting on the retaining wall, adding
103 approximately 6' of earth to level it. Mr. Lanphear asked about moving over 5' instead. Mr.
104 Hudson noted that he cannot technically build a structure over the pump or in order to allow
105 access to it. Mr. Lanphear asked if the pipe is located 5' away from the corner of the house
106 foundation or closer to 2' away. Mr. Hudson explained that the leach field is in the front yard.
107 The pipe runs underneath the walkway and underneath the retaining wall. The pipe is dead center
108 between the house and the proposed garage location. Moving the garage over would place it on
109 top of the pipe at least somewhat.

110
111 Donna Green, 5 Circle Drive and Applicant, stated that her current driveway can fit a pick-up
112 truck.

113
114 Mr. Witham-Gradert stated that the plan shows a 13.6' measurement from the corner of the
115 driveway to the nearest parcel bound. This is not where the driveway is located, due to the radius
116 as this property has a curved front setback. The actual section where the existing driveway is
117 located and is proposed to stay has notably more space. The depth of the existing driveway is
118 approximately 28' deep at the nearest point. There is more than ample parking for a truck.

119
120 Mr. Sakati stated that the application mentioned other properties with detached garages in the
121 area. He asked if these are in the neighborhood of this property specifically. Mr. Hudson stated
122 that they are not adjacent to this property but in the general area.

123
124 Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at
125 7:27 PM.

126
127 **Public Comments in Favor:** None at this time.

128
129 **Public Comments Neutral or Opposed:** None at this time.

130
131 Seeing no additional comments at this time, Mr. Dion closed the public comment period at 7:28
132 PM.

133
134 **Board Discussion and Deliberation:**

135

136 Mr. Sakati stated that the wetlands create a uniqueness to the property. Alternatively, the garage
137 is proposed fairly far into the setback, leaving only 13.6’.

138
139 Mr. McDonough stated that, in terms of the spirit of the ordinance, the proposal does not threaten
140 the general public safety or welfare or cause any damage. It does not appear to obstruct visibility
141 of the area. The only concern could be aesthetics of the neighborhood.

142
143 Mr. Dion noted that he does not believe this structure could be shoehorned into the backyard, as
144 this would cause someone to drive over the existing septic system. Locating the structure
145 elsewhere on the property does not seem reasonable.

146
147 *The Board reopened public comment at 7:30PM.*

148
149 **Board Questions:**

150
151 Mr. Sakati asked if the Applicant has discussed the proposed project with neighbors. Mr. Hudson
152 stated that he discussed the project directly with the owners of 3 Circle Drive when he was
153 considering designing a very narrow garage for single-file vehicle parking which would have
154 stayed within the 15’ setback. The owners of 3 Circle Drive were okay with that proposal, even
155 against their existing fence. He believes those owners would be okay with the current proposal,
156 as it is not against the property line. Those are the only nearby owners he directly discussed this
157 with.

158
159 Mr. McDonough asked what grows in the wetland area. Mr. Hudson explained that this wetland
160 is for runoff from the manmade pond behind the property. This is currently a dry creek bed with
161 some grass in it. Mr. McDonough stated that the garage will not be blocking the aesthetics of this
162 area. Ms. Green stated that the area is currently filled with junk and similar to a swamp. This
163 wetland can only be seen from the other side of her property.

164
165 Mr. Dion asked about the character of the neighborhood. Ms. Green explained that there is not
166 generally much traffic aside from the people who live there. This is not a thoroughfare that goes
167 through to something on the other side. The road is a circle which comes back out next to her
168 house, effectively a dead-end cul-de-sac. This is only a residential area.

169
170 Mr. Sakati stated that there appears to be a large pine tree to the right of the garage location. Ms.
171 Green explained that this was removed, along with other trees, before she bought the house.
172 Some trees will need to be removed for the garage placement. She had some trees removed for
173 the installation of a solar system on her roof.

174
175 Seeing no additional comments at this time, Mr. Dion closed the public comment period at 7:35
176 PM.

177
178 **Board Discussion and Deliberation:**

179
180 **Mr. Lanphear moved to grant a variance from §334-27 – Table of Minimum Dimensional**
181 **Requirements: to construct a 36 x 20-foot detached garage which would encroach upon the**

182 front yard setback by 16.4 feet, leaving 13.6 feet of front setback where 30 feet is otherwise
183 required, based on the written and verbal testimony of the applicant, duly seconded by Mr.
184 McDonough:
185

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

187
188 **1. Granting this variance will not be contrary to the public interest**

189 Mr. Lanphear stated that there will not be any conflict with the neighborhood
190

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

192 Mr. Lanphear stated that the proposed use will observe the spirit of the ordinance. It will
193 not alter the essential character of the neighborhood. It will help the neighborhood and
194 increase the values of surrounding properties.
195

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

197 Mr. Lanphear stated that substantial justice would be done to the property owner. The
198 property owner has done their due diligence to determine the best placement for the
199 garage. The Applicant was able to find a place for a double garage on the property with
200 the existing constraints, including the wetland setbacks and leach field.
201

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

203 Mr. Lanphear stated that the proposed use will not diminish values of the surrounding
204 properties.
205

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

207 Mr. Lanphear stated that the old failing leach field, new tanks, and the pipe running to the
208 front yard restrict the Applicant so that the only location for the garage is the corner of
209 the property.
210

211 **Mr. Lanphear – to grant**

212
213 **1. Granting this variance will not be contrary to the public interest**

214 Mr. McDonough stated the proposal will not harm the public or any of the neighborhood
215 characteristics. Based on testimony of the owner, the garage would be in line with the
216 neighborhood characteristics. He cannot see any harm to the public safety by building the
217 garage.
218

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

220 Mr. McDonough stated that the proposal will be in the spirit of the ordinance. The
221 Applicant is doing their best to maintain a setback. Based on the unique characteristics of
222 the property, this is the most suitable location.
223

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

225 Mr. McDonough stated that the property has a unique feature in the nearby wetland
226 which renders most of the property unbuildable. Other features of the property also limit
227 the options for building a garage or any other structure. Granting this variance would

228 provide the owners a benefit to use the property to its fullest extent and allow for vehicle
 229 coverage in the winter.

230

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

232 Mr. McDonough stated that the proposed use will not diminish the value of the property
 233 or surrounding properties. A garage such as the one proposed, if built well and
 234 maintained, can increase the value of the owner's property and make the neighborhood
 235 more appealing to everyone.

236

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

238 Mr. McDonough stated that enforcement of this ordinance would create a hardship for the
 239 owner. The property has several unique features that limit the buildable area. The related
 240 costs to relocate the septic pump or other features would be exorbitant and an
 241 unnecessary hardship to the owner. The proposed use is a reasonable one. The owner and
 242 builder have made all attempts to find a different location which better adheres to the
 243 ordinance. The proposed location is the best and most reasonable attempt at that.

244

245 **Mr. McDonough – to grant**

246

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

248 Mr. Sakati stated that he does not see any safety concerns or harm to the public interest.

249

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

251 Mr. Sakati stated that this criterium deals with a conflict of the explicit purpose of the
 252 ordinance and the essential character of the neighborhood. The proposal will be a
 253 significant enough the intrusion into the setback that it could change the character of the
 254 neighborhood.

255

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

257 Mr. Sakati stated that substantial justice would be done to the property owner as there are
 258 no other locations to place a garage on the property, whether it be attached or detached.
 259 The property is very constricted.

260

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

262 Mr. Sakati stated that the proposed use will not diminish any surrounding property
 263 values.

264

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

266 Mr. Sakati stated that there is significant hardship due to the septic constraint, the wetland
 267 constraint, and the retaining wall constraint. However, as he could not come up with an
 268 answer for the second criterium, this defaults him to a position to not grant the Variance,
 269 regretfully.

270

271 **Mr. Sakati – not to ~~not~~ grant**

272

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

274 Mr. Brendon Sullivan stated that there will be no conflict with the public interest.

275

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

277

Mr. Brendon Sullivan stated that the spirit of the ordinance will be observed.

278

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

280

Mr. Brendon Sullivan stated that substantial justice would be done to the property owner.

281

The proposal will do no harm to the general public or other individuals.

282

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

284

Mr. Brendon Sullivan that the proposed use will not diminish values of the surrounding

285

properties.

286

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

288

Mr. Brendon Sullivan stated that enforcement of the ordinance would impose

289

unnecessary hardship on the Applicant and the proposal is reasonable.

290

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

292

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

294

Mr. Dion stated that the proposed use will not lead to any issues with the public interest or threatening public health or safety, based on the chosen placement of the garage.

295

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

297

Mr. Dion stated that, as far as the violating the explicit purpose of the ordinance, the front

298

setback is made to prevent overcrowding and maintaining of sight lines. Some of the

299

concerns mentioned by Mr. Sakati are relieved by the fact that this property is on a dead-

300

end cul-de-sac. This is a wide--open neighborhood with not much going on. There is no

301

traffic outside of the residents of the neighborhood. This lowers the risk level enough that

302

he is comfortable with the structure as proposed in the setback.

303

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

305

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

306

able to build the garage in a manner that will not come at an exorbitant cost in having to

307

install a massive retaining wall or do excessive work to the septic system.

308

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

310

Mr. Dion stated that this proposal will not diminish the value of surrounding properties.

311

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

313

Mr. Dion stated that there is absolutely an unnecessary hardship on this property. The

314

property has a unique layout and is on a cul-de-sac, leading to a radius to deal with. There

315

are not typically round garages that can match the radius. This is coupled with the

316

extreme encroachment of the wetlands which does not allow the Applicant to do much

317

the property. The Applicant has done a due diligence to place the garage in the most

318

319 optimal location while trying to take into account the setback itself. The proposed use is a
320 reasonable one.

321

322 **Mr. Dion – to grant**

323

324 **Vote: 4-1-0 (Sakati -NTG). Motion carried to grant the variance.**

325

326 Mr. Dion reviewed the 30-day appeal period with the Applicant.

327

328 *The Board took a ten-minute recess at 7:47pm.*

329

330 *The meeting resumed at 8:01pm.*

331

332 **VI. REVIEW OF MINUTES:**

333 02/26/2026 edited draft Meeting Minutes

334

335 **Mr. Lanphear moved to approve the meeting minutes of 02/26/2026, as edited, duly**
336 **seconded by Mr. Sullivan.**

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

338

339 **VII. OTHER BUSINESS:**

- 340 • Review of the results of the March 10, 2026 Town Election Zoning Warrant Articles

341

342 Mr. Witham-Gradert reviewed the results of the Town Meeting Warrant Articles that will affect
343 the Zoning Ordinance. These are live and in effect already. The bulk of the changes were in line
344 with making Hudson's code compliant with the changes from the State. The first set of changes
345 were to accessory dwelling units (ADUs). These included a mix of changes to comply and a few
346 changes through ZORC. For Section 334-73.3, provisions under Subsection B, this allows ADUs
347 to be detached from the primary dwelling. This is a State required change. The next meaningful
348 change was in Subsection F which also comes from the State change. This is to reduce from four
349 off-street required parking spaces, to two, as at the State level only one per unit can be required
350 currently. In Subsection G, there is a discretionary change as the original Ordinance allowed for
351 a maximum of 750 s.f. This has been expanded to 950 s.f. As part of that, the Ordinance retains
352 that the principal dwelling for attached ADUs may not be reduced to less than 850 s.f. through
353 creation of the new dwelling. In addition, the ADU may not be greater in size than the primary
354 dwelling.

355

356 Mr. Dion asked about a situation where there is a tiny house for the primary dwelling, below 800
357 s.f., and an ADU is requested. Mr. Witham-Gradert explained that this would require a variance
358 through the Zoning Board. The goal is to not allow someone to create a single family ADU
359 which is larger than the existing house, as this is not in the spirit of what an ADU is meant to be.
360 The goal is that the ADU remains subordinate to the primary dwelling.

361

362 Mr. Witham-Gradert stated that the rest of the provisions section largely remains the same. One
363 cannot have multiple ADUs or create an ADU with a separate address. A new change is that the

364 maximum number of unrelated persons may not exceed two per bedroom. This was a State
365 change.

366
367 Mr. Dion asked if essentially two--family dwellings are allowed on every property in the State at
368 this time. Mr. Witham-Gradert stated that there are a few minor requirements. For example, the
369 owner of record still has to live in one of the structures. However, they can be detached and can
370 have separate utilities. The structures can have separate driveways. There can essentially be two
371 independently functioning dwellings on the same parcel. The owner of record for the parcel must
372 live in either the ADU or in the original dwelling. Mr. Lanphear asked how long this must be the
373 case for. Mr. Witham-Gradert stated that this requirement is forever. There is some leniency for
374 certain situations, but if someone is the only owner of record and moves out, while there is still
375 someone living in the ADU, this would bring it out of compliance with the Ordinance. The intent
376 is that there should not be someone renting out both units on a property. Any issues with this
377 would likely be enforced via complaint.

378
379 Mr. Witham-Gradert explained that the second set of changes ~~coming~~ came from the State
380 related to family daycare and family group daycare. Essentially, these uses have to be permitted
381 everywhere. The Town used to have some restrictions through Special Exceptions, but the State
382 has shifted these uses to be by-right in all zones. This is a push from the State to make childcare
383 more affordable and available. There are State requirements to legally operate a daycare. This is
384 still considered an accessory use through the Town. As long as the primary use is legal and
385 permitted on the parcel, someone can include an accessory use, such as a daycare,
386

387 Mr. Dion asked if this could lead to items in front of the Board in terms of driveways or
388 buildings being too small for the use. Mr. Witham-Gradert noted that hearings before the Board
389 for accessory uses are rare. There may be additional anticipated code enforcement calls.
390

391 Mr. Lanphear asked about operating hours from the State for these uses. Mr. Witham-Gradert
392 stated that he is unclear on this. There will need to be a period of transition as potential cases
393 come before the Town for these uses. The changes were the minimum amount needed to come
394 into compliance with the State. If this becomes problematic, it may be revisited with ZORC for a
395 greater consideration of the rules. He does not believe that this will lead to many issues.
396

397 Mr. Witham-Gradert explained that the next item is a change in setbacks for the TR Zone. The
398 Town has changed both the arterial collector and local roadway setbacks to 20', 10', and 10'.
399 This is a reflection of the fact that most of the TR Zone is older and was built out early in
400 Hudson's development. At that time, zoning restrictions were either much less stringent or
401 nonexistent. Due to that, there is a fair amount of housing that is inherently non-compliant due to
402 it being pre-existing, non-conforming. The intent is to bring those setbacks to match with the
403 generally smaller sized parcels within this Zone.
404

405 Mr. Witham-Gradert stated that the next item has a lot of struck out text which was replaced with
406 one sentence. It states that growth management practices and findings of fact shall be in
407 accordance with the most recently adopted Master Plan. This section previously contained many
408 quotes from the Master Plan and, in order to keep it up to date, staff was repeatedly updating it.
409 In lieu of that, staff decided to remove the direct quotation-based references and simply reference

410 the current Master Plan to avoid having the voters revote on an administrative update repeatedly.
411 This is a housekeeping clean-up item.

412
413 Mr. Witham-Gradert noted that the Planning Board discussed a large-scale overhaul of the land
414 use regulations. Ultimately, expenditure of funds for this would be decided on by the Board of
415 Selectmen, but the Planning Board is on board with the idea. This would be comprehensive to
416 both planning and zoning regulations, as there are many sections which have not been touched in
417 over a decade. Some parts are very out of date. For example, the telecommunications ordinance
418 has not been changed in years and could be quite out of date with current practices. If this is
419 approved by the Board of Selectmen, it will go out to bid through a Request for Proposal. This
420 would be done by an external firm. He will share more news with the Zoning Board as he
421 receives it.

- 422
423 • Training Session: Powers, Stipulations, & Re-hearings
424

425 Mr. Witham-Gradert explained that a copy of the presentation on this training session is
426 available at the office in Town Hall. The intent is to take a deeper dive and understand why and
427 how the Board does what it does. Also, to understand best practices for the Board. There are two
428 different sections of State Code that regulate the Zoning Ordinance itself and the ZBA as a
429 board, 674:16, and 674:33. RSA 674:16 deals with the authority to adopt a zoning ordinance. It
430 permits what the governing body, in Hudson's case the Board of Selectmen, can adopt. This was
431 last amended in 2025. This set all the rules for what a zoning ordinance may govern, alongside a
432 set of exceptions, such as for home daycares, occupants per bedroom, parking spaces, and other
433 types of demographic protections. It also explicitly lists some criteria for what the zoning
434 ordinance is intended to govern, such as height, number of stories, size of buildings, lot sizes,
435 occupiable percentage of lots, population density, and the location and use of building structures
436 and land used for business, industrial, residential and other purposes. The last item incorporates a
437 large section of the zoning ordinance and leaves a lot of power with the municipality to craft its
438 own zoning ordinance to best serve the town.

439
440 Mr. Dion asked about the concept of spot zoning, as this language is broad and wide. Mr.
441 Witham-Gradert explained that this delves into what the Board can do, as opposed to what it
442 cannot do. However, the balance from the State comes from case law. Restrictions, such as spot
443 zoning, are not generally covered here. Much of that comes from a logical determination.

444
445 Mr. Witham-Gradert stated that under RSA 674:16-2, the power to adopt the subdivision
446 ordinance, allows for innovative land use controls, including but are not limited to the methods
447 contained in 674:21. The bulk of these primarily affect the Planning Board, however some affect
448 zoning, most notably open space developments, environmental characteristic zoning, and
449 inclusionary zoning efforts. Open space developments come with special dimensional
450 requirements, such as smaller lot sizes and smaller frontages in exchange for open space.
451 Inclusionary zoning would be something similar to adopting a workforce housing ordinance or
452 similar incentive programs. These items would not come before the Board for a variance request.
453 Sections 3, 5, and 7 state that the ordinance can control timing of development, accessory uses
454 on private land unless carved out by the State, accessory parking for vehicles, etc. There are a
455 few other omitted sections not listed which generally reference other overriding authorities. In

456 terms of changing the rules in Town, this is the body of legislation that governs how the Board
457 can change those rules. If something is listed in the original list of things that a zoning ordinance
458 may govern, it is safe to assume the Board can make a stipulation based on those.
459

460 Mr. Witham-Gradert stated that the next section is RSA 674:33. This is the set of rules that
461 govern how to run a zoning board, how it determines cases, and what criterion can be used to
462 determine hardship. A few highlights are that it specifically talks about the forms of hardship and
463 variance granting. For example, there is one alternative type, primarily for specific types of cases
464 before the Board. While the State RSA sets the basic framework, this is a section where the body
465 of case law from the New Hampshire court system comes into practice.
466

467 Mr. Witham-Gradert stated that the item next is RSA 674:33-1.4(a). This deals with the powers
468 of the zoning board. First and foremost, the Board is allowed to hear and decide appeals if it has
469 been alleged that there was an error in any order, requirement, decision, or determination made
470 by an administrative official in the enforcement of the zoning ordinance. The Board is the appeal
471 authority for those administrative actions. Section 2 includes the criteria for granting variances.
472 These include that the variance will not be contrary to the public interest, that the spirit of the
473 ordinance is observed, and that the values of surrounding properties are not diminished. These
474 items A, B, and D are similar to a checklist. These are not the crux of the applicant's argument.
475 Item C, while also not the crux of the argument, is less of a checklist and more of a value
476 judgment from individual board members, regarding if justice is done. This is not something that
477 can be measured or proven, but something each Board member personally has to decide. Item E
478 is that literal enforcement of the provisions of the ordinance would result in an unnecessary
479 hardship. This is the crux of the argument, and the reason an applicant is before the Board.
480 Determining hardship has evolved over the past century of zoning as a concept. At its core is the
481 question of what reason this person has to require special permission to bend the rules. Within
482 this section is the definition of hardship, which is that owing to special conditions of the property
483 which distinguish them from others in the area. This includes a few tests. The first test has two
484 prongs (A & B). Prong A is that no fair and substantial relationship exists between the general
485 public purpose of the ordinance provision and the specific application of that provision to the
486 property. This item speaks to that by waiving this this item, the Board would remove the point of
487 the ordinance entirely and thus defeat the purpose of it. If so, this may be a reason not to grant.
488 There is a question as to why applying the ordinance literally to the property in question
489 specifically advances the public good. This is a value judgment that has to be made by the Board.
490 Prong B is that the proposed use is a reasonable one. This is also a value judgment amongst
491 Board members. One way to think of this is that, owing to the special condition of the property
492 that distinguish it from others in the area, the proposed use is a reasonable one. If this question
493 can be answered affirmatively, then ostensibly the use is reasonable.
494

495 The Board discussed examples of these that could be considered unreasonable. For example, a
496 parcel in the TR Zone, which is densely packed, and a request to build a manufacturing plant or
497 other industrial use. It may be inherently unreasonable to build an industrial use in a tightly
498 residential area with small setbacks and a small parcel size. There may be no special condition of
499 this property which would render this reasonable to grant. Mr. Witham-Gradert gave the example
500 of the case previously heard this evening by the Board instead being a two-story garage or an
501 industrial style garage with 13' doors. This may be considered unreasonable. Reasonableness as

502 an argument has a lot of nuance to it. The Board has to make a value judgment as to if a request
503 is reasonable and what conditions of the property require it to be as proposed that it needs relief.
504 The Board can also consider if the proposed use would make sense if it were dropped into any of
505 the other spots in the residential area. The reason these rules are so vague is because the intention
506 is to take a fixed set of rules and apply them to an infinite set of permutations and variable lots.
507 This gives the Board the opportunity to make a judgment call with room for flexibility. There is
508 also the appeals process, allowing for someone who feels aggrieved to take this to court
509 eventually.

510
511 Mr. Witham-Gradert explained that the hardship argument began with Simplex Technologies v
512 Town of Newington. The State legislator decided to take the rules test that the court decision
513 created and formalize it into law as a primary way to determine hardship. This is in addition to
514 the original method of finding hardship. A separate court case, Boccia v City of Portsmouth.
515 determined that use and dimensional variances are to be treated and evaluated the same.
516 Previously, there was a separate test for dimensional variances which no longer exists. Each type
517 of variance is evaluated the same way now.

518
519 Mr. Witham-Gradert explained that the other way to find hardship is that an unnecessary
520 hardship will be deemed to exist if, and only if, owing to special conditions of the property that
521 distinguish it from other in the area, the property cannot reasonably be used in strict conformance
522 with the ordinance, and a variance is therefore necessary to enable all reasonable use of it. This
523 was originally derived from the very earliest zoning written by the State in 1925/1926. To grant a
524 variance under this, the Board needs to find that there is no way to reasonably use the property.
525 This is an incredibly heavy-handed and strict test. This method likely will not be used much
526 because the new method is more permissive. However, an example where this could be used is
527 the Ayers Pond area. This area contains old camper lots which are barely 30' wide, have hardly
528 any frontage to them, and are completely unusable for anything. Some of these contain irregular
529 tiny houses or cottages and, due to their uniqueness, nothing else could be one with them under
530 the modern rules. These are rare and becoming rarer as time goes on.

531
532 Mr. Witham-Gradert explained that there is a variance type of finding under subsection 5V. If
533 the Board cannot find hardship using the normal rules, this specifically allows for a variance to
534 be granted under the pretense that the hardship is a recognized for a physical disability. There
535 was a recent case where the applicant needed an extra bedroom due to someone with a severe
536 medical disability which required additional live-in care and constant monitoring. This would
537 have been a reasonable way to use this finding, if the Board had not found hardship in another
538 manner. This could be used if someone needed a wheelchair ramp on the front of their home, but
539 which might be non-conforming. However, this is generally not the preferable way to grant
540 variances, as it comes with some rules and stipulations laid out by the State. First and foremost is
541 that the variance does not go with the land; it goes with the occupants. If the occupancy changes
542 and the need is no longer required, the variance, by default, is no longer valid. In terms of best
543 practices, he encouraged the Board to add a stipulation reiterating that requirement from the
544 State. Also, if the Board finds hardship under this, at the top of its motion, it should be made
545 clear that this subsection is being used.

546

547 Mr. Witham-Gradert stated that there are the Simplex method and the older method. Technically,
548 each Board member may individually find hardship using either one. Board members are not
549 obligated to all find hardship under the same test. If the Board is going to grant one under the
550 handicap provision, it is best to have everyone on board in order to attached explicit stipulations
551 to it. If a variance is granted under the standard finding methods, applicants have a two-year
552 expiration date, if the variance not utilized. Unless something is accepted by the Planning Board
553 within six months, which alters the timer and extends it out to the Planning Board approval. The
554 ZBA acts as the appeal authority and may modify, nullify, or affirm administrative decisions as
555 they see fit upon appeal. In practice, when the Board is hearing a case, it has the powers of the
556 zoning administrator for the purposes of hearing the case. It means that, instead of completely
557 disbaring the decision, the Board could instead modify it to make all parties happy. Subsection 3
558 states that any motion requiring action of the Board must have three concurring votes. This does
559 not change even if fewer members are present. The Board consists of five sitting voting members
560 and up to five alternates. However, if there are four members in attendance, the Board must still
561 have three votes. This is why, per the bylaws, when there are fewer than five voting members,
562 the applicant is given the option to defer the hearing. This also means that decisions and motions
563 must be affirmative in nature and the Board may not default a decision. If the motion is to grant
564 and it does not pass at a vote of 2-3, this does not mean that the variance is denied. The Board is
565 then back to neutral, with no motion on the floor. If the Board then wants to deny, it would need
566 to make a motion to deny, which would then need to pass. This is true of everything, including
567 meeting minutes approval. If a motion does not pass, that does not mean the inverse. The Zoning
568 Board of adjustment shall not require receipt of a permit or permits from other state or federal
569 governmental bodies in order to accept a submission for its review or rendering of a decision.
570 For example, if there is a variance that will eventually require a conditional use permit and there
571 is a frontage variance in front of the Board, the Board cannot require DES approvals before
572 hearing the application. The Board's decision has to be independent of the other entities. Another
573 example would be if the DOT has to approve a driveway permit onto a state highway and the
574 Board is hearing a variance for a subdivision in terms of a frontage requirement; it cannot wait
575 for DOT to first weigh in.

576
577 Mr. Dion asked if this also accounts for decisions from other boards. Mr. Witham-Gradert stated
578 that, while this is not explicitly disbarred, the Board still has obligations to render decisions
579 within a timely manner. If the Board feels it cannot make a decision without the other
580 determination, then it would deny without prejudice and have the applicant come back when all
581 the information is ready it.

582
583 Mr. Witham-Gradert explained that when making a motion, the Board should read out the full
584 motion and the stipulations. This is the same reason that each Board member should read their
585 findings into the record when voting. The intention is to remove any potential ambiguity, both
586 for the benefit of the minute taker and for the benefit of the record should the Town ever go to
587 court. This also helps in drafting the notices of decision. When discussing a case, the time prior
588 to Board deliberation is meant for testimony, comments, and questions of the applicant, not for a
589 discussion of the Board. Also, not all public comment is weighted equally. The advice is to let
590 everyone speak. Technically, the Board could be restrictive and limit comment to parties
591 involved in the case and abutters. There is very rarely any benefit to this. Board members are not
592 obligated to weigh every testimony equally. For example, in terms of a use variance, one person

593 is a direct abutter, and their comments could receive full weight. Another person lives on the
594 opposite end of town, and the Board is not obligated to give their testimony the same weight.
595 The Board may also weigh more heavily someone who is credentialed.
596

- 597 • Save the date: Office of Planning and Development’s Spring 2026 Planning and Zoning
598 Conference on Saturday, May 9, 2026, 8:45 AM- 3:30 PM. Sessions will be online and
599 will be recorded and available after the conference. The cost is free. Registration opens:
600 April 3rd. This year’s virtual conference includes three tracks: Planning Board, Zoning
601 Board of Adjustment, and Special Topics
602

603 Mr. Witham-Gradert noted that there is a Spring Planning and Zoning Conference on May 9th.
604 This is online, free, and open to the public.
605

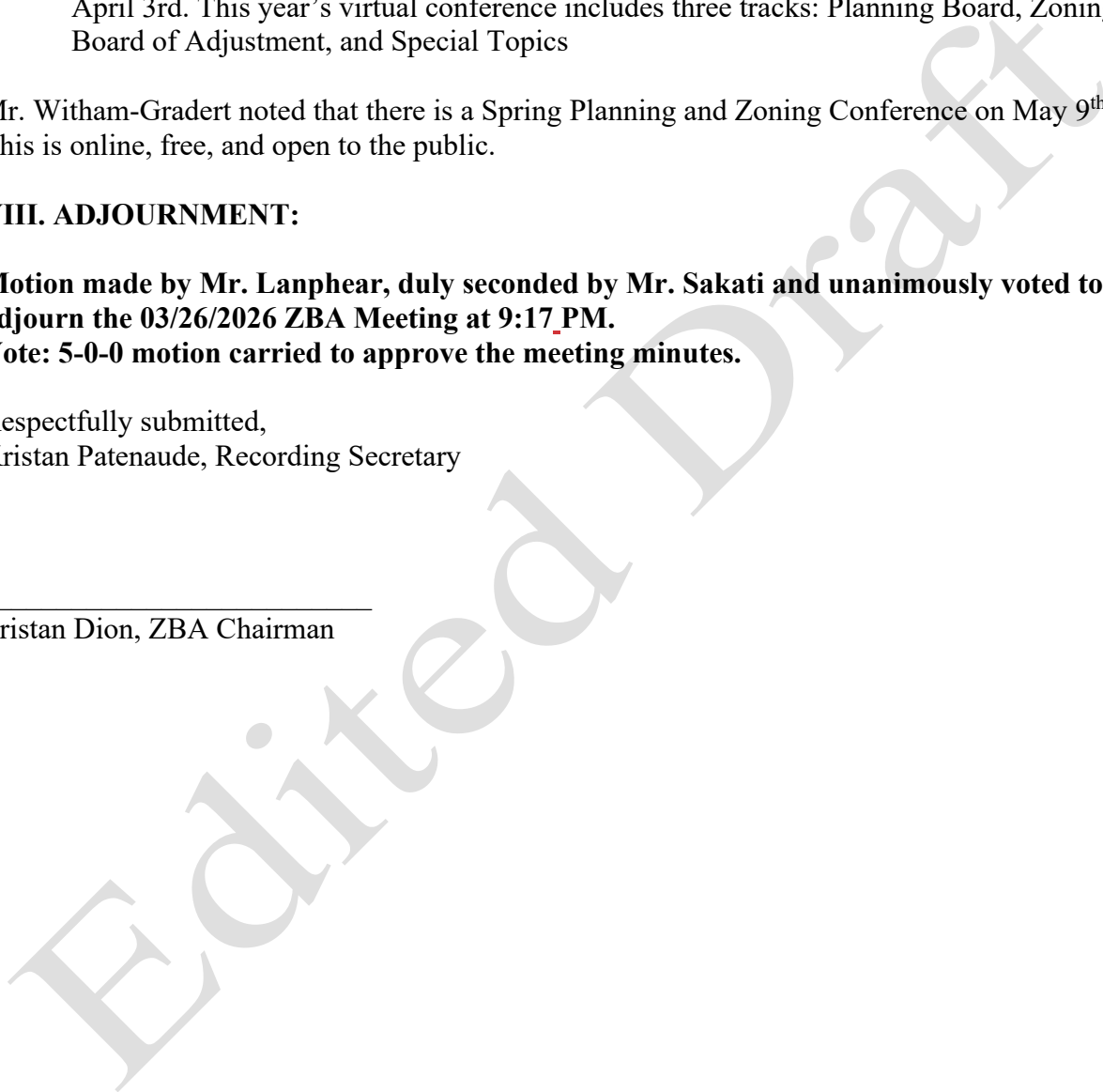
606 **VIII. ADJOURNMENT:**
607

608 **Motion made by Mr. Lanphear, duly seconded by Mr. Sakati and unanimously voted to**
609 **adjourn the 03/26/2026 ZBA Meeting at 9:17 PM.**

610 **Vote: 5-0-0 motion carried to approve the meeting minutes.**
611

612 Respectfully submitted,
613 Kristan Patenaude, Recording Secretary
614

615
616
617 _____
618 Tristan Dion, ZBA Chairman





SPRING 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.

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)

Conference Summary Agenda

Track #1: Planning Board

- [Planning Board Track Agenda](#)

Track #2: Zoning Board of Adjustment

- [Zoning Board of Adjustment Track Agenda](#)

Track #3: Special Topics

- [Special Topics Track Agenda](#)

Speaker Biographies

Teams Webinar User Guide

TO REGISTER:

Please register for **one track only**. The chart below provides all the registration links accordingly.

A session chart, which includes the Microsoft Teams webinar links for each track/session, will be sent via email to all those who registered. You do not need to register for more than one track if you want to attend sessions from multiple tracks throughout the day.

Planning Board Track	Zoning Board of Adjustment Track	Special Topics Track
CLICK HERE TO REGISTER	CLICK HERE TO REGISTER	CLICK HERE TO REGISTER

All conference sessions will be recorded and available on [OPD's YouTube channel](#) following the conference.

For assistance registering, contact us at planning@livefree.nh.gov.



NH OFFICE OF PLANNING AND DEVELOPMENT (OPD)

SPRING 2026 PLANNING & ZONING CONFERENCE

SATURDAY, MAY 09, 2026

ONLINE CONFERENCE SESSIONS SUMMARY AGENDA

(ALL SESSIONS WILL BE RECORDED AND AVAILABLE ON [OPD'S YOUTUBE PAGE](#) FOLLOWING THE CONFERENCE)

Time	Track #1 Planning Board*	Track #2 Zoning Board*	Track #3 Special Topics*
8:45 to 9:00 AM	Welcome	Welcome	Welcome
9:00 to 10:15 AM	Planning Board Basics	ZBA Decision Making Process	Complete Streets in New Hampshire
10:15 to 10:30 AM	Break		
10:30 to 11:45 AM	Planning Board Roles and Responsibilities	The ZBA in NH	Regulatory Reform: Opportunities and Challenges
11:45 AM to 12:45 PM	Lunch Break		
12:45 to 2:00 PM	Planning Board Housekeeping	Enforcing Floodplain Regulations and Correcting Violations	Building Code 101 for Planners
2:00 to 2:15 PM	Break		
2:15 to 3:30 PM	The Planner is In	ZBA Q&A	Historic Preservation Planning Tools For Your Community

** Please view each track's separate detailed agenda for session descriptions and speakers.*



**NH OFFICE OF PLANNING AND DEVELOPMENT (OPD)
SPRING 2026 PLANNING & ZONING CONFERENCE
SATURDAY, MAY 9, 2026**

ONLINE CONFERENCE DETAILED AGENDA

(ALL SESSIONS WILL BE RECORDED AND AVAILABLE ON [OPD'S YOUTUBE PAGE](#) FOLLOWING THE CONFERENCE)

ZONING BOARD OF ADJUSTMENT (ZBA) TRACK

8:45 – 9:00 AM **WELCOME AND INTRODUCTORY REMARKS**
Ken Gallager, Principal Planner, NH Office of Planning & Development

9:00 – 10:15 AM **ZBA DECISION MAKING PROCESS**
Cordell Johnston, Attorney at Law

All land use decisions involve someone’s constitutionally protected property rights. As a result, the ZBA’s decision-making process is just as important as the substantive law. This session will address zoning board processes, including the application process, public hearings, board deliberations, consideration of expert evidence, drafting and voting on motions, notices of decision, conditions of approval, motions for rehearing, the role of legal counsel, and appeals to the superior court or Housing Appeals Board.

10:15 – 10:30 AM **BREAK**

10:30 – 11:45 AM **THE ZBA IN NH**
Jason Dennis, Attorney, Hastings Law Office, P.A.

This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, variances and equitable waivers. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria.

11:45 AM – 12:45 PM **LUNCH BREAK**



12:45 – 2:00 PM

ENFORCING FLOODPLAIN REGULATIONS AND CORRECTING VIOLATIONS

*Sarah Thunberg, Flood Ready ME Program Manager, ME Office of Community Affairs
Stephanie Frechette, Principal Planner, NH Office of Planning and Development*

The National Flood Insurance Program (NFIP), created by Congress in 1968, is a federal program administered through the Federal Emergency Management Agency (FEMA) which established regulations for safe flood-informed development in floodplains, and provides flood insurance for any resident in a participating community. Participating communities of the NFIP are required to enforce local floodplain regulations and correct any violations whether they come from a local complaint or through notice from FEMA. This session will discuss FEMA’s expectations for participating communities, what actions communities can take to exhaust all enforcement mechanisms, and common violations seen in New Hampshire.

2:00 – 2:15 PM

BREAK

2:15 - 3:30 PM

ZBA Q&A

*Steven M. Whitley, Attorney, DrummondWoodsum
Cordell Johnston, Attorney at Law*

OPD Principal Planner Ken Gallagher will moderate this session with our ZBA track presenters. Be sure to bring your questions from the morning sessions as well as any other ZBA questions and situations you may have encountered. Our long-time conference partners Steven and Cordell will be available for everything ZBA in this roundtable format.