



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – September 26, 2024

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, September 26, 2024, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ATTENDANCE
- IV. SEATING OF ALTERNATES

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- 1. Case 173-039 (09-26-24): Ryan Lacasse, 9 Cummings St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 160 SF shed to remain in its current location which encroaches the side yard setback leaving 3 feet of setback where 5 feet is required. [Map 173, Lot 039, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
- 2. Case 106-045-001 (09-26-24): Albert & Lisa Frenette, 13 Boyd Rd., Hudson, NH requests a Variance to allow an existing un-permitted 1,143.5 SF Accessory Dwelling Unit (ADU) in the finished lower level/basement of the home to remain where the size of an ADU shall not be greater than 750 SF and a building permit for an ADU must be approved and issued prior to the construction of an ADU or conversion of existing space into an ADU. [Map 106, Lot 045, Sublot-001; Zoned General-One (G-1); HZO Article XIIIA: Accessory Dwelling Units; §334-73.3.H & J, Provisions and HZO Article III: General Regulations; §334-16, Building Permits]
- 3. Case 191-151 (09-26-24): Kyrlakoulis & Joan Tsouprakos, 7 Thorning Rd., Hudson, NH requests a Variance to allow the expansion of an existing non-conforming structure for the construction of a proposed 14 ft. x 6 ft. deck and 2.5 ft. stairs in the front yard setback leaving 22 feet of front yard setback where 30 feet is required. [Map 191, Lot 151, Sublot-000; Zoned Residential- Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31A, Alteration and expansion of nonconforming structures]
- 4. Case 242-007 (09-26-24): Edgar Oliva, 101 Musquash Rd., Hudson, NH requests a Home Occupation Special Exception for an internet car sales business with no on-site cars for sale on the property nor advertisements. [Map 242, Lot 007, Sublot-000; Zoned Residential- Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]
- 5. Case 152-067 (09-26-24): Thomas G. Brown, 110 Barretts Hill Rd., Hudson, NH requests a Variance to allow the continued parking of a vintage recreational motor coach bus where the parking of recreational buses (Industrial use E-13) is not permitted in the R-2 Zone. [Map 152, Lot 067, Sublot-000; Zoned Residential- Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

VI. REQUESTS FOR REHEARING:

1. Case 165-021 (07-11-2024) (Deferred from 08-22-24): Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA requests a rehearing of an Appeal from an Administrative Decision request for 12-14 Gambia St., Hudson, NH where a Code Enforcement - Notice of Violation Cease & Desist letter dated May 8, 2024 was upheld by the Zoning Board of Adjustment.

VII. REVIEW OF MINUTES:

07/11/2024 edited draft Meeting Minutes 08/22/2024 edited draft Meeting Minutes

VIII. OTHER BUSINESS:

IX. ADJOURNMENT:

Chris Sullivan, Zoning Administrator

Posted: Town Hall, Town Website, Library, Post Office - September 13, 2024

Legal Notice

Town of Raymond Planning Board

You are receiving this Notice of Public Hearing in accordance with NH-RSA 676:4 d (1)

Planning Board: Notice is hereby given that the Raymond Planning Board will consider the following application for a public hearing regarding the following on Thursday, October 3rd, 2024 beginning at 7:00 p.m. The meeting will be held in the Media Center (library) at Raymond High School, 45 Harriman Hill Road.

Application #PB-2024-016 **55&49 Blueberry Hill Road:** A Lot Line Adjustment is being requested by Robert Degan, LLS on behalf of Robert Mitchell. Currently two houses sit on a single lot; the Applicant is proposing to move the lot line so that each house sits on its own lot. One of the lots is on the edge of the Mottolo Groundwater Management Zone (GMZ) and one lot is within the Mottolo GMZ. The US EPA and NH DES are requiring an Activity and Use Restriction (AUR) be included in the new deed of each property that would in-clude all the restrictions and conditions of the GMZ, for those area encompassed by the current GMZ boundaries.The properties are located at 49 & 55 Blueberry Hill Road and are identified as Map 5 Lot 1 and Map 1 Lot 1, respectively, and are located in Zone B.

You are invited to attend, or you may submit written comments to: Town of Raymond, Planning and Development Department, Office of Planning & Zoning, 4 Epping Street, Raymond, NH 03077. If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on October 17th,

2024. (UL - Sept. 18)

When required to place a legal notice... **New Hampshire Union Leader** and **New Hampshire Sunday News** make it easy for you. Call or email us at 603-668-4231 x 264 or

Legal Notice

legals@unionleader.com

NOTICE OF MORTGAGEE'S

SALE OF REAL ESTATE Pursuant to RSA 479:25 and the Power of Sale contained in the Mortgage and Security Agreement given by Kym Julia Lambert and Aaron Miller individuals with an address of 523 South Hill Road, Colebrook, New Hampshire 03567 (the "Mortgagor") to **Nicholas Sarwark**, (the "Mortgagee"), dated August 18, 2022 and recorded with the Coos County Registry of Deeds at Book 1612, Page 366 (the "Mortgage"), the Mortgagee will sell the premises mortgaged thereby, which are described below (the "Mortgaged Premises"), for breach of condition and for the purpose of foreclosing the Mortgage, **AT PUBLIC AUCTION AS FOLLOWS:** A. DATE, TIME AND PLACE OF

SALE: The Sale will be held on the Mortgaged Premises on October

16, 2024 at 2:00 p.m.
B. LOCATION AND STREET
ADDRESS OF MORTGAGED
PREMISES:

The Mortgaged Premises are located at, and have a street address of 523 South Hill Road, Colebrook, New Hampshire 03567. The Mortgaged Premises are further described in the Mortgage. C. TERMS OF SALE:

The Mortgaged Premises will be sold AS IS, WHERE IS and with all faults, subject to all unpaid taxes and liens therefor, and subject to all other liens, easements, rights, tenancies and encumbrances of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.

Except for warranties implied by law, the Mortgaged Premises will be conveyed by the Mortgagee and accepted by the successful bidder without any warranties, express or implied, whatsoever. D. **DEPOSIT:**

Prior to the commencement of the sale, each bidder must qualify by paying as a deposit in cash or by Certified or Bank check or other form satisfactory to Mortgagee ("Satisfactory Funds") the sum Five Thousand Dollars (\$5,000.00). The successful bidder must execute a Mortgagee's Sale Memorandum prepared by the Mortgagee immediately after the conclusion of the Sale. The balance of the bid price must be paid in full in Satisfactory Funds upon delivery of the Mortgagee's Statutory Foreclosure Deed, on or before the 30th day after the date of the Sale, Time Being of the Essence. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee reserves the right to retain the deposit as full, liquidated damages.

E. RESERVATION OF RIGHTS:

The Mortgagee reserves the right to (i) continue the Sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the Sale, (iii) reject any and all bids for the Mortgaged Premises, (iv) accept written bids delivered to the Mortgagee or its Attorney either prior to or at the time of the auction; and (v) amend or change the Terms of Sale set forth herein by announcement, written or oral, made before or during the Sale and such change(s) or amendment(s) shall be binding on all F. NOTICE:

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

The New Hampshire Banking Department is located at 53 Regional Drive, Suite 200, Con-cord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at (800) 437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. The address of the Mortgagee for service of process is in the care of the agent for service of process, William P. Reddington, 95 Market Street, Manchester, NH 03101. G. INQUIRIES

Inquiries regarding this Notice and Sale may be made of the undersigned or to JSJ Auctions, <u>Jay@jsjauctions.com</u>, (603) 734-4348, 45 Exeter Road, Epping, NH 03042.

DATED this 28 day of August

Nicholas Sarwark By his attorneys, Wadleigh, Starr, Peters, PLLC By: William P. Reddington William P. Reddington 95 Market Street Manchester, NH 03101 (603) 206-7293 wreddington@wadleighlaw.com (UL - Sept. 18, 25; Oct. 2)

Legal Notice

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Jacque-line Kupu and Francisco Lugo and Melena Lugo to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for SouthStar Funding, LLC, dated August 18, 2005 and recorded with the Strafford County Registry of Deeds in Book 3243, Page 0938, as affected by Loan Assumption Agreement as recorded in Said Deeds in Book 3653, Page 569 and as affected by Loan Modification Agreement as recorded in said Deeds in Book 3653, Page 0577, of which mortgage Wilmington Trust, National Association, not in its individual capacity but solely as successor trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mortgage Pass-Through Certificates, Series 2005-8 is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 594 Salmon Falls Road, Rochester, Strafford County, New **Hampshire** will be sold at a Public Auction at 10:00 AM on October 9, 2024, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deed recorded with the Strafford County Registry of Deeds in Book 3243, Page 0936.

NOTICE TO THE MORTGA-GOR AND ALL INTERESTED PAR-TIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREM-ISES ARE SITUATED. WITH SERVICE UPON THE MORTGA-GEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE. TO ENJOIN THE SCHEDULED FORE-CLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE: WILMINGTON TRUST, NA-

TIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS SUCCESSOR TRUST-EE TO CITIBANK, N.A. AS TRUST-EE TO LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005- 8, 1100 North Market Street, Wilmington, DE 19801 (Mortgagee) NATIONSTAR MORTGAGE,

LLC, C/O CORPORATION SERV-ICE COMPANY, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgagee Servicer)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Con-NH 03301 Tel (603) 271-3561 and by email at \underline{nhbd} @banking.nh.gov FOR INFORMATION ON GET-

TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE IN-FORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

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

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

close of bidding.
TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable

to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced

Wilmington Trust, National Association, not in its individual capacity but solely as successor trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mortgage Pass-Through Certificates, Series 2005-8 Present holder of said mortgage, by its Attorneys

Šusan W. Cody Korde & Associates, P.C 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 CXE 14-018015 Kupu

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by John H. Wade and Leona E. Wade (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for AEGIS Lending Corporation, and now held by U.S. Bank Trust Company, National Association, as trustee, as suc cessor-in-interest to U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank National Association, as Trustee for Aegis Asset Backed Securities Trust, Mortgage Pass-Through Certificates, Series 2004-5 (the "Mortgagee"), said mortgage dated July 16, 2004, and recorded in the Strafford Registry of Deeds in Book 3036, Page 284, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at: Public Auction on

October 24, 2024 at 04:00 PM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 26 Eastern Ave f/k/a 11 Eastern Ave, Rochester, Strafford County, NH 03867. NOTICE

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

The name and address of the mortgagee's agent for service of process is U.S. Bank Trust Company, National Association, as trustee, as successor-in-interest to U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank National Association, as Trustee for Aegis Asset Backed Securities Trust, Mortgage Pass-Through Certificates, Series 2004-5, 111Fillmore Avenue East, EP-MN-WSIP, Saint Paul, MN 55107. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at

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

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

foreclosure sale.

Dated at Farmington, Connecticut, on September 6, 2024. U.S. Bank Trust Company, National Association, as trustee, as successor-in-interest to U.S. Bank National Association,

as Trustee, Successor in Interest

to Wachovia Bank National Association, as Trustee for Aegis Asset Backed Securities Trust, Mortgage Pass-Through Certificates, Series 2004-5 By its Attorney, Jeffrey J. Hardiman Brock & Scott, PLLC 270 Farmington Avenue

Suite 151
Farmington, CT 06032
(UL - Sept. 11, 18, 25)

Legal Notice

MORTGAGEE'S NOTICE OF

SALE OF REAL ESTATE By virtue of a Power of Sale contained in a certain Mortgage given by Kenneth E. Prouty, Jr. and Patricia R. Prouty (the "Mortgagor") to River Valley Credit Union, dated May 20, 2003 and recorded in the Cheshire County Registry of Deeds in Book 2013, Page 563 (the "Mortgage") of which mortgage the undersigned is present holder by assignment, pursuant to and in execution of said power and for breach of conditions said Mortgage and for the purpose of foreclosing same will be

Public Auction on September 25, 2024 at 11:00 AM

Said sale being located on the mortgaged premises and having a present address of 43 Butler Hinsdale, Cheshire Avenue. County, NH. The premises are more particularly described in the

For informational purposes, for reference to title, see deed recorded at Book 1749, Page 529. In addition, the model number for the manufactured housing unit located on the subject premises is Model #230X.

NOTICE PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE

The mortgagee's name and address for service of process is NORTHEAST HOME LOAN, LLC c/o Servbank, SB at 500 South Broad St, Ste 100A, Meriden, CT, 06451. The name and address of the mortgagee's agent for service of process is CT Corporation System at 2 1/2 Beacon Street, Concord, NH 03301. You can contact the New Hampshire Banking Department by e-mail at nhbd@banking.nh.gov.

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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

'AS IS, WHERE IS". The foreclosure sale will be made for the purpose of foreclo-sure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations, or agencies claiming by, from or

under them. TERMS OF SALE: A deposit of FIVE THOUSAND DOLLARS AND 00 CENTS (\$5,000.00) in the form of a certified check, bank treasurer's check, or money order will be required to be delivered at or before the time the bid is offered. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

NORTHEAST HOME LOAN, LLC Present Holder of said Mortgage, By Its Attorneys, Orlans PC PO Box 540540 Waltham, Massachusetts 02454 Phone: (781) 790-7800 (UL - Sept. 4, 11, 18)

Legal Notice

Town of Raymond Planning Board You are receiving this Notice of

Public Hearing in accordance with NH-RSA 676:4 d (1)

Planning Board: Notice is hereby given that the Raymond Planning Board will consider the following application for a public hearing regarding the following on Thursday, October 3rd, 2024 **beginning at 7:00 p.m.** The meeting will be held in the Media Center (library) at Raymond High School, 45 Harriman Hill Road.

Application #2023-012 Autumn Trail Realty: A Site Plan Application has been submitted by Brandon Richards of Fieldstone Land Consultants, PLLC on behalf of Autumn Trail Realty, LLC. The applicant is proposing an 8,000 S.F. commercial building. The applicant was previously approved for a Conditional Use Permit for 21.6% impervious surface where 15% is allowed. The property is identified as Raymond Tax Map 32, Lot 72 located 1000 feet south of the Deerfield Rd. and Long Hill Rd. intersection within the Town of Raymond and is within the C1 zoning district.

You are invited to attend, or you may submit written comments to: Town of Raymond, Planning and Development Department, Office of Planning & Zoning, 4 Epping Street, Raymond, NH 03077. If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on October 17th, 2024.

(UL - Sept. 18)

Legal Notice

TOWN OF HOOKSETT **Town Council** 35 MAIN STREET HOOKSETT, NEW HAMPSHIRE 03106 LEGAL NOTICE

The Hooksett Town Council will be holding a public hearing on Wednesday, September 25, 2024 @ 6:00 PM at the Hooksett Town Hall Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to discuss the proposed "New Other Ordinance - Outdoor Dining 2024-1". The full text of the proposed ordinance is available at the Town Clerk's office and the Community Development Office and via www.hooksett.org for your inspection. Questions should be directed to the Hooksett Community Development Office at (603) 485-4117 or the Office of the Town Clerk at (603) 419-4004. (UL - Sept. 18)

Legal Notice

MORTGAGEE'S SALE OF **REAL ESTATE**

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Philip J. Mason and Nicholas Mason to Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for CrossCountry Mortgage, LLC, its successors and assigns, dated November 12, 2021 and recorded with the Rockingham County Registry of Deeds in Book 6371, Page 102, of which mortgage CrossCountry Mortgage, LLC is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at Walnut Hill Road, Derry, Rockingham County, New **Hampshire** will be sold at a Public Auction at 11:00 AM on October 18, 2024, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deed recorded with the Rockingham County Registry of Deeds in Book 6371, Page 98.

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

THE AGENTS FOR SERVICE OF PROCESS ARE:

CROSSCOUNTRY MORTGAGE. LLC, c/o CT Corporation System, 2 ½ Beacon Street, Concord NH 03301 (Mortgagee)

NATIONSTAR MORTGAGE, LLC, C/O CORPORATION SERVICE COMPANY, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgagee Servicer)
You can contact the New Hampshire Banking Department at 53

Regional Drive #200, Concord, NH

03301 Tel (603) 271-3561 and by email at nhbd@banking.nh.gov. FOR INFORMATION ON GET-TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE IN-FORMATION HOTLINE 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS

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

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operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to

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

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at CrossCountry Mortgage, LLC

Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 CXE 23-042358 Mason

Legal Notice

Town of Raymond Planning Board

You are receiving this Notice of Public Hearing in accordance with NH-RSA 676:4 d (1)

Planning Board: Notice is hereby given that the Raymond Planning Board will consider the following application for a public hearing regarding the following on Thursday, October 3rd, 2024 beginning at 7:00 p.m. The meeting will be held in the Media Center (library) at Raymond High School, 45 Harriman Hill Road.

PB-2024-013 10 Lane Road: A site plan review application is being submitted by Thomas Doyle of SFC Engineering on behalf of John Delvecchio of JDV Realty. The application is for a new 24,000 square foot building consisting of six loading bays The property is located at 10 Lane Road and is identified as Raymond Tax Map 22 Lot 50, and within Zone C1. The Applicant is requesting a Waiver for the requirement of a Landscape Architect stamp. (Continued from 07/18/2024)

You are invited to attend, or you may submit written comments to: Town of Raymond. Planning and Development Department, Office of Planning & Zoning, 4 Epping Street, Raymond, NH 03077. If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on October 17th, 2024.

(UL - Sept. 18) **TOWN OF HUDSON**

ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, SEPTEMBER 26, 2024

The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, September 26, 2024 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).

PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 173-039 (09-26-24): Ryan Lacasse, 9 Cummings St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 160 SF shed to remain in its current location which encroaches the side yard setback leaving 3 feet of setback where 5 feet is required. [Map 173, Lot 039, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements] 2. Case 106-045-001 (09-26-24): Albert & Lisa Frenette, 13 Boyd Rd.,

Hudson, NH requests a Variance to allow an existing un-permitted 1,143.5 SF Accessory Dwelling Unit (ADU) in the finished lower level/basement of the home to remain where the size of an ADU shall not be greater than 750 SF and a building permit for an ADU must be approved and issued prior to the construction of an ADU or conversion of existing space into an ADU. [Map 106, Lot 045, Sublot-001; Zoned General-One (G-1); HZO Article XIIIA: Accessory Dwelling Units; §334-73.3.H & J, Provisions and HZO Article III: General Regulations; §334-16, Building Permits] 3. Case 191-151 (09-26-24): Kyrlakoulis & Joan Tsouprakos, 7 Thorning

Rd., Hudson, NH requests a Variance to allow the expansion of an existing non-conforming structure for the construction of a proposed 14 ft. x 6 ft. deck and 2.5 ft. stairs in the front yard setback leaving 22 feet of front vard setback where 30 feet is required. [Map 191, Lot 151, Sublot-000; Zoned Residential- Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31A, Alteration and expansion of nonconforming structures

4. Case 242-007 (09-26-24): Edgar Oliva, 101 Musquash Rd., Hudson, NH requests a Home Occupation Special Exception for an internet car sales business with no on-site cars for sale on the property nor advertisements. [Map 242, Lot 007, Sublot-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home

5. Case 152-067 (09-26-24): Thomas G. Brown, 110 Barretts Hill Rd., Hudson, NH requests a Variance to allow the continued parking of a vintage recreational motor coach bus where the parking of recreational buses (Industrial use E-13) is not permitted in the R-2 Zone. [Map 152, Lot 067, Sublot-000; Zoned Residential- Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Chris Sullivan, Zoning Administrator



Land Use Division



Zoning Administrator Staff Report (1)5 Meeting Date: September 26, 2024 (1)7)24

Case 173-039 (09-26-24): Ryan Lacasse, 9
Cummings St., Hudson, NH requests an
Equitable Waiver of Dimensional
Requirement to allow a 160 SF shed to
remain in its current location which
encroaches the side yard setback leaving 3
feet of setback where 5 feet is required.
[Map 173, Lot 039, Sublot-000; Zoned Town
Residence (TR); HZO Article VII:
Dimensional Requirements; §334-27, Table
of Minimum Dimensional Requirements]

ADDRESS: 9 Cumming Street Map 173, Lot 039-000,

ZONING DISTRICT: Town Residence (TR)

Relief Requested: Equitable Waiver of Dimensional Requirement

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 16,552 sq. ft. where 10,000 is required. The lot is classified as a single-family residence. There is an existing Dwelling. The property has two front yard setbacks. Durning a drive by the applicant had a shed in the front yard in the town right of way. This shed has been move. While doing the complant letter and looking at the GIS I notice that the she in the backyard was in the 5' side yard setback.

HISTORY/ATTACHMENTS

PLANS: None

BUILDING PERMITS: None

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

A: Notice of Violation Letter (7-18-24)

B: 2nd Notice of Violation Letter (8-20-24)

C: Revised Notice of Violation Letter (8-28-24)

<u>AERIAL / PHOTOS</u> Aerials (2024) 9 Cumming Street



IN-HOUSE COMMENTS:

D:Town Engineer: no comments 9-12-24 E:Inspectional Services/Fire Dept.: no comments 9-12-24

F:Associate Town Planner: no comments 9-16-24







Land Use Division

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

Notice of Violation

July 18, 2024

Ryan Lacasse 9 Cummings St Hudson, NH 03051 Sent Via: Frist Class Mail

Re:

9 Cummings St Map 173 Lot 039-000

District: Town Residence (TR)

Dear Mr. Lacasse

Complaint: It was noticed yesterday that you have a Shed approx. 2 to 3' from Baker Street. This puts in the Town's right of way. The shed is also in the Front yard Setback. The front yard setbacks are 30' in the TR Zone. Your Property has 2 one on Cummings Street and a second on Baker Street. While we looking at the 2024 Aerial it was also notice that your fence and a shed are encroaching onto the neighbor's property. The fence can be located on the property line but, the shed as to be 5' from the property line. In the TR zone there is a 5' side and rear yard setback for accessory structures.

Abatement Order:

The shed is required to be removed from the town right of way. If you have room to keep it in the front yard it would require a variance from §334-27.1 (C) General Requirements. (C) Accessory storage structures (sheds) shall be placed to the rear of the main building and a second on from §334-27 Table of Minimum Dimensional Requirements.

Please remove the shed from the town right of way immediately and relocate the shed into compliance. If you plan to find a place where it fits in the front yard you can apply for 2 variance from the Zoning Board of Adjustment. The shed and fence must be relocated on to your lot. Please call me to verify when the shed and fence is being relocated off your neighbor's property and, what you plans are for the shed in the front yard. No, later than August 20, 2024



Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

Att:

2024 Aerial

cc:

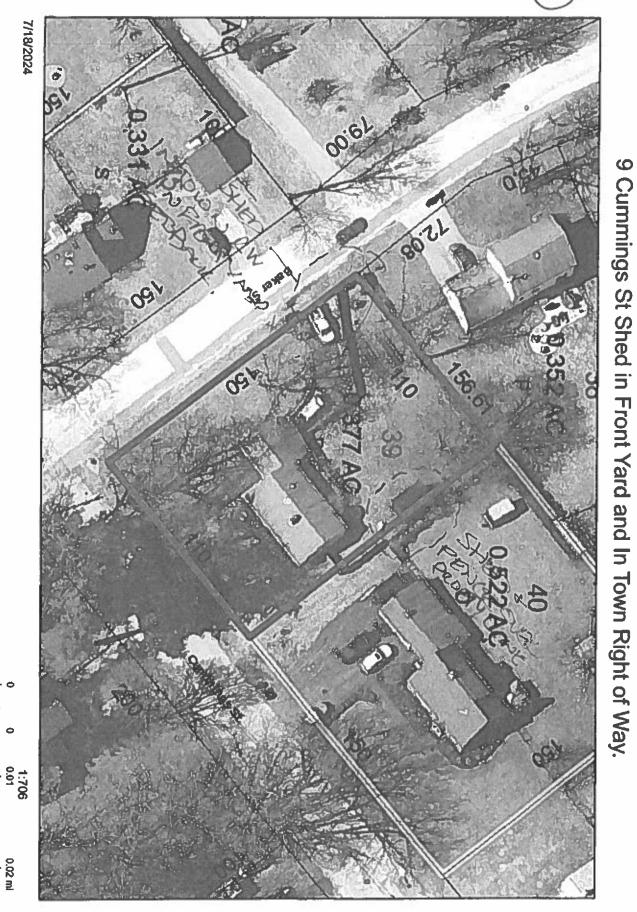
Public Folder

Inspectional Services

Brooke Dubowik (Planning Administrative Aide)

File

A



0.01

0.01

0.02 km





Land Use Division

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

Notice of Violation

August 20, 2024

Ryan Lacasse 9 Cummings St Hudson, NH 03051 Sent Via: First Class Mail

Re:

9 Cummings St Map 173 Lot 039-000

District: Town Residence (TR)

Dear Mr. Lacasse

Complaint: It was noticed yesterday that you have a Shed approx. 2 to 3' from Baker Street. This puts the shed in the Town's right of way. The shed is also in the Front yard Setback. The front yard setbacks are 30' in the TR Zone. Your Property has 2 one on Cummings Street and a second on Baker Street. While we were looking at the 2024 Aerial it was also noticed that your shed is encroaching onto the neighbor's property. Your shed is required to be 5' from the property line. In the TR zone, there is a 5' side and rear yard setback for accessory structures.

Abatement Order:

The shed is required to be removed from the town right of way. If you have room to keep it in the front yard it would require a variance from §334-27.1 (C) General Requirements. (C) Accessory storage structures (sheds) shall be placed to the rear of the main building and a second one from §334-27 Table of Minimum Dimensional Requirements.

Please remove the shed from the town right of way immediately and relocate it into compliance. If you plan to find a place where it fits in the front yard you can apply for 2 variance from the Zoning Board of Adjustment. The shed must be relocated onto your lot. Please call me to verify when the shed and fence are being relocated off your neighbor's property and your plans for the shed in the front yard. No, later than September 16, 2024.

Please be further advised that by the Hudson Zoning Ordinance §334-79 (HZO) and RSA § 676:17, you are subject to a civil penalty of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.



must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder

Inspectional Services

Brooke Dubowik (Planning Administrative Aide)

File





Land Use Division

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

Notice of Violation Revised

August 28, 2024

Ryan Lacasse 9 Cummings St Hudson, NH 03051 Sent Via: First Class Mail

Re:

9 Cummings St Map 173 Lot 039-000

District: Town Residence (TR)

Dear Mr. Lacasse

Complaint. While we were looking at the 2024 aerial it was also noticed that your shed is in the side yard setback. Your shed is required to be 5' from the property line. In the TR zone, there is a 5' side and rear yard setback for accessory structures.

Your shed that is in the 5' side yard setback would require an Equitable Wavier from the Zoning Board of adjustment per § 334-27 Table of Minimum Dimensional Requirements

Abatement Order:

You can relocate or remove the shed or ask for an Equitable Waiver. Please call me to verify when the shed and fence are being relocated off your neighbor's property and your plans for the shed in the front yard. No, later than September 16, 2024.

Please be further advised that by the Hudson Zoning Ordinance §334-79 (HZO) and RSA § 676:17, you are subject to a civil penalty of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.



Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder

Inspectional Services

Brooke Dubowik (Planning Administrative Aide)

File



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

REQUEST FOR REVIEW/COMMENTS:

Case: 173-039 (09-26-24) (Equitable Waiver of Property Location: 9 Cummings St Dimensional Requirement)

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/20
I have no comments I have comments (see below)
EZD Name: Elvis Dhima, P.E. Date: 09/12/2024
(Alliado)
DEDT: Town Engineer Fire/Health Department Associate Town Planner
Town Engineer Phe/Health Department Associate Town Flamen



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

REQUEST FOR REVIEW/COMMENTS:

Case: 173-039 (09-26-24) (Equitable Waiver of Property Location: 9 Cummings St Dimensional Requirement)

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
DRH Name: David Hebert Date: 09/12/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner



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

REQUEST FOR REVIEW/COMMENTS:

Case: 173-039 (09-26-24) (Equitable Waiver of Property Location: 9 Cummings St Dimensional Requirement)

For Town Use
Plan Routing Date: <u>09/11/2024</u> Reply requested by: <u>09/16/2024</u> ZBA Hearing Date: <u>09/26/2024</u>
I have no comments I have comments (see below)
BWG NameBen Witham-Gradert Date: 09/16/2024
(Initials)
DEPT. Town Engineer Fire/Health Department Associate Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET Option 1- (Per RSA 674:33-a, I)

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

On **09-26-2024**, the Hudson Zoning Board of Adjustment heard **Case 173-039**, being a request by **Ryan Lacasse**, **9** <u>Cummings St.</u>, <u>Hudson</u>, <u>NH</u> for an <u>Equitable Waiver of Dimensional</u> <u>Requirement</u> to allow a **160 SF shed to remain in its current location**, which encroaches the <u>side yard setback leaving 3 feet of setback where 5 feet is required</u>. [Map 173, Lot 039, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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



APPLICATION FOR AN EQUITABLE WAIVER

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. 173 - 039 (09	7-26-24)	
	Date Filed 9/5/24		
Name of Applicant RYAN LACASS	E Map: 173 Lot: 39 Zor	ning District:_TR_	
Telephone Number (Home) 603-759-0	739(Work)		
Mailing Address 9 Cummin 6	TS ST, HUDSON,	NH 03057	
Owner RYAN LACASSE			
Location of Property 9 Cummin 6	S ST, HUDSON,	NH 03051	
Signature of Applicant	8 1 2 Pate		
Signature of Property-Owner(s)		1/24	
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 for that you have permission to seek the described Equitable Waiver.			
Items in this box are to be filled	l out by Land Use Division p	ersonnel,	
GOOT .	Date receive	d: 9/5/24	
COST: Application fee (processing, advertising &	recording) (non-refundable):	\$ 185.00	
Abutter Notice: Direct Abutters x Certified postage Indirect Abutters x First Class post Total am		\$ 39.06 \$ 6.57 \$ 230.63	
	Amt. received:	\$ 230.63	
Received by: \(\square{36} \)	Receipt No.:	789,306	
By determination of the Zoning Administrate Engineering Fire Dept Health	or, the following Departmental	review is required:	

TOWN OF HUDSON, NH Application Checklist

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

Applican	t	Staff
Initials LL	Please review the application with the Zoning Administrator or staff.	Initials
RL	The applicant must provide the original (with wet signatures) of the complete filled- out application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) 13	ws
RL	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.	cll
RL	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.)	N/A
RL	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>C</u> J)
RL	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	CSS
RL	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	25
RL	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.	(Tb)
RV	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.	02/

2

CERTIFIED PLOT PLAN:

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

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

a) ///	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.	NA
b) N/V	The plot plan shall be up-to date and dated, and shall be no more than three years old.	
c) N/A	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.	
d) <u>n/A</u>	The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: A copy of the GIS map can be obtained by visiting the town website:	
A.	https://www.hudsonnh.gov/community-development/page/gis-public-use)	
e) N A	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) N A	The plot plan shall include all existing buildings or other structures, together with their	
, dr	dimensions and the distances from the lot lines, as well as any encroachments.	
g) _N/ /_	The plot plan shall include all proposed buildings, structures, or additions, marked as	
h) N	"PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.	
i) MX	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)

Date

Signature of Property Owner(s)

Date

X I A

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
	173	040	*Include Applicant & Owner(s) HARUD B JR + KEDSEY DILLON	7 CUMMINGS ST HUDSON, NH 03051
	173	041	EVAN KRISTIANSEN	31 BAKER ST HUDSON, NH 03051
	173	045	HARRY + MARISSA MCDANIEL	34 BAKER ST HUDSON, NH 03051
	173	044	KEVIN + DIANE BOULARD	32 BAKER ST HUDSUN, NH 03057
	173	038	CHRISTOPHER J. SCANLON	37 BAKER ST HUDSIN, NH 03157
	173	039	Ryan Lacasse	9 Cummings St. Hudson, NH 03051
-				

Applicant Ownerst

18 DIRECT ABWITTERS

Rev. July 22, 2021

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

	MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
	173	035	TIMOTHY F. BUXTON	3 CUMMING ST HUDSON, NH 03057
	173	036	LAINA SOMERO	41 BAKER ST HUDSON, NH 03057
	173	037	LORRAINE BILLETDEAUX	39 BAKER ST HUDSON, NH 03051
	173	043	DAVID L. PLUMMER	30 BAKER ST HUDSON, NH 03051
	173	046	KENNETH L. MACINTOSH	38 BAKER ST HUDSON, NM 03057
Direct *	173	052	JORDAN G. WERY	36 BAKER ST, HUDSON, NH 030 P.O. BOX 15, HUDSON, NM, 0305
	173	053-001	ELIDA PATRICI MONSALVE - ZAPATA	13 CUMMINGS ST HUDSON, NH 03057
	174	018	KRISTEN J. FINN	29 BAKER ST HUDSON, NH 03151
	174	026	JOHN B. BURNS	4 CUMMINAS ST HUDSON, NH 03057
	174	027	HENRY R SOSNOWSKI	Le cumminas ST HUDSON, NM 03051
DUPLICATE(ABUTTER *	174	028	TIM OTHY F. BUXTON	3 CUMMINGS ST HUDSON, NH 03057
4DDITIONAL PROPERTY				
ricur area (

USPS-Verified Mail

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 173-039 EQUITABLE WAIVER OF DIM. REQ. 9 Cummings St., Hudson, NH 03051 Map 173/Lot 039-000 1 of 1 09/26/2024 ZBA Meeting	
		ARTICLE NUMBER	Name of Addressee, Street, and post office address		
1	9589 071	0 5270 0646 5651 99	LACASSE, RYAN M.	APPLICANT/OWNER NOTICE MAILED	
2	9589 071	0 5270 0646 5652 05	9 CUMMINGS ST., HUDSON, NH 03051 SCANLON, CHRISTOPHER J.; LEVASSEUR, DAWN M.	ABUTTER NOTICE MAILED	
3	9589 071	.0 5270 0646 5652 12	37 BAKER STREET DILLON, HAROLD B. JR., TR.; DILLON, KELSEY J., TR.	ABUTTER NOTICE MAILED	
4	9589 071	0 5270 0646 5652 29	7 CUMMINGS ST., HUDSON, NH 03051 KRISTIANSEN, EVAN B.; CHARTRAND, JANI	ABUTTER NOTICE MAILED	
5	9589 073	LO 5270 O646 5652 36	31 BAKER ST., HUDSON, NH 03051 BOULARD, KEVIN JOHN; BOULARD, DIANE C.	ABUTTER NOTICE MAILED	
6	9589 071	0 5270 0646 5652 43	32 BAKER ST., HUDSON, NH 03051 MCDANIEL, HARRY M.; MCDANIEL, MARISSA L.	ABUTTER NOTICE MAILED	
7	9589 071	0 5270 0646 5652 50	34 BAKER ST., HUDSON, NH 03051 ULERY, JORDAN G., TR.; ULERY, JANICE L., TR.	ABUTTER NOTICE MAILED	
8			PO BOX 15, HUDE OF NH 05051		
9			SEP 1 3 2024 &		
10			2000		
		Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)	

Direct Certified Page 1

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 173-039 EQUITABLE WAIVER OF DIM. REQ. 9 Cummings St., Hudson, NH 03051 Map 173/Lot 039-000 1 of 1
		Name of Addressee, Street, and post	2000 000 000 000 000 000 000 000 000 00
1	Mailed First Class	office address BUXTON, TIMOTHY F.; BUXTON, SUSAN M	ABUTTER NOTICE MAILED
É		3 CUMMINGS ST., HUDSON, NH 03051	12 100 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
2	Mailed First Class	SOMERO, LAINA	ABUTTER NOTICE MAILED
		41 BAKER ST., HUDSON, NH 03051	
3	Mailed First class	BILLETDEAUX, LORRAINE	ABUTTER NOTICE MAILED
4	Mailed First class	39 BAKER ST., HUDSON, NH 03051 PLUMMER, DAVID L., TR.; PLUMMER, JOAN S., TR	ABUTTER NOTICE MAILED
5	Mailed First class	30 BAKER ST., HUDSON, NH 03051 MACINTOSH, KENNETH L., TR.; MACINTOSH, EMILIA M., TR.	ABUTTER NOTICE MAILED
		38 BAKER ST., HUDSON, NH 03051	
6	Mailed First class	MONSALVE-ZAPATA, ELIDA PATRICI	ABUTTER NOTICE MAILED
7	Mailed First class	13 CUMMINGS ST., HUDSON, NH 03051 FINN, KRISTEN J., TR.; LINDA J. COOMBES IRREV TRUST	ABUTTER NOTICE MAILED
		29 BAKER STREET, HUDSON, NH 03051	
8	Mailed First class	BURNS, JOHN B.	ABUTTER NOTICE MAILED
9	Mailed First class	4 CUMMINGS ST., HUDSON, NH 03051 SOSNOWSKI, HENRY R., TR.; SOSNOWSKI CUMMINGS STREET TRUST	ABUTTER NOTICE MAILED
		6 CUMMINGS ST., HUDSON, NH 03051	
10			VII (A)
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post	resimaster (receiving Employee)

SEP 1 3 2024

First Class





Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 13, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, September 26, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 173-039 (09-26-24): Ryan Lacasse, 9 Cummings St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 160 SF shed to remain in its current location which encroaches the side yard setback leaving 3 feet of setback where 5 feet is required. [Map 173, Lot 039, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Chris Sullivan Zoning Administrator





Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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

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

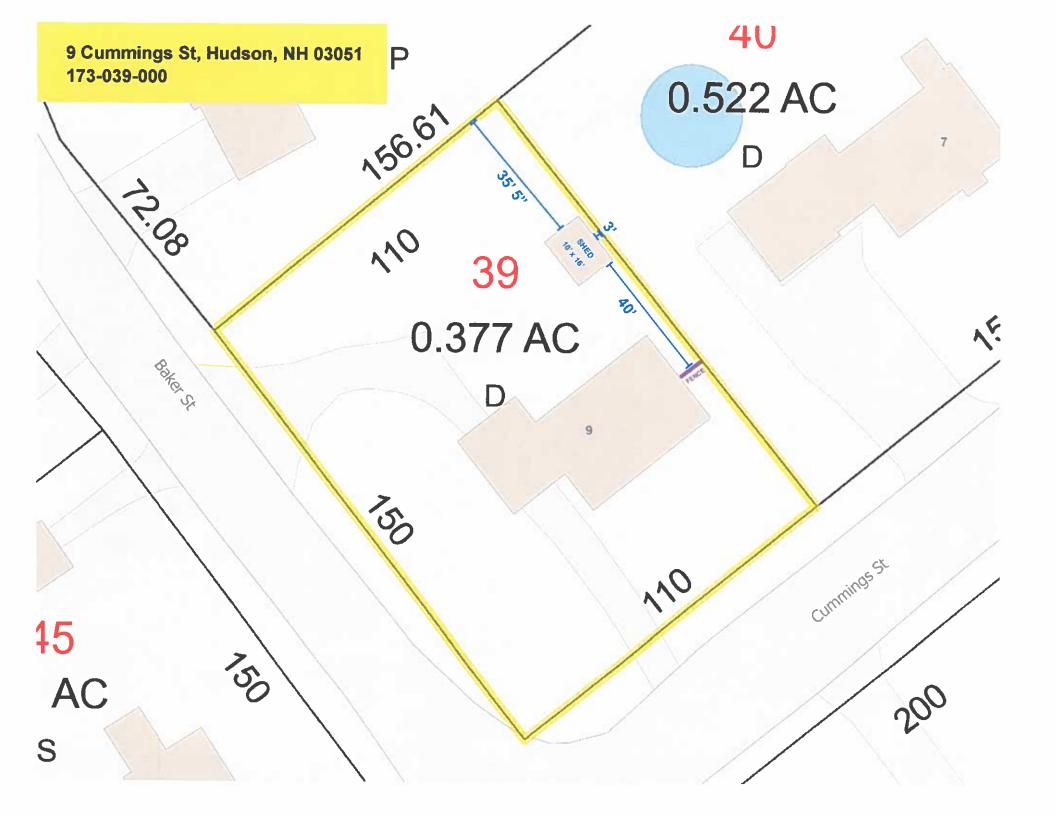
Respectfully,

Chris Sullivan Zoning Administrator

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

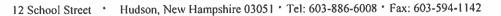
Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: (OPTION 1) When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

(a)	DISCOVERED TOO LATE. Explain how the violation was not noticed or discovered by any
	owner, former owner, owner's agent or representative, or municipal official, until after a
	structure in violation had been substantially completed, or until after a lot or other division of
	land in violation had been subdivided by conveyance to a bona fide purchaser for value; and
	The shed was built by a company, over 240 ars ago
	and we were assured the still was within out
	property boundaries and on compliance with zoning.
	The nown Zonny board only raised an issue after the
	shed was fully constructed.
(b)	INNOCENT MISTAKE. Explain how the violation was not an outcome of ignorance of
	the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the
	part of any owner, owner's agent or representative, but was instead caused by either a
	good faith error in measurement or calculation made by an owner or owner's agent, or by
	an error in ordinance interpretation or applicability made by a municipal official in the
	process of issuing a permit over which that official had authority; and
	The shed's location was the result if a good faith error in
	Merpresing property boundaries, not ignorance or misroprosentation
	Decisions were based on reasonable measurements and
	Zuming indo-stending. We have no history of violations,
	highlighting our commitment to compliance.
(c)	NO NUISANCE. Please explain how the physical or dimensional violation does not constitute
(0)	
	a public or private nuisance, nor diminish the value of other property in the area, nor interfere
	with or adversely affect any present or permissible future uses of any such property; and
	The shed does not create a misance or reduce property values.
	nor does it menseve with the use of nearly properties. Our
	neighbors have no objections and are satisfied with its placement
	The Shed aligns with the residential character of the area
	and poses no harm of noon vonience
	·
(d)	HIGH CORRECTION COST. Please explain how that due to the degree of past construction
	or investment made in ignorance of the facts constituting the violation, the cost of correction so
	far outweighs any public benefit to be gained, that it would be inequitable to require the
	violation to be corrected.
	Morning or removing the steel upuld be financially
	burdensine and offer no significant public bedeft
	The shed's placement causes no harm of obstruction.
	The state of the s





Land Use Division





Notice of Violation Revised

August 28, 2024

Ryan Lacasse 9 Cummings St Hudson, NH 03051 Sent Via: First Class Mail

Re: 9 Cummings St Map 173 Lot 039-000

District: Town Residence (TR)

Dear Mr. Lacasse

Complaint. While we were looking at the 2024 aerial it was also noticed that your shed is in the side yard setback. Your shed is required to be 5' from the property line. In the TR zone, there is a 5' side and rear yard setback for accessory structures.

Your shed that is in the 5' side yard setback would require an Equitable Wavier from the Zoning Board of adjustment per § 334-27 Table of Minimum Dimensional Requirements

Abatement Order:

You can relocate or remove the shed or ask for an Equitable Waiver. Please call me to verify when the shed and fence are being relocated off your neighbor's property and your plans for the shed in the front yard. No, later than September 16, 2024.

Please be further advised that by the Hudson Zoning Ordinance §334-79 (HZO) and RSA § 676:17, you are subject to a civil penalty of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc: Public Folder

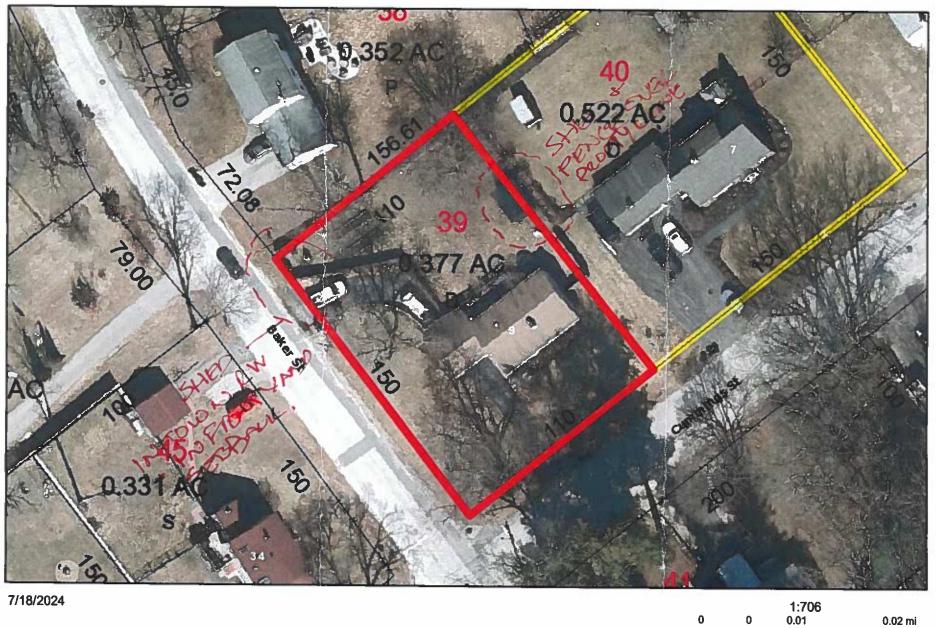
Inspectional Services

2 Sul

Brooke Dubowik (Planning Administrative Aide)

File

9 Cummings St Shed in Front Yard and In Town Right of Way.



0 0 0.01 0.02 mi 0 0.01 0.01 0.02 km

Property Location: 9 CUMMINGS ST Vision ID: 6895

Account #:

2077

Parcel ID: 173/039/000//

Bidg #: 1

Card Address: Card #: 1

of 1

LUC: 1010 Print Date: 8/30/2024 12:51:15 P

CURRENT OWNER ASSESSING NEIGHBORHOOD PREVIOUS ASSESSMENTS (HISTORY) Code | Assessed Val Year Code Assessed Nbhd Nbhd Name Year Code Assessed Year LACASSE, RYAN M. RE 1010 229,800 Residential Average 2024 229,800 2023 1010 229,800 2023 1010 132,600 132,600 1010 132,600 1010 TOPO 1010 UTILITIES 9 CUMMINGS ST. Level Town Water Town Sewer 362,400 362,400 Total 362,400 Total Total HUDSON SALE PRICE VC SALE NOTES APPRAISED VALUE SUMMARY RECORD OF OWNERSHIP BK-VOL/PAGE Q/U SALE DATE VI Grantor: RUSSELL 00 LACASSE, RYAN M. 8619 2541 11-05-2013 Q 210,000 Appraised Bldg. Value (Card) 216,100 GAIL M. 0800 02-28-2001 Q 147,000 RUSSELL, GAIL M. 6362 00 Grantor: TALBOT, 1223 05-28-1999 Q 124,900 00 TALBOT, RICHARD S. 6111 13,700 RICHARD S. Appraised Xf (B) Value (Bldg) Grantor: LALMOND, 08-08-1998 U 99 LALMOND, HAROLD/PAMELA 5978 1785 HAROLD/PAMELA 0 Appraised Ob (B) Value (Bldg) Q 107,523 5202 0089 07-26-1990 00 LALMOND F/K/A RODGERS 4 Grantor: LALMOND F/K/A RODGERS 132,600 Appraised Land Value (Bldg) Grantor: N/A Special Land Value 0 **CURRENT ASSESSMENT** SUPPLEMENTAL DATA Code Descript Appraised **Assessed** Total Appraised Parcel Value 362,400 173-039-000 Parcel ID **BLDG** 1010 229.800 229,800 TR:Town Residential Zoning LAND 1010 132,600 132,600 Valuation Method C Flood Hazard C Neigh/Abut1 Neigh/Abut2 PREV 0050-0018-0000 Neigh/Abut3 362,400 362,400 Total Appraised Parcel Value 362,400 Total: GIS ID 173-039-000 Assoc Pid# VISIT / CHANGE HISTORY NOTES Date ld Cd Purpost/Result 10/19 EXT=AVG FENCE=REAR EST 28 07-19-2022 45 Field Review 10-21-2019 19 02 Measured Info At Door 05-15-2014 15 02-12-2014 12 Sale Data Verified And Inspected 25 10-07-2006 06 02 Measured 01 71 08-01-2005 Acreage Adjustment From New Map Left Notice 03-20-2001 00 06-15-1991 Inspected **BUILDING PERMIT RECORD** Permit C Permit ld Issue Date Description Amount Applicant SQ ft Comments Status LAND LINE VALUATION SECTION В LandUse Size Site Nbhd Acrege Land Type Description **Land Units** Unit Price Cond. Nbhd Land Adjustment Notes Land Value # Code Disc. Adi. Index Adi. SINGLE FAMILY RES Site 0.377 AC 170,000 1010 2.06 5 1.00 RE 1.00 132,600 Total Card Land Units: 0.377 AC Parcel T Parcel Total Land Area: 0,377 Total Land Value: AC 132,600 Property Location: 9 CUMMINGS ST Vision ID: 6895 Account #: 2077

Parcel ID: 173/039/000// Bldg #: 1

Card Address: Card #: 1 of 1

LUC: 1010 Print Date: 8/30/2024 12:51:15 P

C	ONSTRUCTIO		CONSTRUC	TION DE	TAIL (CONTINUED)			SKETO	CH / PRIMARY PHOTO	Int Date: 8/30/2024 12:51:15
Element	Cd	Description	Element	Cd	Description			971271	211111111111111111111111111111111111111	
Model Stories: Style: Grade: Liv) Units Exterior Wall 1 Roof Structure Roof Cover Frame	01 1 01 C 1 04 01 01 01	Residential Ranch Average Vinyl Gable Asphalt Shingle Wood	Avg Ht/FL Extra Kitchens Add Kitchen Ra	8		23	21 GAR BMT	10 10	25 WDK 25 25	12
nterior Wall 1	01	Concrete Drywall	COST / MARKET VALUATION		- 23	BMT				
nterior Floor 1	03	Hardwood	00017	HIEU WAL	LALUATION					
leat Fuel leat Type	01 01	Oil Forced Air	Building Value Ne	w	284,341			13 13		
Heat Systems	1		Year Built		1000					
C Percent	0		Effective Year Bu	ile.	1955 1998		20		FEI	
otal Rooms dedrooms	5		Depreciation Cod		AG				FFL BMT	27
ull Baths	1		Remodel Rating		NO.					
/4 Baths	ó		Year Remodeled							
alf Baths	0		Depreciation %		24			14		
xtra Fixtures	0		Functional Obsol							
itchens	1		External Obsol		1.000					
Citchen Rating	AV	Average	Condition		1.000				42	
lath Rating	AV	Average	Condition %							
smt Garage	1		Percent Good		76					
ireplace(s)	1		RCNLD		216,100					
ireplace Rating	GD	Good	Dep % Ovr Dep Ovr Commer	4						
/S Flues	0		Misc Imp Ovr	it.		100000	erectors acres	No will be a second or the second	SAME PROPERTY OF SAME SAME SAME SAME SAME SAME SAME SAME	TOTAL POLICE AND ADDRESS OF THE PARTY OF THE
olor	BEIGE		Misc Imp Ovr Cor	nment		200			一种	
vg Ht/FL	8		Cost to Cure Ovr			77.5		AL STATE OF THE ST	等加强 基础	
xtra Kitchens	0	NG & VADD ITEMS//	Cost to Cure Ovr	Comment		3 6 6	7. 10. 14.6	Max 2	70	

I SHELLIGH	OB - OUTBUILDING &	YARD ITE	MS(L) / X	F - BUILL	DING EX	TRAF	EATU	RES/E	3)
Code	Description	L/B	Units	UOM					Assd. Value
XFRRM	Rec Room,Fin,BMT	В	401	SQ. FT			AV	76	13,700
					8				

Code		SUB-AREA		The second secon	11 11 4	
-	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,604	401	41.09	65,908
FFL	First Floor, Finished	1,134	1,134	1,134	164.36	
GAR	Garage	0	470	165	57,70	
WDK	Wood Deck, or Composite Dk	0	300	30	16.44	
		3				
	Total Liv Area/Gr, Area/Eff Are	1,134	3,508	1.730	TotalValue	284.341



Printed 9/05/2024 4:47PM Created 9/05/2024 2:42 PM

Transaction Receipt

Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt# 789,306

tgoodwyn

<u>Payment</u> Current Invoice Description Zoning Application- 9/26/24 ZBA Meeting 1.00 9 Cummings St. Map 173 Lot 039-000 Zone TR 0.00 230.6300 **Equitable Waiver** 0.00 230.63 Total: Net Paid Tendered Change Pay Type Reference Remitter 230.63 0.00 **CHECK #239** 230.63 CHECK Andrea N Lacasse Total Due: 230.63 230.63 Total Tendered: 0.00 Total Change: 230.63 Net Paid:

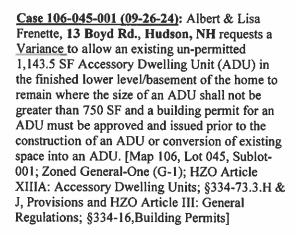


Land Use Division

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

Zoning Administrator Staff Report
Meeting Date: September 26, 2024

mber 26, 2024 917/24



<u>ADDRESS:</u> 13 Boyd Rd Map 106, Lot 045-001

ZONING DISTRICT: Town Residence (TR)

<u>Relief Requested: Variance to allow an existing un-permitted 1,143.5 SF Accessory Dwelling Unit (ADU)</u>

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 147,232 sq. ft. where 87,120 is required. The lot is classified as a single-family residence. There is an existing Dwelling and a large garage.

The illegal ADU was discovered because the property was for sale. The agent was doing her diligence and making sure the property complied. In August, 2024 the Code Enforcement Officer and Inspection Service confirmed there was an illegal ADU on the lower level of the dwelling.

History/Attachments:

Plans

A: Residential Septic System Plan (3-27-24)

BUILDING PERMITS

B: Septic System Permit (3-15-24)

C: Septic Inspection (3-15-24)

D: Septic Inspection (4-17-24)

E: State Approval for the Operation of Individual Sewage System (ISDS)

F: BP#178-84 Construct a 22-26' Garage 10-31-83

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

F: Notice of Violation Letter (8-27-24)

<u>AERIAL / PHOTOS</u> Aerials (2024) 13 Boyd Rd







Land Use Division

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



Zoning Administrator Staff Report Meeting Date: September 26, 2024

IN-HOUSE COMMENTS:

G: Town Engineer: 9-12-24

Applicant shall provide an approved septic system design that will be able to handle the single family and ADU sewer flow.

H: Inspectional Services/Fire Dept.: 9-12-24

The basement construction was completed without Building, electrical plumbing and mechanical permits or inspections. If the ZBA approves this variance, the dwelling will still be illegal based on the State Adopted Building and Fire Codes

I: Associate Town Planner: 9/16/24

Run: 3/13/24 10:32AM

Building Permit II

Page:

dsticknev

Town of Hudson, NH

Permit

2024-00009

SEPTIC

Description: Replacement Septic System

Owner:

FRENETTE, ALBERT E. FRENETTE, LISA J.

Street:

BOYD RD

Unit:

Map\Lot:

106-045-001

Zone:

Scheduled Date: 3/15/2024

Inspection Code:

SEPTIC1

Inspection Description: SEPTIC TEST PIT INSPECTION

Inspector:

Date of Inspection:

DK

Inspection Notes: Test Pit - 8:00 AM

Gifford Colburn; 603-627-2881

USDA Soil Type: Chatfield - Hollis

Soil Profile:

0-16 topsoil

16-30 leasny sand 30-36 sand 36-84" sand+511+

SHWT: 34"

Roots! 36"

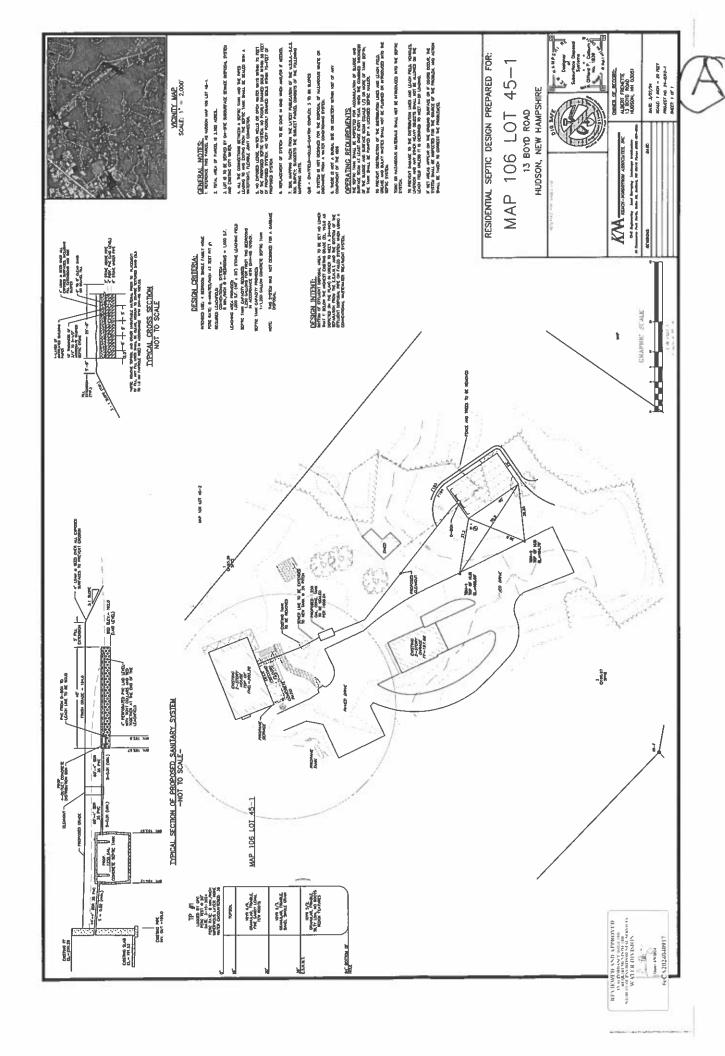
Refusal : no

Bottom: 84

Inspection Status: In Process

Inspector:

Wall Ill Date: 3/15/24





Town of Hudson, NH SEPTIC SYSTEM PERMIT

Hudson Fire - Inspectional Services Division 12 School Street Hudson, NH 03051 603-886-6005 Permit Number 2024-00009 Date of Issue 3/15/2024 Expiration Date 9/11/2024

Owner:

FRENETTE, ALBERT E. FRENETTE, LISA J.

Applicant:

Location of Work: 13

BOYD RD

(No. and Street)

(Unit or Building)

Description of Work:

Replacement Septic System

ZONING DATA:

District:

Map\Lot: 106-045-001

REMARKS:

Test Pit inspection Required.

Review of new septic design, stamped by the Health Officer, before State of NH submittal. A completed bed bottom inspection is required before any backfill or top cover is placed.

Permit Holder:

(Taking Responsibility for the Work)

Job Site Phone Number:

Constr Cost: \$0 Permit Fee: \$100,00 Check No.:cash Cash: \$0.00

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

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

		3/15/2024
Code Official	Permit Holder	Date

Run: 4/17/24 2:44PM

Building Permit

Page:

dstickney

Town of Hudson, NH

Permit

2024-00009

SEPTIC

Description: Replacement Septic System; Approval for Construction #: eCA2024040917 dated 4/9/24;

Owner:

FRENETTE, ALBERT E. FRENETTE, LISA J.

Street:

BOYD RD 13

Unit:

Map\Lot:

106-045-001

Zone:

Scheduled Date: 4/17/2024

Inspection Code:

SEPTIC2

Date of Inspection:

Inspection Description: SEPTIC BED BOTTOM INSPECTION Inspector: DK

Inspection Notes: Bed Bottom -Albert Frenette; 603-738-3760

today 4/17 or tomorrow 4/18.

level no cobbles, no organies.

> 10' from property line

775' from private well

Inspector:_

Vall VIII Date: 4/17/24

Inspection Status: In Process



The State of New Hampshire Department of Environmental Services



Robert R. Scott, Commissioner

APPROVAL FOR OPERATION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

DATE OF INSPECTION: 6/13/2024

DATE OF OPERATIONAL APPROVAL: 6/13/2024

I. PROPERTY INFORMATION

Address: 13 BOYD ROAD

HUDSON NH 03051

Subdivision Approval No.: PRE-1967

Subdivision Name:

County: HILLSBOROUGH Tax Map/Lot No.: 106/45-1

II. OWNER INFORMATION

Name: ALBERT FRENETTE Address: 13 BOYD ROAD

HUDSON NH 03051

APPROVAL NUMBER: eCA2024040917

III. APPLICANT INFORMATION

Name: GIFFORD P COLBURN Address: 76 WOODBURY RD

WEARE NH 03281

IV. DESIGNER INFORMATION

Name: GIFFORD P COLBURN Address: 76 WOODBURY RD WEARE NH 03281

Permit No.: 01839

V. INSTALLER INFORMATION

Name: DAVID C DECAROLIS Address: 2 TALENT RD

LITCHFIELD NH 03052-2443

Permit No.: 03535

VI. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Operation

A. TYPE OF SYSTEM: STONE AND PIPE

B, NO. OF BEDROOMS: 4

C. APPROVED FLOW: 600 GPD

D. OTHER CONDITIONS AND WAIVERS:

1. No waivers have been approved.

Jeremy P. Gelinas Subsurface Systems Bureau





Town of Hudson, N. H.

Office of Town Building Inspector
BUILDING PERMIT

No. 178-84

This certifies that	erect on	Missey		Name of Owner
	alter	ed S. S. Tedley	the the tenth of t	Description
of Building	**************************************		±2 01	-
on premises located to				······································
790-001 Number	1 10-4	d Rd . Street o	r Avenue	1114- 42/5
and to do things lawful to	that end.			
thereof and to the provis been commenced within	ions of the Zoning C 60 days next after t	rdinance, and is vo he date hereof.	id unless work t	ect to the conditions thereunder shall have be occupied until a
Certificate of occupancy	is obtained from the	Building Inspector.		45
Value \$ 5,000.	<u>oe</u>	Richa	rf 2, 11/2	Martine Officer
Fre 3 10:06				



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

REQUEST FOR REVIEW/COMMENTS:

Case: 106-045-001 (09-26-2 (VARIANCE)

Property Location: 13 Boyd Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
EZD Name: Elvis Dhima, P.E. Date: 09/12/2024
DEPT: Town Engineer Fire/Health Department Associate Town Planner
Applicant shall provide an approved septic system design that will be able to handle the single family and ADU sewer flow.



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

REQUEST FOR REVIEW/COMMENTS:

Case: 106-045-001 (09-26-2 (VARIANCE)

Property Location: 13 Boyd Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
DRH Name: David Hebert Date: 09/12/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner
The basement construction was completed without Building, electrical, plumbing and mechanical permits or inspections. If the ZBA approves this variance, the dwelling will still be illegal based on the State Adopted Building and Fire Codes
91



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

REQUEST FOR REVIEW/COMMENTS:

Case: 106-045-001 (09-26-2 (VARIANCE)

Property Location: 13 Boyd Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
BWG NameBen Witham-Gradert Date: 09/16/2024
DEDT: Town Engineer Fire/Health Department Associate Town Planner

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

On 09/26/2024, the Zoning Board of Adjustment heard Case 106-045-001, being a case brought by Albert & Lisa Frenette, 13 Boyd Rd., Hudson, NH requesting a Variance to allow an existing un-permitted 1,143.5 SF Accessory Dwelling Unit (ADU) in the finished lower level/basement of the home to remain where the size of an ADU shall not be greater than 750 SF and a building permit for an ADU must be approved and issued prior to the construction of an ADU or conversion of existing space into an ADU. [Map 106, Lot 045, Sublot 001; Zoned General-One (G-1); HZO Article XIIIA: Accessory Dwelling Units; §334-73.3.H & J, Provisions and HZO Article III: General Regulations; §334-16, Building Permits]

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 2. The proposed use will observe the spirit of the ordinance, since the proposed use not conflict with the explicit or implicit purpose of the ordinance and does not alter	e the and y, or
essential character of the neighborhood, threaten public health, safety, or welfare otherwise injure "public rights."	r the
Y N Substantial justice would be done to the property-owner by granting the variance, the benefits to the property owner are not outweighed by harm to the general public other individuals.	, and or to
Y N 4. The proposed use will not diminish the values of surrounding properties.	

(Continue-next page-Hardship Criteria)

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

(Continued)

Y 5. N N/A	A.	The Applicant established that literal enforce would result in an unnecessary hardship. "Un to special conditions of the property that distarea: (1) No fair and substantial relationship exist the ordinance provision and the specific property; and	nnecessary hardship" means that, owing tinguish it from other properties in the between the general public purposes of
	_	(2) The proposed use is a reasonable one.	
Y N	B. —	Alternatively, if the criteria above (5.A) are a will be deemed to exist if, and only if, owing that distinguish it from other properties in the used in strict conformance with the ordinanc to enable a reasonable use of it.	to special conditions of the property e area, the property cannot be reasonably
		i -	
		member of the Hudson ZBA	Date
Print name: _	-		
Stipulations: -			

New Hampshire ON 03051

APPLICATION FOR A VARIANCE

SEP 0 5 2024	
AND USE DIVISION AND USE DIVISION ZONING DEPT. ZONING DEPT. To: Zoning Board of Adjustment	Entries in this box are to be filled out by Land Use Division personnel
To: Zoning Board of Adjustment Town of Hudson	Case No. 106-045-001
	Date Filed 9/5/24
Name of Applicant Albert + lish 1	
Telephone Number (Home) 603-738-	0505 (Work) 603-670-2100
Mailing Address 13 Boyd	Rd Hudson NH. 03051
Owner Albert + LISH	+ Frenette
Location of Property 13 Boyo	l Rd Hudson NH- 0305
albert Fronte Street Address	Kienell 8-30-24
Albert Trentle	Date 8-30-24
Signature of Property-Owner(s)	Date

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

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

Items in this box are to be filled out by Land Use Divisio	n personnel eived: 9/5/24	
COST: Application fee (processing, advertising & recording) (non-refundable Abutter Notice:	e): \$ <u>185.00</u>	
Direct Abutters x Certified postage rate \$ 39.3\\ Indirect Abutters x First Class postage rate \$\(\begin{align*} 0.73 = \\ \text{Total amount due:}	\$ 39 3 \ \$ 73 \$225 11	
Amt. received:	\$ 225.11	Che 4
Received by: Receipt No.:	789,308	
By determination of the Zoning Administrator, the following Department Engineering Fire Dept Health Officer Planner	tal review is required: Other	

1

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
	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	76
	The applicant must provide the original (with wet signatures) of the complete filled- out application form <u>and</u> all required attachments listed below together with thirteen (13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	16
¥'	A separate application shall be submitted for each request, with a separate application fee for each request it. 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.	76
NA	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.)	NA.
W.	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	TG
	(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.)	
LK.	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	TG
JF.	Provide a copy of all single sided pages of the assessor's card. (NOTE : these copies are available from the Assessor's Office)	Perd:
lf	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.	70
NA	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board	N/A

CERTIFIED PLOT PLAN:

Requests other than above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a 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).

	cation may be deferred if all items are not satisfactorily submitted).	see.
a)	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.	see floorplan attached
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.	NA
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.	1/
i)	The plot plan shall indicate all parking spaces and lanes, with dimensions.	VB

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

Signature of Property Owner(s

Date

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
106-045-00	1	*Include Applicant & Owner(s) Albert E and Lisa J Frenette	13 boyd, Hudson NH 03051
106-033-00	0	BENOIT, JOHN P.	6 WOODVUE RD WINDHAM, NH 03087-2113
106-034-00	0	RIENDEAU, LINDA D.	14 BOYD RD. HUDSON, NH 03051
106-035-00	0	JEFFERSON, COLLEEN	18 BOYD ROAD HUDSON, NH 03051
106-044-00	0	DUBOWIK, DAN	223 DERRY RD. HUDSON, NH 03051
106-045-00	0	BRICKEY, CANDACE	9 BOYD RD. HUDSON, NH 03051
106-045-00	2	GRAUSLYS, ANTHONY and IEVA	17 BOYD RD HUDSON, NH 03051-3002

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
111-014-00	0	LAUSIER, PHILLIP R.	159 ROBINSON RD HUDSON, NH 03051
-			
			
<u> </u>			

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	us postal service - certified mail	Case# 106-045-001 VARIANCE Boyd Road, Hudson, NH 03051 Map 106/Lot 045-001		
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting		
1 9589 0	710 5270 0646 5652 67 📗	FRENETTE, ALBERT E. & LISA J.	APPLICANT/OWNER NOTICE MAILED		
		13 BOYD RD., HUDSON, NH 03051			
2 9589 0	710 5270 0646 5652 74	BENOIT, JOHN P.	ABUTTER NOTICE MAILED		
_		6 WOODVUE RD., WINDHAM, NH 03087-2113			
3 9589 0°	710 5270 0646 5652 81 📗	RIENDEAU, LINDA D.	ABUTTER NOTICE MAILED		
		14 BOYD RD., HUDSON, NH 03051			
4 9589 0	710 5270 0646 5652 98 📗	JEFFERSON, COLLEEN	ABUTTER NOTICE MAILED		
		18 BOYD RD., HUDSON, NH 03051			
5 9589 07	710 5270 0646 5653 04	DUBOWIK, DAN	ABUTTER NOTICE MAILED		
		223 DERRY RD., HUDSON, NH 03051			
6 9589 D7	710 5270 O646 5653 11 📃	BRICKEY, CANDACE	ABUTTER NOTICE MAILED		
		9 BOYD RD., HUDSON, NH 03051			
7 9589 07	710 5270 0646 5653 28	GRAUSLYS, ANTHONY & IEVA	ABUTTER NOTICE MAILED		
		17 BOYD RD., HUDSON, NH 03051-3002			
3	Mailed First class	LAUSIER, PHILLIP R.	ABUTTER NOTICE MAILED		
	1 CONTROL 1 CONT	159 ROBINSON RD., HUDSON, NH 03051			
9					
10					
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)		

Direct Certified

SEP 1 3 2024

USPS



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 13, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, September 26, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 106-045-001 (09-26-24): Albert & Lisa Frenette, 13 Boyd Rd., Hudson, NH requests a Variance to allow an existing un-permitted 1,143.5 SF Accessory Dwelling Unit (ADU) in the finished lower level/basement of the home to remain where the size of an ADU shall not be greater than 750 SF and a building permit for an ADU must be approved and issued prior to the construction of an ADU or conversion of existing space into an ADU. [Map 106, Lot 045, Sublot-001; Zoned General-One (G-1); HZO Article XIIIA: Accessory Dwelling Units; §334-73.3.H & J, Provisions and HZO Article III: General Regulations; §334-16, Building Permits]

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

Respectfully,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

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 Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan Zoning Administrator

APPLICATION FOR A VARIANCE

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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.

O	vide additional testimony at the time of your hearing.
	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.")
	no structural changes or additions will be added to the existing property with the exemption of Required Degrees by town
	The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") There will be no Significant alterations The property that would affect the common by a factor of the property of the common by a factor.
	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.)
	proceed with town requirements so bythe anners are reinsured property is to safety and town requirements
	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.)
	1

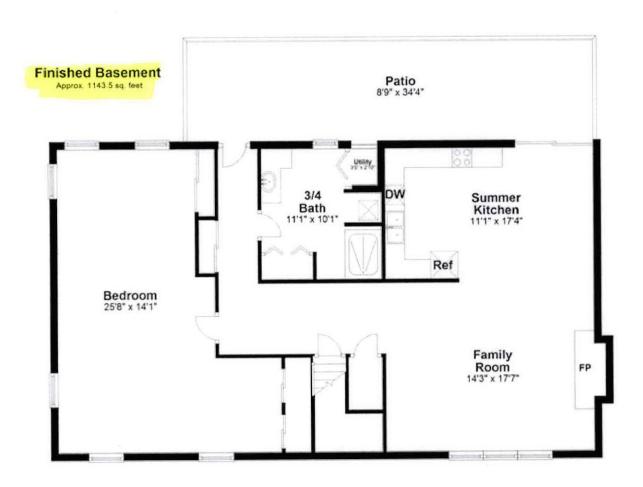
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FACTS SUPPORTING THIS REQUEST: (Continued)

2) Exp	lain how the special condable.	litions of the p	property cause t	he proposed us	e to be
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Por the and	chased properties	perty in	propose propose psif a	with go	Kitche regs th the
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	tively, you can establish no reasonable use that can				
				-	

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary

Floor Layout





TOWN OF HUDSON



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



August 27, 2024

Sent Via First Class Mail

Mr. and Mrs. Frenette 13 Boyd Rd Hudson, NH 03051

Re:

13 Boyd Rd 106 Lot 45-001

District: General (G-1)

Dear Mr. and Mrs. Frenette

Thank you for allowing us to inspect your home. This letter confirms you have an illegal dwelling unit in the lower level of your home.

Two-family residences at this property are permitted per the Hudson Zoning Ordinance, in the General One Zoning District (G-1) in which the property is located according to §334-21 (A-2) <u>Table of Permitted Principal Use</u>. Only single-family and two-family residential structures are allowed in the G-1 Zoning District. You could also do an Accessory Dwelling Unit (ADU). There are size requirements for both a duplex and an ADU.

§334-73.3 (H) Provisions

H. The size of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The size of the principal dwelling shall not be reduced to less than 850 square feet to accommodate the creation of an ADU. Measurement of size shall be consistent with the Town Assessor's practices.

[2-2-2019 ATM, Art. 05, adopted 3-12-2019]

Abatement Order:

The 2nd unit does not meet the square footage required then you will need a variance from the Zoning Board of Adjustment per §334-73 (H) <u>Table of Permitted Principal Use</u> you will need to get any necessary building and life safety permits per §334-16 Building Permits. You would need to contact Inspectional Services for these applications.

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

Please contact me if you will be going through the variance process

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder

Brooke Dubowik (Planning Administrative Aide)

Inspectional Services

File

Property Location: 13 BOYD RD

Parcel ID: 106/ 045/ 001/ /

Card Address:

LUC: 1080

Vision ID: 9919 Account #: Blda #: 1 Card #: 1 of 1 Print Date: 9/4/2024 11:27:52 AM 11241 ASSESSING NEIGHBORHOOD PREVIOUS ASSESSMENTS (HISTORY) **CURRENT OWNER** Code | Assessed Val Nbhd Nohd Name Year Code Assessed Year Year Code Assessed FRENETTE, ALBERT E. RE Residential Average 2024 1080 293,700 2023 1080 293,700 2023 1080 293,700 FRENETTE, LISA J. 1080 175,800 1080 175.800 1080 175,800 TOPO UTILITIES 40,900 13 BOYD-RD 40,900 1080 40,900 1080 1080 Rolling Priv Water Septic 510,400 Total 510.400 Total 510,400 Total HUDSON SALE NOTES APPRAISED VALUE SUMMARY RECORD OF OWNERSHIP BK-VOL/PAGE SALE DATE Q/U **V/I** SALE PRICE VC Grantor: GRAUSLYS, FRENETTE, ALBERT E. 8364 1626 10-27-2011 U ŀ 190,000 81 Appraised Bldg. Value (Card) 413,000 JULIA, GRAUSLYS, JULIA 2385 777 01-01-1975 Q V 0 00 Grantor: GRAUSLYS. 62,100 JULIA. Appraised Xf (B) Value (Bldg) 40,800 Appraised Ob (B) Value (Bldg) Appraised Land Value (Bidg) 175,800 Special Land Value SUPPLEMENTAL DATA **CURRENT ASSESSMENT** Descript Code Appraised **Assessed** 691,700 Parcel ID 106-045-001 Total Appraised Parcel Value BLDG 1080 475,100 475,100 G1:General-1 Zoning 1080 C LAND 175.800 175,800 Valuation Method Flood Hazard C OB 1080 40,800 40,800 Neigh/Abut1 -Neigh/Abut2 PREV 106-045-000 Neigh/Abut3 691,700 691,700 Total Appraised Parcel Value 691,700 GIS ID 106-045-001 Assoc Pid# Total: VISIT / CHANGE HISTORY NOTES Purpost/Result Cd Date Ιd PLAN #34670/BUILDING DATA ON THIS LOT WA Listed as XALLLV 08-16-2024 21 30 Sales Data Verification S TRANSFERRED FROM ORIGINAL MASTER LOT 4 Field Review 07-19-2022 26 45 02-05-2018 12 39 Check Bp Progress From Previous Y 5 FOR PLAN PURPOSES. picked up 3rd floor 2024-Regrade to B-05-16-2016 Check Bp Progress From Previous Y 12 based on improvements and structural chg 05-12-2015 15 06 Info By Phon Left Notice 01 05-11-2015 15 DNPU guonset hut carport-ny 04-14-2015 15 82. Permit Review IN law apt in LLV added to room ct 12-08-2014 Permit Visit **BUILDING PERMIT RECORD** Comments Issue Date Description Applicant SQ ft Permit Id Permit C Amount Status 2024-00009 03-15-2024 SE С Replacement Septic System 0 Visit Notes: Add 30x44 To Gar;??? 07-30-2014 IAD Addition 18.000 С 2014-00531 LAND LINE VALUATION SECTION Site Size LandUse Acrege Nbhd Land Type Land Value Land Adjustment Notes Description Land Units **Unit Price** Cond. Nbhd. Adi. Disc. Index Code Adi. 1.000 AC 170,000 1.00 ۔5 1.00 RE 1.00 0.95 161,500 1080 SFR/POSSIBLE IN-LAW Site Location RE 14,300 SFR/POSSIBLE IN-LAW **Excess** 2.380 AC 6,000 1.00 0 1.00 1.00 1080 Parcel Total Land Area: 3.380 Total Land Value: 175,800 AC Total Card Land Units: 3.380 AC Disclaimer: This information is believed to be correct but is subject to change and is not warrantied.

Property Location: 13 BOYD RD Vision ID: 9919

Parcel ID: 106/ 045/ 001//

Card Address: Card #: 1

LUC: 1080 Print Date: 9/4/2024 11:27:53 AM

Account #: 11241 Bldg #: 1 **CONSTRUCTION DETAIL CONSTRUCTION DETAIL (CONTINUED)** Element Cd Description Element Cd Description Model 01 Residential Avg Ht/FL 1 Stories: 1.75 Extra Kitchens ΑV SPLIT CAPE Add Kitchen Ra Style: 114 Grade: B-Good/Avg Average 2 (Liv) Units Exterior Wall 1 04 Vinyl Roof Structure 01 Gable Roof Cover 01 Asphalt Shingle 01 Wood Frame Foundation 01 Concrete **COST / MARKET VALUATION** Interior Wall 1 01 Drywali Interior Floor 1 03 Hardwood Building Value New 453,888 02 Heat Fuel Gas Heat Type 03 Forced Hw # Heat Systems 1978 Year Built AC Percent 0 Effective Year Built 2013 Total Rooms 9 Depreciation Code EX 3 Bedrooms Remodel Rating Full Baths 1 Year Remodeled 3/4 Baths 2 Depreciation % 9 Half Baths 0 Functional Obsol 2 Extra Fixtures External Obsol Kitchens Trend Factor 1.000 Kitchen Rating GD Good Condition VG Bath Rating Very Good Condition % Half Bath Rating Percent Good 91 Bsmt Garage 0 413,000 RCNLD Fireplace(s) 2 Dep % Ovr Fireplace Rating GD Good Dep Ovr Comment WS Flues 0 Misc Imp Ovr TAN Color Misc Imp Ovr Comment Avg Ht/FL 8 Cost to Cure Ovr Extra Kitchens 1 Cost to Cure Ovr Comment

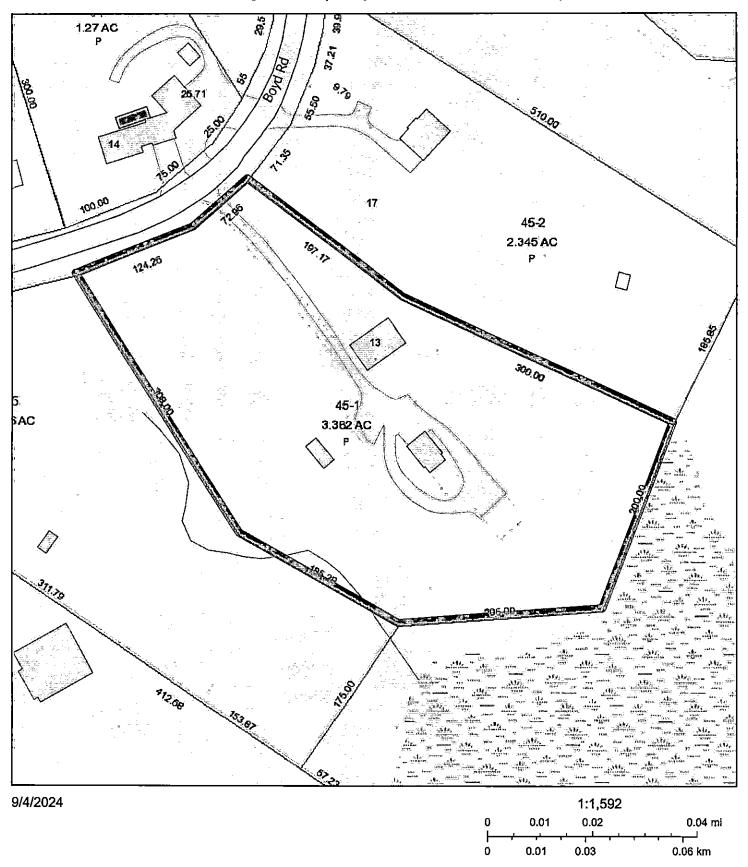
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	OB - OUTBUILDING & YAR	D ITE	MS(L) / X	F - BUILL	DING EX	TRA FI	EATU	RES(B)
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	
CPORT	Carport	L	160	UNITS	22.00	2015	VG	90	3,200
GAR2A	Garage, 2Story, Finished Are	l L	572	SQ. FT	70.00	1978	VG	90	36,000
	Finished Living Area, ALU in	В	1,300	SQ. FT	52.50	1978	GV	91	62,100
PATIO	Patio	١Ē	100		7.30	2020	GD	80	600
SHEDNV	Shed No Value - Less Than 1	ΙĒ	96		0.00	2020	GD	80	0
	Poultry House	l L	120		10.00	2020	GD	80	1,000
		-	,	-					
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	BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
CFL	Cathedral Ceiling Area, not Sq.	0	80	8	17.48					
FFL	First Floor, Finished	1,386	1,386	1,386	174.84	242,330				
LLV	Lower Level, Unfinished	0	1,344	605	78.70					
PAT	Patio	0	306	31	17.71					
TQS	3/4 Story, Finished	540	720	540	131.13	1 ' 1'				
WDK	Wood Deck, or Composite Dk	0	256	26	17.76	4,546				
ł										
ļ	<u> </u>	4 000	4 000	0.500	T-4-1V-lus	452 000				
1	Total Liv Area/Gr. Area/Eff Are	1,926	4,092	2,596	TotalValue	453,888				



13 Boyd Rd (Map 106 Lot 045-001)



PROPOSED PLOT PLAN MAP 45/ LOT I 13 BOYD ROAD

HUDSON, NEW HAMPSHIRE 03051

SCALE IN FEET

SCALE: 1" = 100' 100

SEPTEMBER 26, 2013 100

2.78

V *89"04'00" W*

PREPARED BY:



74 NORTHEASTERN BLVD, UNIT 10A NASHUA, NH 03062-3142 (603) 882-1812 www.cuoconndcormier.com

LAND PLANNING SERVICES: CIVIL ENGINEERING LAND SURVEYING ENVIRONMENTAL SCIENCES

RECEIVED

JUL 2 4 2014

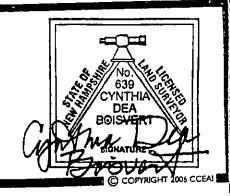
HUDSON FIRE DEPT INSPECTIONAL SERVICES DIVISION

124.26 S 82'53'06' ROAD DUG WELL 72.96 S 62'43'34" 50° IEX. WETLAND HOUSE BUFFER LINE (TYP.) GARAGE عللا PROP. **GARAGE** LOT 45-1 147,331 S.F. 3.38 AC. EDGE OF MAPPED WETLANDS (TYP,)

I HEREBY CERTIFY THAT THE EXISTING STRUCTURES ARE LOCATED ON THE LOT AS SHOWN ACCORDING TO AN ACTUAL SURVEY.

I FURTHER CERTIFY THAT THE STRUCTURES ARE NOT LOCATED IN A FEDERAL FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 33011C0509D, DATED 9/25/09.

Sept. 27, 2013

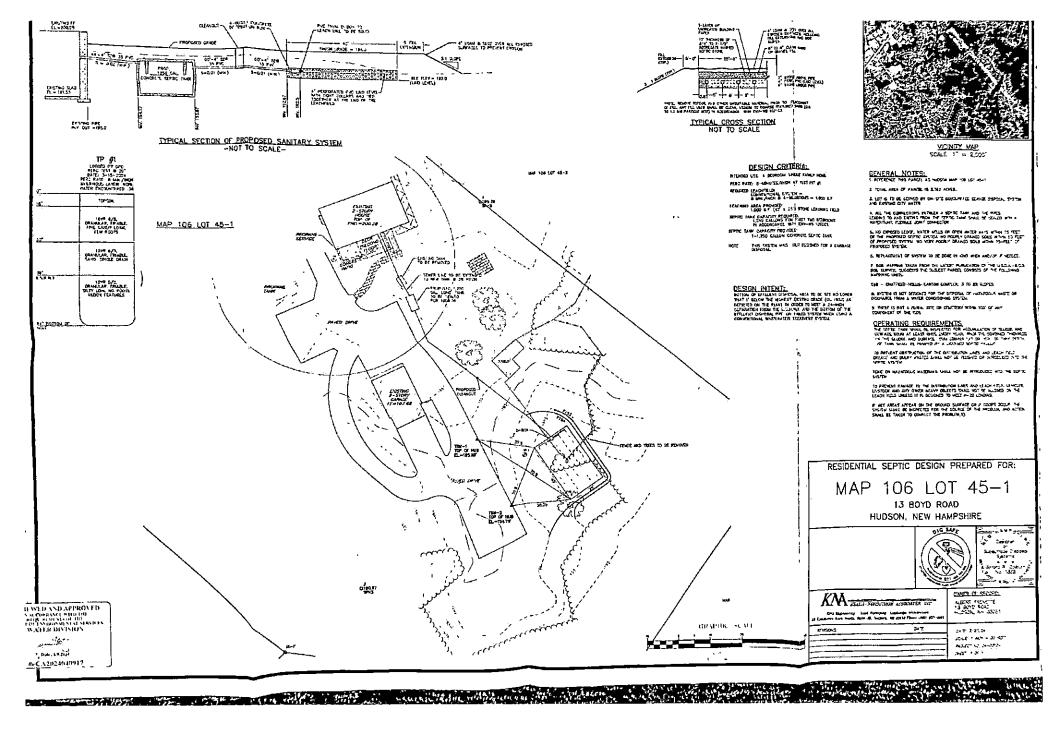


BOUNDARY INFORMATION TAKEN FROM: H.C.R.D. PLAN #34670

7998E-PPP-45-1.DWG FILE7998

: Land Projects 1799 8 DATA-7998 EPPLANS_FINAL 1799 8E-PPP-45-1.0Wg.

OK 40 7/28/14



•

Printed 9/05/2024 3:02PM Created 9/05/2024 2:51 PM

Transaction Receipt

Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt# 789,308 tgoodwyn

	Description		Current Invoice	Payment	Balan	ce Due
1.00	Zoning Application 13 Boyd Rd Map 106 Lot 045-0		eting			
	Variance		0.00	225.1100		0.00
				Total:		225.11
Remitter		Pay Type	Reference	Tendered	Change	Net Paid
Lisa & Alb	pert Frenette	CHECK	CHECK #3064	225.11	0.00	225.11
			_	Total Due:	-	225.11
				Total Tendered:		225.11
				Total Change:		0.00
				Net Paid:		225.11





Land Use Division

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

Zoning Administrator Staff Report Meeting Date: September 26, 2024

D. BP. Application-Build a new porch 7-9-24

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

Determialtion 2024-066 7-10-24

Aerials (2024) 7 Thorning Rd



E. BP Denial #2024-00746/ Zoning

AERIAL / PHOTOS



VIII: Nonconforming Uses, Structures and Lots; §334-31A, Alteration and expansion of nonconforming structures] **ADDRESS:** 7 Thorning Rd Map 191, Lot 151-000

Case 191-151 (09-26-24): Kyrlakoulis &

expansion of an existing non-conforming

structure for the construction of a proposed

14 ft. x 6 ft. deck and 2.5 ft. stairs in the front yard setback leaving 22 feet of front yard

setback where 30 feet is required. [Map 191.

Lot 151, Sublot-000; Zoned Residential- Two

Requirements; §334-27, Table of Minimum

Dimensional Requirements and HZO Article

NH requests a Variance to allow the

(R-2); HZO Article VII: Dimensional

Joan Tsouprakos, 7 Thorning Rd., Hudson,

ZONING DISTRICT: Residential - Two (R-2);

Relief Requested: Variance to allow the expansion of an existing non-conforming structure

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The property is 14,810 sq. ft. where 43,560 is required. The lot is classified as a single-family residence. There is an existing Dwelling that was built in the 40s and a large garage at the rear of the lot.

HISTORY/ATTACHMENTS:

PLANS: See Application

BUILDING PERMITS

- A. BP# 64-86 Construct Garage 8-2-85
- B. BP# 452-89 Construct a 12X20 deck 6-1-89
- C. BP# 2023-00693 Remove the existing Deck and build a new 16X28 deck 6-13-23

IN-HOUSE COMMENTS:

- F. Town Engineer: no comments 9-12-24
- G. Inspectional Services/Fire Dept.: no comments 9-12-24
- H. Associate Planner: no comments 9-16-24



Town of Hudson, N. H.

No. 64-86

Office of Town Building Inspector BUILDING PERMIT

			August 2	, 1985
This certifies	that Richard	D. Merrill		
			10,000	of Owner
is avanted permissi	erect X	Garage		
is granted permissi	repair move		Desc	cription
of Building	,			***************************************
on premises lo	cated at and known	n as		.211341711417114171
6977		7 Thorning Road	d Map 53 L	ot 11
Number		Street or		
and to do things la				
thereof and to the been commenced v	provisions of the Z within 60 days next	on number Zoning Ordinance, and is voi t after the date hereof. condition that this building	d unless work thereun	der shall have
Certificate of occup	pancy is obtained fr	rom the Building Inspector.		
	(b)	as 8 . V		co
Value \$		Rich	ard E. Millard Administrativ	
Fee \$ 31.6	00			

BUILDING



APPLICANT	Richard Merrill add an accessory deck	June 1	19 ESS7_¶\$	89	PERMIT N	o. 452-89	3051
PERMIT TO_	add an accessory deck	STORY	(NO.)	ED USE)	Phaa imas	ABER OF LING UNITS OF	IC
	on) 7 Thorning Road (s)			In a line		ZONING DISTRICT	A-2
BETWEEN _	Melendy (CROSS STREET)		AND			EFNIREES ss street)	A Table
SUBDIVISION		LOT	11 BLOC	к 53	LOT SIZE		
BUILDING IS	TO 85 FT. WIDE BY	FT. LONG	8Y	FT.	IN HEIGHT AN	SHALL CONFORM	IN CONSTRUCTIO
TO TYPE	USE GROUP		ASEMENT WALL	S OR FOUNDA	TION	(TYPE)	
REMARKS:	add deck of 12' x 20'	Ra in					
AREA OR	Pichard Marrill tol 993			Edw	ard P. Ma	PERMIT \$.	12.00 Inspector
OWNER	7 Thorning Road Hudson,			BU	ILDING DEPT.	Elwel & ?	Mulyan

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



Town of Hudson, NH **Building Permit**

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

Permit Number 2023-00693 Date of Issue 6/13/2023 **Expiration Date**

12/10/2023

Owner:

TSOUPRAKOS, KYRLAKOULIS TSOUPRAKOS, JOAN

Applicant: Juan R Mercado-Colon

Location of Work: 7

THORNING RD

(No. and Street)

(Unit or Building)

Description of Work:

Remove existing deck and build 28 X 16 new deck

ZONING DATA:

District: R-2

Map\Lot: 191-151-000

CONTRACTOR: Juan R Mercado-Colon 978-654-1983

REMARKS:

Decks: ATTACHMENT TO HOUSE MUST BE VISIBLE FOR INSPECTION. Footings, Frame, Final Inspections Required.

- . Footings shall be 48" minimum depth.
- · Ledger attachment to structure shall be per code.
- Guardrail minimum height shall be 36", handrail height shall be 34" minimum and 38" maximum height.
- Stair maximum rise of 7&3/4", stair tread depth 10" minimum nosing to nosing.

Building Permit Issuance Conditions are as follows:

- •THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- •APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- .NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- •WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- •WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE AND PERMIT WILL EXPIRE IF WORK IS ABANDONED OR SUSPENDED
- •ALL CONSTRUCTION MUST CONFORM TO THE STATE ADOPTED BUILDING AND FIRE CODES WITH AMENDMENTS AND THE HUDSON TOWN CODES

Company/Affilia	

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

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

Code Official

ermit Holder

6/13/2023

Date



TOWN OF HUDSON



FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION III. 0 9 REC'D

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

HUDSON FIRE DEPARTMENT INSPECTIONAL SERVICES DIVISI

	f 0.00 as
	Office use:
Address: 7 Thornty Rd Unit #	Map
l ~	Lot
Site/Sub Plan: HCRD	Zone
	Permit #
Residential Single family detached Modular Homes Duplex 3+ family dwelling (# of units) Other Other	Garage Lling units Carport
Commercial Office/Bank/Professional Hospital/Medical Industrial/Warehouse Restaurant Other Will the applicant/owner manufacture, assemble or produce any product, regardless of Yes (Need IDA Form) Type of Improvement New Building Addition Alteration/Renovation Repair/Replacement Conversion from resid Other Type of Improvement New Building Addition Alteration/Renovation Repair/Replacement Conversion from resid Other Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engine	Interior Demo ential to commercial space f water use?
Total Cost of Project: \$ 9,00	existing building is being changed,
Square Footage Footprint Renovated/added N	umber of stories
Living area of new home (exclude unfinished areas and garage) T	otal area of bldg
Principal Type of Frame Masonry (wall bearing) Wood Frame Reinforced concrete Other-Specify	Structural steel
Type of Sewage Disposal Town or private company (requires Town permit) Private (septic tank, etc.)	



TOWN OF HUDSON

Land Use Division

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

Zoning Determination 24-066 Building Permit Denial #2024-00746

July 10, 2024

Sent by 1st Class Mail

Mr. and Mrs. Tsouprakos 7 Thorning Rd. Hudson, NH 03051

Re:

7 Thorning Rd. Map 191 Lot 151-000

District: Residential Two (R-2)

Dear Mr. and Mrs. Tsouprakos

Zoning Review / Determination:

After reviewing your building permit #2024-000746 for the 10'x14 front porch I had to deny your building permit. The new porch is being constructed with in the front setback. Your parcel is an existing non-conforming. The lot is 14,810 sq. ft. where 43,569 sq. ft. is required. The residence is also existing non-conforming. The existing Structure is approximately 1'8" into the front yard setback. The new porch is being constructed in a 30' front yard setback. The construction the porch would expand the existing non-conforming structure.

Expanding the size of the front porch would require a variance from HZO §334-31A Alteration and Expansion of Nonconforming Structures. "A non-conforming structure may not be altered or expanded, except by variance."

Please Note: To be able to apply for a variance you will need to obtain a certified plot plan from a land surveyor licensed in New Hampshire.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

Cc:

Public Folder

Brooke Dubowik (Planning Admin. Aide)

Inspectional Services

File

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: 191-151 (09-26-24) (VARIANCE)

Property Location: 7 Thorning Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments
EZD Name: Elvis Dhima, P.E. Date: 09/12/2024
(Initials)
DEPT. Town Engineer Fire/Health Department Associate Town Planner



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

REQUEST FOR REVIEW/COMMENTS:

Case: 191-151 (09-26-24) (VARIANCE)

Property Location: 7 Thorning Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
DRH Name: David Hebert Date: 09/12/2024
DEPT: Town Engineer Fire/Health Department Associate Town Planner
#II



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

REQUEST FOR REVIEW/COMMENTS:

Case: 191-151 (09-26-24) (VARIANCE)

Property Location: 7 Thorning Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
BWG NameBen Witham-Gradert Date: 09/16/2024
(Initials)
DEPT. Town Engineer Fire/Health Department Associate Town Planner

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

On **09/26/2024**, the Zoning Board of Adjustment heard **Case 191-151**, being a case brought by **Kyrlakoulis & Joan Tsouprakos**, <u>7 Thorning Rd., Hudson, NH</u> requesting a <u>Variance</u> to allow the expansion of an existing non-conforming structure for the construction of a proposed 14 ft. x 6 ft. deck and 2.5 ft. stairs in the front yard setback leaving 22 feet of front yard setback where 30 feet is required. [Map 191, Lot 151, Sublot-000; Zoned Residential- Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31A, Alteration and expansion of nonconforming structures]

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

Y N 2. The proposed use will observe the spirit of the ordinance, since the proposed use of	the and , or
Y N 2. The proposed use will observe the spirit of the ordinance, since the proposed use	
not conflict with the explicit or implicit purpose of the ordinance and does not alter essential character of the neighborhood, threaten public health, safety, or welfare otherwise injure "public rights."	the
Y N 3. Substantial justice would be done to the property-owner by granting the variance, the benefits to the property owner are not outweighed by harm to the general public other individuals.	and r to
Y N 4. The proposed use will not diminish the values of surrounding properties.	

(Continue-next page-Hardship Criteria)

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

(Continued)

Y 5. N N/A	A.	The Applicant established that literal enforce would result in an unnecessary hardship. "Un to special conditions of the property that distarea: (1) No fair and substantial relationship exist the ordinance provision and the specific property; and	nnecessary hardship" means that, owing tinguish it from other properties in the a between the general public purposes of
	_	(2) The proposed use is a reasonable one.	
Y N	В.	Alternatively, if the criteria above (5.A) are a will be deemed to exist if, and only if, owing that distinguish it from other properties in the used in strict conformance with the ordinanc to enable a reasonable use of it.	g to special conditions of the property e area, the property cannot be reasonably
		(-	
		member of the Hudson ZBA	Date
Print name:			
Stipulations:			



APPLICATION FOR A VARIANCE

SEP 0 5 2024

LAND USE DIVISION ZONING ZONTING Board of Adjustment Town of Hudson

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

Case No. 191 - 151 (09 - 26 - 24)Date Filed 9 - 5 - 24



Name of Applicant Joan and Kyriakoulis Tsouprakos	Map: ¹⁹¹ Lot: ¹⁵¹ Zoning District:_R-2
Telephone Number (Home) Cell: 603-315-7305	(Work)
Mailing Address 7 Thorning road, Hudson NH 03051	5
Owner Joan and Kyriakoulis Tsouprakos	
Location of Property 7 Thorning road, Hudson NH	03051
KAHAUS Souperton	Jer 8/27/24
Signature of Applicant	Date (
Signature of Property-Owner(s)	Date 8 2 7 2 9

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 U	and the second s	
COST:	Date received:	1/5/24
Application fee (processing, advertising & recording) (non-Abutter Notice:	refundable): \$_	185.00
Direct Abutters x Certified postage rate \$ 5.65		39.38
Total amount due:	ֆ_ \$_	230.95
Amt.	received: \$_	230.95
Received by: TSG	ipt No.: 73	89,326
By determination of the Zoning Administrator, the following Engineering Fire Dept Health Officer Plants and the Plants are supported by the Plants are su	Departmental revies Conner Other	ew is required:

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.

Staff Applicant nitials Initials Please review the completed application with the Zoning Administrator or staff before making copies in next step. The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples) 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. 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.) 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.) 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 Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office) 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. 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.

CERTIFIED PLOT PLAN:

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

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

ST KI	The plot plan shall be drawn to scale on an $8\frac{1}{2}$ " x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. The plot plan shall be up-to date and dated, and shall be no more than three years old.	816	-
OU KI	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.		
MA	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:		
trus	https://www.hudsonnh.gov/community-development/page/gis-public-use)		
STY K	The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)		
ON KT	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.	_	
gy KT	The plot plan shall include all proposed buildings, structures, or additions, marked as		
tim	"PROPOSED," together with all applicable dimensions and encroachments.		
h) K	The plot plan shall show the building envelope as defined from all the setbacks required	1/	
tvo	by the zoning ordinance.	V	
INT	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)

Signature of Property Owner(s)

Signature of Property Owner(s)

Signature of Property Owner(s)

Signature of Property Owner(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
191	151	*Include Applicant & Owner(s) KYRIAKOULIS & JOAN TSOUPRAKOS	7 THORNING RD HUDSON, NH 03051
191	150	PHILIP FRAZIER	5 THORNING RD HUDSON, NH 03051
191	152	NICHOLAS BOLTON	9 THORNING RD HUDSON, NH03051
191	148	TYLER STUART	44 MELENDY RD HUDSON, NH 03051
191	147	RANDALL & TATENDA BOMBA	36 MELENDY RD HUDSON, NH 03051
183	101	GARY & DEBORAH KENNEY	6 THORNING RD, HUDSON, NH 03051
183	102	RAYKWON MICHAEL FORCIER	8 THORNING RD HUDSON, NH 03051
183	103	ROGER & TABITHA COLBY	10 THORNING RD HUDSON, NH 03051
	-		

D 71 00 000

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
183	087	HUDSON, TOWN OF HUDSON	20 LIBRARY ST HUDSON, NH 03051
		SCHOOL DISTRIC LOCATION: 1 MEMORIAL DR	
191	146	JAMES & JANET HICKEY	34 MELENDY RD HUDSON, NH 03051
191	155	JONATHAN DUMAIS & ASHLEY LLOYD	1 GREENTREES DR HUDSON, NH 03051
191	149	ALLISON GRONDIN	1 THORNING RD HUDSON, NH 03051
183	104	RICHARD & DOROTHY SHOREY	8 GREENTREES DR HUDSON, NH 03051
183	113	CHRISTOPHER & JEANNE FUNK	7 GREENTREES DR HUDSON, NH 03051
191	153	SCOTT TINKHAM	5 GREENTREES DR HUDSON, NH 03051
191	154	MICHAEL PEASE & SAMANTHA LUKITSCH	3 GREENTREES DR HUDSON, NH 03051

USPS-Verified Mail

SEND	ER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	us postal service - certified mail	Case# 191-151 VARIANCE 7 Thorning Rd., Hudson, NH 03051 Map 191/Lot 151-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting
1	9589 071	0 5270 0646 5653 35	TSOUPRAKOS, KYRLAKOULIS; TSOUPRAKOS, JOAN	APPLICANT/OWNER NOTICE MAILED
2	9589 071	 .a 5270 0646 5653 42 🔃	7 THORNING ROAD, HUDSON, NH 03051 FORCIER, RAYKWON MICHAEL	ABUTTER NOTICE MAILED
3	9589 071	0 5270 0646 5653 59	8 THORNING ROAD, HUDSON, NH 03051 COLBY, ROGER JR. & TABITHA	ABUTTER NOTICE MAILED
4	9589 071	LO 5270 0646 5653 66	10 THORNING RD., HUDSON, NH 03051 BOMBA, RANDALL & TATENDA	ABUTTER NOTICE MAILED
5	9589 071	JO 5270 0646 5653 73	36 MELENDY ROAD, HUDSON, NH 03051 STUART, TYLER J.	ABUTTER NOTICE MAILED
6	9589 071	0 5270 0646 5653 80	44 MELENDY ROAD, HUDSON, NH 03051 FRAZIER, PHILIP F.	ABUTTER NOTICE MAILED
7	9589 07	LO 5270 O646 5653 97	5 THORNING ROAD, HUDSON, NH 03051 BOLTON, NICHOLAS J., TR.; BOLTON REVOCABLE TRUST	ABUTTER NOTICE MAILED
8			9 THORNING ROAD, HUDSON, NH 03051	
		1000000 000000		
9				
10				
		Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

Direct Certified Page 1

USPS-First Class Mail

	TOWN OF HUDSON 12 SCHOOL STREET	US POSTAL SERVICE - First Class	Case# 191-151 VARIANCE 7 Thorning Rd., Hudson, NH 03051
SENDER:	HUDSON, NH 03051		Map 191/Lot 151-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting
1	Mailed First Class	TOWN OF HUDSON SCHOOL DIST.	ABUTTER NOTICE MAILED
		20 LIBRARY STREET, HUDSON, NH 03051	
2	Mailed First Class	KENNEY, GARY R. & DEBORAH A.	ABUTTER NOTICE MAILED
3	Mailed First class	6 THORNING ROAD, HUDSON, NH 03051 SHOREY, RICHARD D., TR; SHOREY, DOROTHY J., TR	ABUTTER NOTICE MAILED
		8 GREENTREES DR., HUDSON, NH 03051	
4	Mailed First class	FUNK, CHRISTOPHER A. & JEANNE B.	ABUTTER NOTICE MAILED
5	Mailed First class	7 GREENTREES DR., HUDSON, NH 03051 HICKEY, JAMES J. & JANET L.	ABUTTER NOTICE MAILED
		34 MELENDY ROAD, HUDSON, NH 03051	I DOTTER TO THOSE MARKED
6	Mailed First class	GRONDIN, ALLISON R.	ABUTTER NOTICE MAILED
		1 THORNING RD., HUDSON, NH 03051	
7	Mailed First class	TINKHAM, SCOTT	ABUTTER NOTICE MAILED
8	Mailed First class	5 GREENTREES DR., HUDSON, NH 03051 PEASE, MICHAEL D. LUKITSCH, SAMANTHA M.	ABUTTER NOTICE MAILED
		3 GREENTREES DR., HUDSON, NH 03051	
9	Mailed First class	DUMAIS, JONATHAN LLOYD, ASHLEY	ABUTTER NOTICE MAILED
		1 GREENTREES DR., HUDSON, NH 03051	1200 1200 1200 1200 1200 1200 1200 1200
10			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

SEP 1 3 2024

USPS



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 13, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, September 26, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 191-151 (09-26-24): Kyrlakoulis & Joan Tsouprakos, 7 Thorning Rd., Hudson, NH requests a Variance to allow the expansion of an existing nonconforming structure for the construction of a proposed 14 ft. x 6 ft. deck and 2.5 ft. stairs in the front yard setback leaving 22 feet of front yard setback where 30 feet is required. [Map 191, Lot 151, Sublot-000; Zoned Residential- Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31A, Alteration and expansion of nonconforming structures]

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

Respectfully,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

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

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

Respectfully,

Chris Sullivan Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning
Ordinance Article VIII of HZO Section(s) 334-31A
in order to permit the following:
Expansion to Proposed 14 feet x 8 feet and 6 inch front porch in front
setback of a non-conforming structure leaving 22 feet of front yard setback

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

1.	Granting of the requested variance will not be contrary to the public interest, because: (Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") The existing concrete steps to our front door entrance were present when we purchased our house in 1999. The landing the steps is small and over the years has deteriorated. Adding the proposed front porch will improve the character of our home, improve the safety for us and for visitors. The proposed front porch will			
	improve teh character of the neighborhood and will not threaten public safety.			
2.	The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or			
	otherwise injure "public rights.")			
	The proposed front porch will not pose a hazard to public safety, will not interfer with public utilities, will not interfer with transportation or parking, and will not cause overcrowding or create pollution.			
	The proposed front porch will enhance the safety and character of the neighborhood			
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 current landing (front door) is small. Increasing the size of the front porch enhances the safety for anyone			
	entering or exiting our home through the front door.			
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 front porch will only enhance the safety and character of the neighborhood. The proposed front			
	will not hinder the view of neighbors, will not effect traffic or parking in the neighborhood, and will not pose a			
	danger to the public.			

FACTS SUPPORTING THIS REQUEST: (Continued)

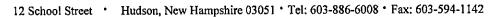
hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation) A. Explain why you believe this to be true—keeping in mind that you must establish that; 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way and We purchased our home in 1999. The existing front steps are concrete and the landing is small. The steps are deteriorating. We, the home owners plan to live out the rest of our lives in this home. Adding the proposed front porch will improve our safety now and in the future as we age and this will improve the safety for all those who visit our home, whether it be our friends and/or family or anyone else from the general public. 2) Explain how the special conditions of the property cause the proposed use to be reasonable. The proposed front porch will only add an additional level of safety for us and all those who visit our home, 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.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary



TOWN OF HUDSON

Land Use Division



Zoning Determination 24-066 Building Permit Denial #2024-00746

July 10, 2024

Sent by 1st Class Mail

Mr. and Mrs. Tsouprakos 7 Thorning Rd. Hudson, NH 03051

Re: 7 Thorning Rd. Map 191 Lot 151-000

District: Residential Two (R-2)

Dear Mr. and Mrs. Tsouprakos

Zoning Review / Determination:

After reviewing your building permit #2024-000746 for the 10'x14 front porch I had to deny your building permit. The new porch is being constructed with in the front setback. Your parcel is an existing non-conforming. The lot is 14,810 sq. ft. where 43,569 sq. ft. is required. The residence is also existing non-conforming. The existing Structure is approximately 1'8" into the front yard setback. The new porch is being constructed in a 30' front yard setback. The construction the porch would expand the existing non-conforming structure.

Expanding the size of the front porch would require a variance from HZO §334-31A Alteration and Expansion of Nonconforming Structures. "A non-conforming structure may not be altered or expanded, except by variance."

Please Note: To be able to apply for a variance you will need to obtain a certified plot plan from a land surveyor licensed in New Hampshire.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

Cc:

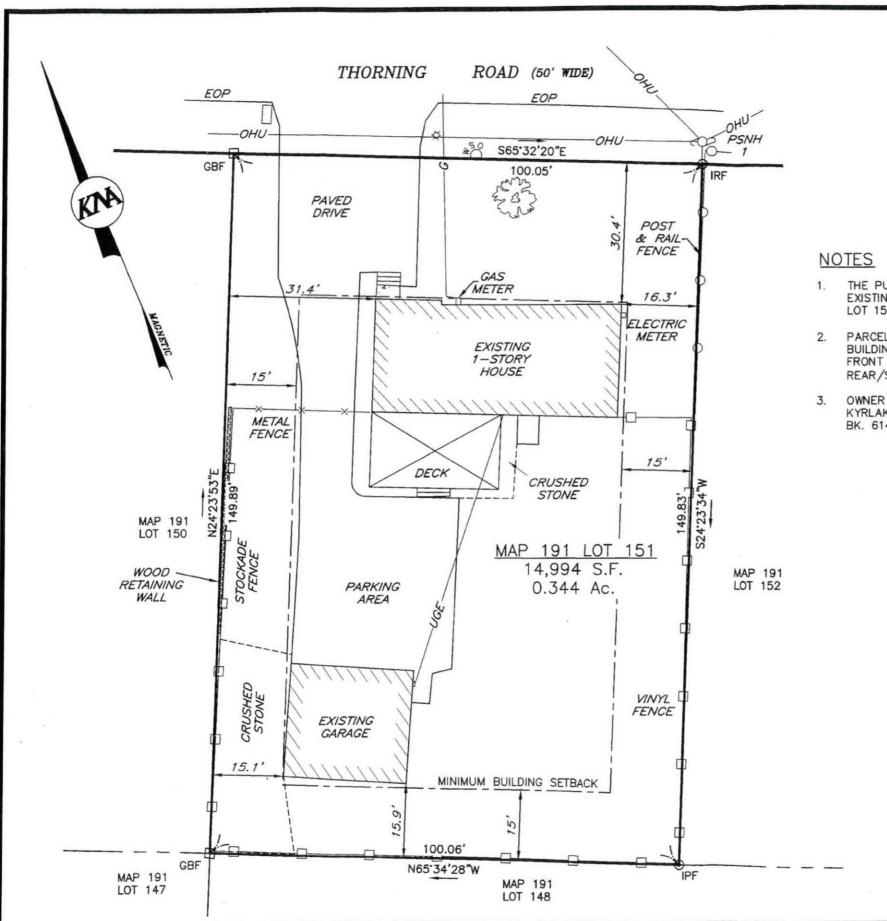
Public Folder

Brooke Dubowik (Planning Admin. Aide)

Inspectional Services

File

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

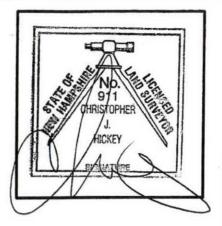


SURVEYOR'S CERTIFICATION:

HEREBY CERTIFY THAT THE IMPROVEMENTS SHOWN HERE ON WERE LOCATED BY AN ACTUAL FIELD SURVEY BY THIS OFFICE ON AUGUST 20, 2024

CHRISTOPHER J. HICKEY LLS. #911

8/26/24 DATE



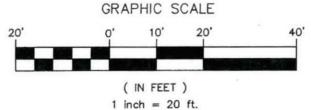
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING IMPROVEMENTS ON ASSESSORS MAP 191 LOT 151 AT 7 THORNING ROAD IN HUDSON, N.H.
- PARCEL LIES WITHIN RESIDENTIAL 2 (R-2) ZONE. BUILDING SETBACKS: FRONT = 30 FT REAR/SIDE = 15 FT.
- OWNER OF RECORD: KYRLAKOULIS & JOAN TSOUPRAKOS BK. 6147 PG. 369

REFERENCE PLAN:

 "PLAN OF CHARL—SA FARM, MELENDY ROAD HUDSON, N.H." SCALE: 1"=50' JANUARY 1956. PREPARED BY: NED SPAULDING H.C.R.D. PLAN #1663B



AUG 2 8 2024
LAND USE DIVISION
ZONING DEPT.



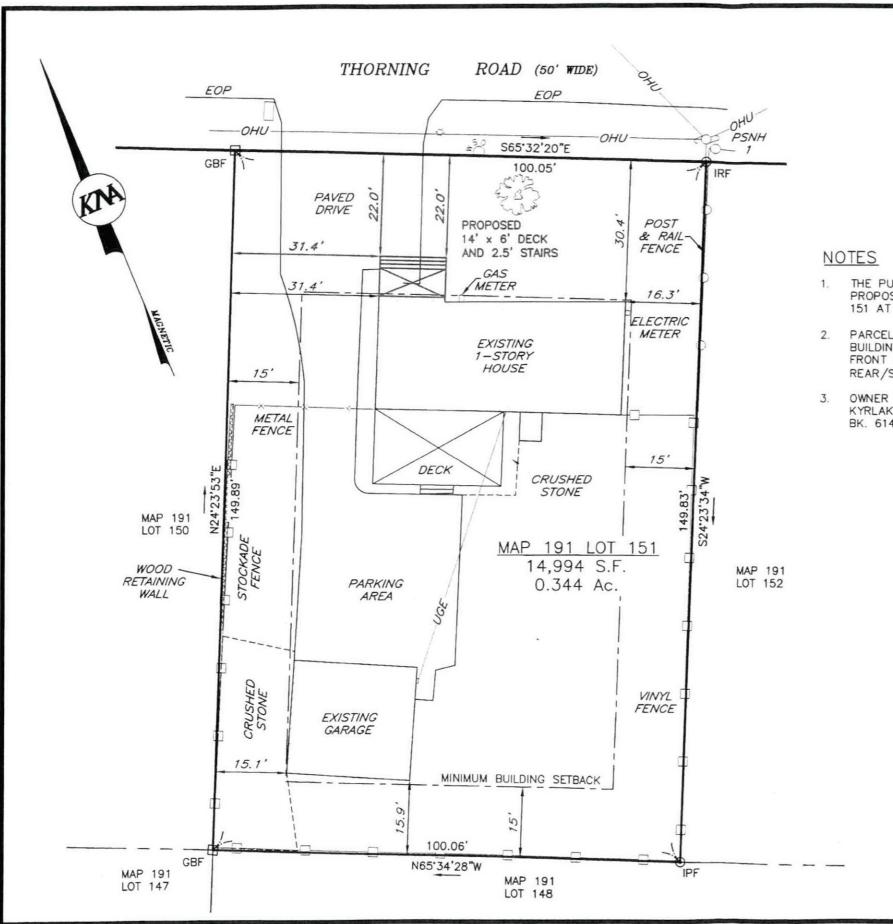
CERTIFIED PLOT PLAN

MAP 191 LOT 151
7 THORNING ROAD
HUDSON, NEW HAMPSHIRE



KEACH-NORDSTROM ASSOCIATES, INC.

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

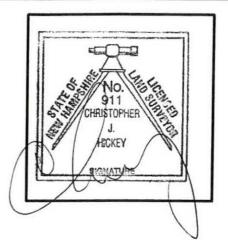


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CHRISTOPHER J. HICKEY L.S. #911

8 26 24 11 DATE



- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED DECK ON ASSESSORS MAP 191 LOT 151 AT 7 THORNING ROAD IN HUDSON, N.H.
- PARCEL LIES WITHIN RESIDENTIAL 2 (R-2) ZONE.
 BUILDING SETBACKS:
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 REAR/SIDE = 15 FT.
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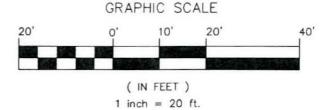
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AUG 2 8 2024

LAND USE DIVISION ZONING DEPT.



PROPOSED PLOT PLAN

MAP 191 LOT 151 7 THORNING ROAD HUDSON, NEW HAMPSHIRE



KEACH-NORDSTROM ASSOCIATES, INC.

Civil Engineering Land Surveying Landscape Architecture 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881 SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

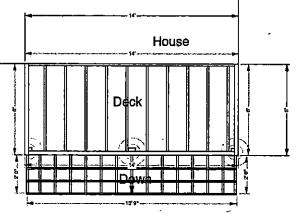
BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

Proposed

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL. ENGINEER BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY, DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN.

use





Total Depth: 48 Base Diameter: 22 Pier Diameter: 12 Footings to be installed to 48" depth as is required by your local building ordinance. Frost footing sizes based on 55 be per equire foot installary loads applied to 1500 pcl end compression capacity (assumed day soil). See footing detail in deck construction guide.

DISCLAIMER; ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

2x10 Ledger Board to be flashed and botted (2) 1/2² botts with washers or equivalent every 16° on center. (See fedger detail in deck construction guide)
Joists to be 2x10 pressure treated southern yellow pine installed 16° on center.

Joists to be 2x10 pressure broated southern yellow pine naifed.

Guard Rails to be 36° high with less than 4° poenings per IRC code. (See rail detail in deck construction guide)

Stalrs to be built max rise 7-314° min ise 4° in run 10° per IRC code. (See stair detail in deck construction guide)

Decking to be 54x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)

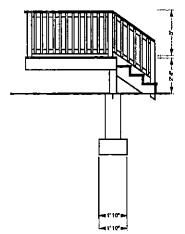
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SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

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BASED ON THE INTERNATIONAL RESIDENTIAL CODE

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ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE
DWELLING OR AUTOMATICALLY ACTIVATED.



2x10 Ledger Board to be flashed and bolted (2) 1/2" bolts with washers or equivalent every 16" on center. (See ledger detail i deck construction guide)
Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.

Beams to be 2-2x10 pressure treated southern yellow pine nailed.

Guard Rails to be 35" high with less than 4" openings per IRC code. (See rail detail in deck construction guide)

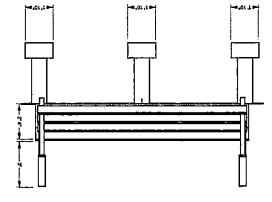
Stairs to be built max ries 7-34" min rise 4" in un 10" per IRC code. (See sair detail in deck construction guide)

Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS, NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY DECKS, COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN & DECKS, COM LLC

DISCLEMEN: ONLY USE AS ON BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. MEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.



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BASED ON THE INTERNATIONAL RESIDENTIAL CODE

SCALE: 1/4" = 1" WHEN PRINTED ON 11X17 PAPER

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Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.

Beams to be 2-2x10 pressure treated southern yellow pine nailed.

Guard Rails to be 36" high with less than 4" openings per IRIC code. (See rail detail in deck construction guide)

Stairs to be built max risa 7-3/4" min risa 4" in rum 10" per IRIC code. (See stair detail in deck construction guide)

Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)

All hardware to be corrosion resistant and installed per manufacturers' instructions. DWELLING OR AUTOMATICALLY ACTIVATED.

BASED ON THE INTERNATIONAL RESIDENTIAL CODE SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER House use 4'3 15/16"

STAIR FOOTING REQUIREMENTS
WHERE THE STAIRWAY MEETS GRADE, ATTACH THE STAIR
STRINGERS TO THE STAIR GUARD RAIL POSTS. POSTS SHALL
BEAR ON FOOTINGS

Footings to be installed to 48* depth as is required by your focal building ordinance.
Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed day soil).
See footing detail in deck construction guide.



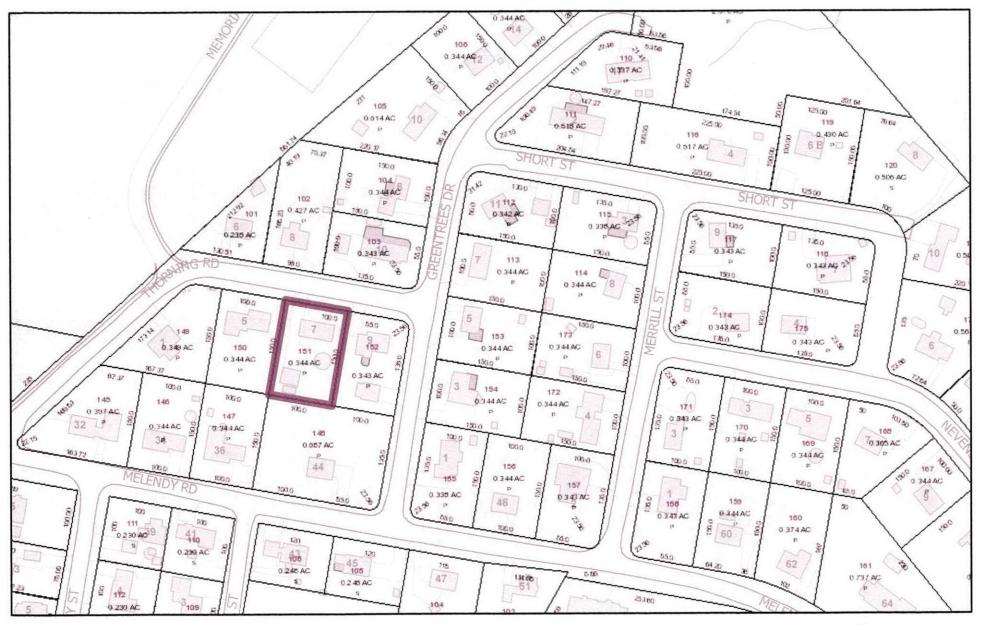
Total Depth: 48 Base Diameter: 22 Pier Diameter: 12

Footings to be installed to 46* depth as is required by your local building ordinance. Frost footing sizes based on 55 has per square foot influtary loads applied to 1600 pel soil compression capacity (assumed day soil). See footing detail in dock construction guide.

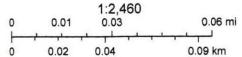
DISCLAIMER: USE ONLY 2,500 PSI CONCRETE FOR FROST FOOTING FOUNDATIONS.



GIS map



7/13/2024



Property Location: 7 THORNING RD Vision ID: 7287

Parcel ID: 191/151/000//

Card Address: Card #: 1 of 1

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Property Location: 7 THORNING RD Vision ID: 7287

Total Liv Area/Gr, Area/Eff Are

Account #: 5468

Parcel ID: 191/151/000//

1.511 TotalValue

2.598

1.238

Bldg #: 1

Card Address: Card #: 1

of 1

LUC: 1010 Print Date: 8/27/2024 11:26:30 A

SKETCH / PRIMARY PHOTO CONSTRUCTION DETAIL (CONTINUED) **CONSTRUCTION DETAIL** Description Element Cd Description Element 28 Model 01 Residential Avg Ht/FL 0 Extra Kitchens Stories: Add Kitchen Ra Style: 01 Ranch С Average Grade: (Liv) Units 1 16 WDK 16 Exterior Wall 1 04 Vinyl Roof Structure 02 Hip Roof Cover 01 Asphalt Shingle Frame 01 Wood 01 Concrete Foundation COST / MARKET VALUATION 28 Interior Wall 1 01 Drywall 24 14 14 04 Interior Floor 1 Carpet Building Value New 265.595 Heat Fuel 02 Gas Heat Type 03 Forced Hw # Heat Systems 1940 Year Built AC Percent 0 1996 Effective Year Built Total Rooms 5 GD Depreciation Code 2 Bedrooms Remodel Rating 2 Full Baths 23|23 FFL BMT Year Remodeled FFL. 24 24 0 3/4 Baths Depreciation % 26 Half Baths 0 Functional Obsol Extra Fixtures Ð External Obsol Kitchens 1.000 Trend Factor ΑV Kitchen Rating Average Condition Bath Rating AV Average Condition % Half Bath Rating Percent Good Bsmt Garage 0 RCNLD 196,500 38 Fireplace(s) 0 Dep % Ovr Fireplace Rating Dep Ovr Comment WS Flues 0 Misc Imp Ovr Color **BROWN** Misc Imp Ovr Comment Avg HVFL Cost to Cure Ovr Extra Kitchens Cost to Cure Ovr Comment OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) % G Assd. Value Code Description Ľ/B Units UOM Unit Pri Yr Blt 20,700 Garage, With Unfinished Loft 624 SQ. FT 41.55 1940 GD 80 GAR1L L 74 22,800 1940 ΑV В 684 SQ. FT 45.00 XFRRM Rec Room, Fin, BMT **BUILDING SUB-AREA SUMMARY SECTION** Living Area | Floor Area | Eff Area Unit Cost Undeprec Value Code Description 43.94 40,077 912 BMT Basement, Unfinished 228 217,609 1,238 175.77 1,238 FFL First Floor, Finished 1,238 7.910 **WDK** Wood Deck, or Composite Dk 448 45 17.66

265.596

Printed 9/05/2024 4:12PM Created 9/05/2024 4:09 PM

Transaction Receipt

Town of Hudson, NH 12 School Street

Hudson, NH 03051-4249

Receipt#

789,326 publicw

Description		Current Invoice	<u>Payment</u>	Balance Due		
1.00 Zoning Applica 7 Thorning Rd Map 191 Lot 1		n-9/26/24 ZBA Mtg. Zone R-2				
Variance			0.00	230.9500		0.00
				Total:		230.95
Remitter		Pay Type	Reference	Tendered	Change	Net Paid
TSOUPRAKOS/JOAN A		CREDIT	2030	230.95	0.00	230.95
				Total Due:		230.95
				Convenience Fee:		6.81
				Total Tendered:		237.76
				Total Change:		0.00
				Net Paid:		237.76

SERVICE CHARGE NOTICE

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

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

BY USING THIS SERVICE AND AGREE TO PAY THE S	SERVICE CHARGE.	
SKGNED: Com phi	9/5/70	_ Type: MC (Visa)Ame
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TOWN OF HUDSON

Land Use Division

Zoning Administrator Staff Report Meeting Date: September 26, 2024



Case 242-007 (09-26-24): Edgar Oliva, 101 Musquash Rd., Hudson, NH requests a Home Occupation Special Exception for an internet car sales business with no on-site cars for sale on the property nor advertisements. [Map 242, Lot 007, Sublot-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

ADDRESS: 101 Musquash Rd. Map 242, Lot 007-000

RELIEF REQUESTED: Home Occupation Special Exception

ZONING DISTRICT: Residential Two (R2)

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 160,736 sq. ft. where 60,00 is required because there is no sewar or water. The lot is classified as a single-family residence. The dwelling is 1788 sq. The lot has a single-family home and a detached large garage. The applicant is selling cars online. There will be no auto-displayed for sale at the property,

HISTORY/ATTACHMENTS:

PLANS: None

BUILDING PERMITS

A: PB# 2020-00177 – Home Remodle 3-4-20 **B:PB# 2021-01297** – Detached Garage 1-10-22

C: Inspection (electical) 4-27-20
D: Inspection (framing) 4-27-20
E: DP #2021-01297-2-DR 12-20-21

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

F: ZoningDetermination #16-57 (5-20-16)
G: NOD-Denied (2 lot Subdividion) 8-30-16
H: Zoning Determination 24R-076 (8-19-24)

<u>AERIAL / PHOTOS</u> Aerials (2024) 101 Musquash Rd



IN-HOUSE COMMENTS:

I: Town Engineer: no comments 9-12-24J: Inspectional Services/Fire Dept.: no comments 9-12-24

K: Associate Town Planner: no comments 9-16-24





TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION 12 School Street - Hudson, New Hampshire 03051 - Tel: 603-886-6005 - Fax: 603-594-1142

BUILDING	PERMIT APPLI	CATION - PLEASE PRINT	
Address: <u>/O/ MusquasH</u> Site/Sub Plan:		Unit #HCRD	Office use: Map <u>242</u> Lot <u>007-000</u> Zone <u>R2</u> Permit # <u>2025-00177</u>
Residential X Single family detached Modular Homes Duplex 3+ family dwelling (# of units Other	.}	Type of Improvement New Building Addition Alteration/Renovation Repair/Replacement Conversion of +/- dwelling unit Other	Deck Shed Swim Pool Garage its Carport
Hospital/Medical Industrial/Warehouse	Garage School Store Utility ssemble or produce	Type of Improvement New Building Addition Alteration/Renovation Repair/Replacement Conversion from residential to Other any product, regardless of water see consult the Town Engineer at 88	use?
Total Cost of Project: List # of bedrooms an enter proposed use. Remove exist Additional coal Project:	d bathrooms if new	Include dimensions of building, rochome or added. If use of existing DECK, Replace with 16, Frame Platform, 43 NEW EXZO DECK, RECENSTING DN RM & 1	building is being changed, X17 WOOD FRAME FOSON SUN ROOM
	Renovated/add	ied 272 Number of	of stories/
	y (wall bearing) ced concrete	Wood Frame Other-Specify	Structural steel
	r private company (re (septic tank, etc.)	equires Town permit)	

RECEIVED

MAR 0 4 2020

Page 2 of 4

INSP-15 - Rev. 11/2015





Town of Hudson, NH **Building Permit**

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

Permit Number 2021-01297

Date of Issue 1/10/2022

Expiration Date 7/09/2022

Owner:

SHUNAMAN, CHARLES L. SHUNAMAN, LINDA A.

Applicant: C F Construction

Location of Work: 101

MUSQUASH RD

(No. and Street)

(Unit or Building)

Description of Work:

Construct detached garage 26 x 36

ZONING DATA:

District: R-2

Map\Lot: 242-007-000

CONTRACTOR: C F Construction 774-242-0997

REMARKS:

Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS, ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE AND PERMIT WILL EXPIRE IF WORK IS ABANDONED OR SUSPENDED.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES. INCRECTION APPROVALO

INSPECTION APPRO	VALS		
Building	11		Date
Plumbing	1i		Date
Electrical	Ji		Date
Fire Sprinklers (rough)		(final)	
Other	1		Date

Permit Holder: C	; F	Consi	truction
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(Taking Responsibility for the Work)

Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost:

\$78,000

Permit Fee:

\$374.40

Check No.: 2397

Cash:

\$0.00

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

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

Code Official	Permit Holder	Date
Daine R	Heliel	1/10/2022



Run: 4/24/20 1:07PM

Building Permit Inspections - By Schedule Date Town of Hudson, NH

Page:

rabair

Permit

2020-00177

RESIDENTIAL-Remodel & Addition

Description: Remove deck/replace 16x17 addition, 4 season sunroom pad and patio, new 8x20 deck,

resurface side deck, remove/replace diningroom/kitchen tile, w/radiant heat flooring.-

Erickson Construction.

Owner:

SHUNAMAN, CHARLES L. SHUNAMAN, LINDA A.

Street:

101

MUSQUASH RD

Unit:

Map\Lot:

242-007-000

Inspection Description: ELECTRICAL ROUGH

Zone: R-2

Scheduled Date: 4/27/2020

Inspection Code:

ELECTRIC 1

Date of Inspection:

Inspector:

SD

Inspection Notes: AM around 10:00 Rick Langevin 603-560-1393 Addition accessible without going through

the house. Workers maybe working on a deck. Has been told if inspector is not comfortable entering the addition that they will be instructed how to submitt by email.

Look for other shift strain as francy

- Clad Augh

Approved in a large of the larg

Inspection Status: In Process

Inspector:

Run: 4/27/20 3:40PM

Building Permit

Page:

sdube

Town of Hudson, NH

Permit

2020-00177

RESIDENTIAL-Remodel & Addition

Description: Remove deck/replace 16x17 addition, 4 season sunroom pad and patio, new 8x20 deck, resurface side deck, remove/replace diningroom/kitchen tile, w/radiant heat flooring.-

Erickson Construction.

Owner:

SHUNAMAN, CHARLES L. SHUNAMAN, LINDA A.

Street:

101

MUSQUASH RD

Unit:

Map\Lot:

242-007-000

Zone: R-2

Scheduled Date: 4/27/2020

Inspection Code:

FRAME 1

Date of Inspection: 4/27/2020

Inspection Description: FRAMING ROUGH

Inspector:

SD

Inspection Notes:

Dorman

427.206

Inspection Status: Approved



Town of Hudson, NH DRIVEWAY PERMIT

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



Permit Number 2021-01297-2-DR

Date of Issue 12/20/2021

Expiration Date 6/18/2022

Owner:

SHUNAMAN, CHARLES L. SHUNAMAN, LINDA A.

Applicant: C F Construction

Location of Work: 101

MUSQUASH RD

(No. and Street)

(Unit or Building)

Description of Work: Driveway extension to connect to new detached garage 26 x 36

ZONING DATA:

District: R-2

Map\Lot: 242-007-000

CONTRACTOR: C F Construction 774-242-0997

REMARKS:

A FINAL DRIVEWAY INSPECTION IS REQUIRED. PLEASE CALL 603-886-6008 TO SCHEDULE ONCE COMPLETE.

Permit Holder: C F Construction

(Taking Responsibility for the Work)

Company/Affiliation:

Job Site Phone Number:

Constr Cost:

\$0

Permit Fee:

\$50.00

Check No.: CASH

Cash:

\$0.00

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

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

Code Official

Permit Holder

12/20/2021

Date



TOWN OF HUDSON





FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISON

12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency Business

Fax

911

603-886-6005 603-594-1142 Robert M. Buxton Chief of Department

Zoning Compliance/Determination

May 20, 2016

#16-57

Charles Shunaman 101 Musquash Road Hudson, NH 03051

Re:

101 Musquash Road 242/007-000 District: Residential - Two (R-2)

Dear Mr Shunaman:

Your request for zoning review and determination if you can subdivide your property has been completed.

Zoning review / Determination:

According to our records, you currently have 3.69 acres (160,736.4 sq ft), and 242.6 (+/-) ft of frontage. In the R-2 district, the lot requirement for a single family house is 43,560 sq-ft, thus, a subdivision could support the lot area requirements. The lot requirement for a duplex would require 60,000 sq-ft. The frontage requirement for each lot is 150 ft. Subdividing this lot would not be in compliance for frontage and would need a variance from the frontage requirements of #334-27 The Table of Minimum Dimensional Requirements (#334 attachment 4).

All other requirements for building permit approval such as; septic, driveway permits, setbacks for; building, driveway, wetland, etc, need to be met.

Those applications can be found on the Town's Website (www.Hudsonnh.gov) under Inspectional Services Department.

Please feel free to contact me if you have any further questions regarding this matter.

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

Sincerely.

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

pc:

Zoning Board of Adjustment J,Michaud, Town Assessor J.Cashell, Town Planner Chief Buxton Deputy O'Brien File

Doc # 6046486 Sep 29, 2016 1:29 PM
Book 8901 Page 2215 Page 1 of 1
Register of Deeds, Hillsborough County
Camula O Coughlin

Hudson Town Hall Hudson Zoning Board 12 School Street Hudson, NH 03051

A 43

FEES: 16.47

SURCHARGE: 2

CASH:

Town of Hudson

Zoning Board of Adjustment

Decision to Deny a Variance

On 8/25/16, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard Case# 242-007, pertaining to a request by Charles Shunaman, 101 Musquash Road, Hudson, NH, for a Variance to allow the proposed 2-lot subdivision to have 94.38 feet of frontage, where a minimum of 150 feet is required. [Map 242, Lot 007; Zoned R-2, HZO Article VII, Section 334-27, Table of Dimensional Requirements.]

Following review of the testimony and deliberation, the members of this Zoning Board voted to deny the requested variance, feeling there was no evidence of hardship.

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

Signed:

Janles Pacocha

Acting Chairman, Hudson Zoning Board of Adjustment

Date:

Date: 8-30-16

Signed:

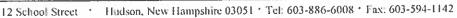
Bruce Buttrick

Zoning Administrator











Zoning Determination #24-076R

August 19, 2024

Mr. and Mrs. Oliva 101 Musquash Road, Hudson, NH 03051

Re:

101 Musquash Road Map 242 Lot 007-000

District: Residential Two (R-2)

Dear Mr. Olivia,

Your request: the property owner would like to run an internet Car Sale from the home. No on-site advertisements or cars for sale on the property will be permitted.

Zoning Review / Determination:

The use of internet car sales from your home would require a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24 <u>Home Occupations</u>.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 886-6000 (ext. 1275) csullivan@hudsonnh.gov

cc.

Public File

B. Dubowik, (Planning Administrative Aide)

Inspectional Services

Owner File

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: 242-007 (09-26-24) (HOME OCCPATION Property Location: 101 Musquash Rd SPECIAL EXCEPTION)

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
EZD Name: Elvis Dhima, P.E. Date: 09/12/2024
DEDT. Town Engineer Fire/Health Department Town Planner



REQUEST FOR REVIEW/COMMENTS:

Case: 242-007 (09-26-24) (HOME OCCPATION

Property Location: 101 Musquash Rd SPECIAL EXCEPTION)

	For Town Use
Plan Routing	g Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
	ve no comments
DRH	Name: David Hebert Date: 09/12/2024
(Initials)	
DEPT. To	own Engineer Fire/Health Department Town Planner
(0)	
	3



REQUEST FOR REVIEW/COMMENTS:

Case: 242-007 (09-26-24) (HOME OCCPATION Property Location: 101 Musquash Rd SPECIAL EXCEPTION)

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/202
I have no comments I have comments (see below)
BWG NameBen Wtiahm-Gradert Date: 09/16/2024
DEDT: Town Engineer Fire/Health Department Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT Home Occupation Special Exception Decision Worksheet

On **09/26/2024**, the Hudson Zoning Board of Adjustment heard **Case 242-007**, being a request by **Edgar Oliva**, <u>101</u> <u>Musquash Rd.</u>, <u>Hudson</u>, <u>NH</u> for a <u>Home Occupation Special Exception</u> to operate an internet car sales business with no on-site cars for sale on the property nor advertisements. [Map 242, Lot 007, Sublot-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

After reviewing the petition, and after hearing all testimony and documentary evidence supplied by the Applicant(s) and any other interested citizens, and after taking into consideration personal knowledge of the property in question, the undersigned member of the Hudson Zoning Board of Adjustment, sitting for this case, made the following determinations.

The intended use for which a Home Occupation Special Exception has been requested complies with the definition of a home occupation as an accessory use which by custom has been carried entirely within a dwelling unit, which is incidental and subordinate to the dwelling use, and which complies with the requirements of §334-24 as follows:

 Y N The proposed use shall be secondary to the principal use of the home as the residence. Y N The proposed use shall be carried on within the residence and / or accessory st Y N Other than the home occupation sign(s) permitted under Article XII, Section 3 shall not be any exterior display nor other exterior indication of the home occupation shall not be any variation from the primarily residential character of the principal building. Y N There shall not be any exterior storage, unless permitted by a special except must be screened from neighboring views by a solid fence or by evergreens of and bulk at the time of planting to effectively screen the area, unless this requipal by the Board because of existing foliage and / or long distances). Y N There shall not be any objectionable circumstances (such as noise, vibratical electrical disturbances, odors, heat or glare) produced as the result of this proposed home occupation activity shall not be substativolume than would normally be expected in the neighborhood. Y N Parking provided for the home occupation activity shall be off-street, locative setback areas and / or the front yard, in driveways or paved areas, and limited two vehicles at one time. 	tructure. 334-67, there upation, and there cipal or accessory tion (if permitted, of adequate height
 Y N Other than the home occupation sign(s) permitted under Article XII, Section 3 shall not be any exterior display nor other exterior indication of the home occupation shall not be any variation from the primarily residential character of the principulating. Y N There shall not be any exterior storage, unless permitted by a special except must be screened from neighboring views by a solid fence or by evergreens of and bulk at the time of planting to effectively screen the area, unless this requipant by the Board because of existing foliage and / or long distances). Y N There shall not be any objectionable circumstances (such as noise, vibratic electrical disturbances, odors, heat or glare) produced as the result of this proposed. Y N Traffic generated by the proposed home occupation activity shall not be substativolume than would normally be expected in the neighborhood. Y N Parking provided for the home occupation activity shall be off-street, locat setback areas and / or the front yard, in driveways or paved areas, and limited 	334-67, there upation, and there cipal or accessory tion (if permitted, of adequate height
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setback areas and / or the front yard, in driveways or paved areas, and limited	antially greater in
Y N The home occupation shall be conducted only by residents of the dwelling.	
Y N Excluding any personal vehicle that can also be used for business purposes, pathan one business vehicle (limited to no more than 13,000 pounds with adequate the B, G. and I zones) shall occur.	
Signed:	
Sitting Member of the Hudson ZBA Date	
Print Name:	

APPLICATION FOR A HOME OCCUPATION

SPECI SPECI	AL EXCEPTION
SPECI SP	Entries in this box are to be filled out by Land Use Division personnel
Tankening Board of Adjustment LAND USE DEPT Town of Hudson	Case No. 242-007 (09-26-24)
0 01	Date Filed 9624
Name of Applicant Edgar Oliva	Map: 242 Lot: 7 Zoning District: R7
Telephone Number (Home) 603-330	7-9652 (Work)
Mailing Address 101 Musqua	sh Road Hudson NH 03051
Owner Edgar Oliva / St	
Location of Property 101 Musquas	h Road Hudson NH 03051
(Street Addre	8/25/24
Signature of Applicant .	Date / 2/12/4
Signature of Property-Owner(s)	Date Date
By filing this application as indicated above, the officials, employees, and agents, including the mabutters and other interested members of the papplication during any public meeting conduct appropriate by the ZBA, for the purpose of such eappropriate by the ZBA. The owner(s) release possess against any of the above identified paper examinations, surveys, tests and/or inspections application.	e owner(s) hereby give permission to the Town of Hudson, it's sembers of the Zoning Board of Adjustment (ZBA), as well as, bublic, to enter upon the property which is the subject of this ted at the property, or at such reasonable times as may be examinations, surveys, tests and inspections as may be deemed (s) any claim to or right he/she (they) may now or hereafter rties or individuals as a result of any such public meeting, conducted on his/her (their) property in connection with this
If you are not the property owner, you must pro NOS (wher(s) to confirm that the property owner(s) behalf or that you have permission to seek the d	ovide written documentation signed by the property are allowing you to speak/represent on his/ her/ their lescribed Home Occupation Special Exception.

Items in this box are to be filled out by l COST:	and Use Division p Date receive	-11,	
Application fee (processing, advertising & recording Abutter Notice:	5.63 = 5.0.73 =	\$ 185.00 \$ 61.88 \$ 3.65 \$ 250.53	
	Amt. received:	\$ 250.53	16
Received by:	Receipt No.:	789,481	
By determination of the Zoning Administrator, the fol EngineeringV Fire Dept Health Officer	owing Departmental PlannerOt	review is required: her	



SEP 1 6 2024

09/12/2024

To whom it may concern:

LAND USE DIVISION ZONING DEPT.

My name is Edgar Oliva, I am the owner of 101 Musquash Road, Hudson NH 03051. My home business office will be conducted as a home occupation at the address listed above. The home occupation shall be conducted only by the residents of this dwelling which reside on the premises. I understand that I am responsible for any violations of the Hudson Zoning Ordinance Chapter 334-24, Home Occupations. I also understand that the approval of this home occupation special exception expires with the change of property ownership.

Signed:

2 ISenner

2/5/250 PUBLE

COMMISSION
EXPIRES
FEBRUARY 5,
2025

HAMPSHILL

TOWN OF HUDSON, NH Application Checklist

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

Applicant Initials	Please review the application with the Zoning Administrator or staff.	Staff Initials
E.0	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 10 (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	CJZ
E.O	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.	CIC
<u>E.O</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.)	NA
E.0	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	missin labeli ok.
	(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>E.O</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	CIS
E.0	Provide a copy of all single sided pages of the assessor's card. (NOTE : these copies are available from the Assessor's Office)	CIZ
£.0	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.	CIC
E.0	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or Vicircle one). If yes, submit an application to the Planning Board.	NA

CERTIFIED PLOT PLAN:

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

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

a) b)	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. The plot plan shall be up-to date and dated, and shall be no more than three years old.	NA
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.	1/

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

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
242	9	*Include Applicant & Owner(s) Matthew D. Reddig Joseph - Florence Lesset	8 Northaniel Dr. Hudson NH 03051
242	10	Matthew Reddig	10 Nathaniel Dr. Hudson NH 0305
242	11	Robert & Maryellen Davis	IN Notherial St.
242	1	Rickey & Brenda Lemon	14 R Sanders Rd Hudson NH 03051
242	ч	James & Marie Maintosh	109 Musquash Ad Hudson NH 03051
242	5	James & Marie Maintosh	Hudson NHO3051
242	6	James & Julie Ewing	105 Musquash Md Hudson NH 03051
242	53	Michael & Michalle Pelletier	100 Musquash Ad Hudson NH 0305 (
247	54	William Cunningham	Hudson NH 0305 (
242	007	Stephanie & Edgar E. Oliva	101 Musquash Rd. Hudson, NH 03051

Applicant

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

	MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
Direct*	242	12	James Panagopoulos	16 Nathaniel Dr Hudson 11H 03051
	247	8	Dennis Pagones & Masia Campo	2 Madla on he
	242	57	Nino Vinov	98 Musquash Rd Hudson NH 03051
Bired *	242	55	Richard & hosanne Empey	Hudson NH 03051
	242	56	Steven & Mary Seroche	106 Musquash Rd Hudson NH 03051
	242	27	Steven & Laura Bisson	7 Nathaniel br Hudson NH 03051
	242	47	Brian & Aimee Leshane	7 Glenview Dr Hudson NH 03051
				(100-2011)
	1	ı	1	

USPS-Verified Mail

send	12 H	OWN OF HUDSON SCHOOL STREET JOSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 242-007 HOME OCCUPATION SPECIAL EXCEPTION 101 Musquash Rd., Hudson, NH 03051 Map 242/Lot 007-000 1 of 1
	A	RTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting
1		5270 0646 5654 03	OLIVA, STEPHANIE & EDGAR E.	APPLICANT/OWNER NOTICE MAILED
			101 MUSQUASH RD., HUDSON, NH 03051	
2	9589 0710	5270 0646 5654 10	LEMON, RICKEY & BRENDA J.	ABUTTER NOTICE MAILED
			14R SANDERS ROAD, HUDSON, NH 03051	
3	9589 0710	5270 0646 5654 27	MCINTOSH, JAMES S. & MARIE T., TRUSTEES	ABUTTER NOTICE MAILED
			109 MUSQUASH ROAD, HUDSON, NH 03051	
l.	9589 0710	5270 0646 5654 34	EWING, JAMES F. & JULIE P., TRUSTEES	ABUTTER NOTICE MAILED
			105 MUSQUASH ROAD, HUDSON, NH 03051	
5	9589 0710	5270 0646 5654 41	REDDIG, MATTHEW D.	ABUTTER NOTICE MAILED
Y743	h.		8 NATHANIEL DR., HUDSON, NH 03051	
5	9589 0710	5270 0646 5654 58	REDDIG, MATTHEW D.	ABUTTER NOTICE MAILED
			10 NATHANIEL DR., HUDSON, NH 03051	300
7	9589 0710	5270 0646 5654 65	DAVIS, ROBERT P. & MARYELLEN, TRUSTEES	ABUTTER NOTICE MAILED
			14 NATHANIEL DRIVE, HUDSON, NH 03051	
3	9589 0710	5270 0646 5654 72	PANAGOPOULOS, JAMES	ABUTTER NOTICE MAILED
			16 NATHANIEL DRIVE, HUDSON, NH 03051	
9	9589 0710	5270 0646 5654 89	PELLETIER, MICHAEL R. & MICHELLE M.	ABUTTER NOTICE MAILED
			100 MUSQUASH RD., HUDSON, NH 03051	
10	9589 071	3 5270 0646 5654 96	CUNNINGHAM, WILLIAM P.	ABUTTER NOTICE MAILED
			102 MUSQUASH ROAD, HUDSON, NH 03051	
11	9589 071	3 5270 0646 5655 02	EMPEY, RICHARD E. & ROSANNE, TRUSTEES	ABUTTER NOTICE MAILED
			104 MUSQUASH ROAD, HUDSON, NH 03051	
		otal Number of pieces listed by ender 11	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

Page 1 **Direct Certified**

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 242-007 HOME OCCUPATION SPECIAL EXCEPTION 101 Musquash Rd., Hudson, NH 03051 Map 242/Lot 007-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting
1	Mailed First Class	PAGONES, DENNIS; CAMPO, MARIA	ABUTTER NOTICE MAILED
		2 NATHANIEL DRIVE, HUDSON, NH 03051	
2	Mailed First Class	BISSON, STEVEN E. & LAURA M.	ABUTTER NOTICE MAILED
, , , , , , , , , , , , , , , , , , , ,		7 NATHANIEL DRIVE, HUDSON, NH 03051	
3	Mailed First class	STEVENS, BRIAN E. & AIMEE LESHAN	ABUTTER NOTICE MAILED
		7 GLENVIEW DRIVE, HUDSON, NH 03051	
4	Mailed First class	NINOV, NINO	ABUTTER NOTICE MAILED
		98 MUSQUASH RD., HUDSON, NH 03051	
5	Mailed First class	DE ROCHE, MARY V. & STEVEN	ABUTTER NOTICE MAILED
		106 MUSQUASH ROAD, HUDSON, NH 03051	
6			
7			HUDSCN NA
8			32.
9			302; 6
10			Sos
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

First Class Page 1



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 13, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, September 26, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

<u>Case 242-007 (09-26-24)</u>: Edgar Oliva, <u>101 Musquash Rd.</u>, Hudson, NH requests a <u>Home Occupation Special Exception</u> for an internet car sales business with no on-site cars for sale on the property nor advertisements. [Map 242, Lot 007, Sublot-000; Zoned Residential- Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

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

Respectfully,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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

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

Respectfully,

Chris Sullivan Zoning Administrator

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

A home occupation is a wholesale sales or service operation for goods produced or services provided on-site and is permitted only as a special exception upon approval by the Zoning Board of Adjustment. In granting such an exception, the Board must find the home occupation to be in full compliance with the requirements listed below. Per Hudson Zoning Ordinance Article VI, Special Exceptions; §334-24 F, On-site retail sales are an expressly prohibited home occupation special exception use.

_	Please explain, in detail, the nature of your home business. My business would involve selling we hides through online platforms from how
	This model allows me to leverage internet Marketing, social media, and and sales
Ť	website to reach potential buyers without needing a physical car lot. I hand
0	Ill aspects of the sale process, including listing behick; communicating with
ر ر	tential buyers and managing the papermork required for each from saction.
د	Operating from home, I reduce overhead costs and I am able to sell as
TV	re interest without any on site sales ladvertising. Is the home occupation secondary to the principal use of the home as the business owners'
	residence? Please explain.
	The home occupation is secondary to the address. The
	Orinary use of the property is my have residence.
	No the home Occupation would be registered to my home. Evaluating will be done from my office inside my home.
	Other than the sign(s) permitted under Article XII, will there be exterior display or other exterior
	indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.
	indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.
	indications of the home occupation? Will there be any variation from the primarily residential
	indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

Will there be exterior storage and will it be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area? It situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board. Please explain how you will comply.
No exterior Storage
Will there be noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare produced? Please explain, and if there will be electrical disturbances, describe the frequency. None of the above
Will the traffic generated by the home occupation activity be substantially greater in volume that would normally be expected in the neighborhood? Please explain the expected traffic to your business
Where will customer/client parking for the home occupation be located? Please explain. No customer/Client Parking
Who will be conducting the home occupation? Please explain. Edgar Oliva - Property Owner Business Owner
Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).



TOWN OF HUDSON



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

Zoning Determination #24-076R

August 19, 2024

Mr. and Mrs. Oliva 101 Musquash Road, Hudson, NH 03051

Re:

101 Musquash Road Map 242 Lot 007-000

District: Residential Two (R-2)

Dear Mr. Olivia,

Your request: the property owner would like to run an internet Car Sale from the home. No on-site advertisements or cars for sale on the property will be permitted.

Zoning Review / Determination:

The use of internet car sales from your home would require a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24 <u>Home Occupations.</u>

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 886-6000 (ext. 1275)

csullivan@hudsonnh.gov

cc:

Public File

B. Dubowik, (Planning Administrative Aide)

Inspectional Services

Owner File

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

Property Location: 101 MUSQUASH RD

Parcel ID: 242/007/000//

Card Address: Card #: 1 LUC: 1010

168.800

Account #: Bldq #: 1 of 1 Vision ID: 550 4198 Print Date: 8/26/2024 12:20:37 P ASSESSING NEIGHBORHOOD WILESEN TYPE TO PREVIOUS ASSESSMENTS (HISTORY) CURRENT OWNER 2.4 Nond Name Year Assessed Year Code | Assessed Val | Year Nbhd Code Code Assessed OLIVA, STEPHANIE RD Residential Avo/Fair 2024 1010 326,900 2023 1010 326,900 2023 1010 326,900 OLIVA, EDGAR E. / 1010 168,800 1010 168,800 1010 168,800 TOPO SELECTION 101 MUSQUASH RD 1010 28,200 1010 28,200 1010 18,800 Bel St Priv Water Septic Total 523.900 Total 523,900 Total 514,500 03051 HUDSON NH RECORD OF OWNERSHIP SALE DATE Q/U: V/L SALE PRICE VC SALE NOTES APPRAISED VALUE SUMMARY **BK-VOL/PAGE** 3是"安切" 1466 652,000 9788 07-15-2024 Q 00 OLIVA, STEPHANIE Appraised Bldg. Value (Card) 310,000 Grantor. 6314 357 09-25-2000 U 31 SHUNAMAN, CHARLES L. SHUNAMEN. 100,000 SHUNAMEN, CHARLES L. 6292 0637 09-19-2000 U 38 CHARLES L. Appraised Xf (B) Value (Bldg) 36,800 Granton SHUNAMAN. Appraised Ob (B) Value (Bldg) 28,200 LESLIE/E. LO Appraised Land Value (Bldg) 168,800 Special Land Value SUPPLEMENTAL DATA CURRENT ASSESSMENT 1 27 Descript Code Appraised Assessed 242-007-000 Total Appraised Parcel Value 543,800 Parcel ID BLDG 1010 346,800 346.800 R2:Residential-2 Zoning, LAND. 1010 168,800 168.800 C Valuation Method Flood Hazard C 1010 lob 28,200 28,200 Neigh/Abut1 Neigh/Abut2 PREV 0005-0091-0000 Neigh/Abut3 543,800 543.800 **Total Appraised Parcel Value** GIS ID 242-007-000 Assoc Pid# Total: 543,800 NOTES AND THE PROPERTY OF THE VISIT/CHANGE HISTORY Date Purpost/Result Id Cd XTRA SINK IN THE LAUNDRY AREA IN BSMT. K gar for 22/50% compl. ck 23 and 100% 08-23-2024 21 30 Sales Data Verification IT HAS CERAMIC FL & OAK CABS.12/2018:AVG DONE 03-21-2023 21 15 Permit Visit 07-15-2022 28 45 Field Review /GOOD CONDITION.2020-deck removed, no st RADIENT HEAT IN SUNROOM, LV. KIT 04-04-2022 21 Permit Visit 15 art. TY 21 new addition-radient ht-16x17 04-09-2020 21 Permit Visit 15 12-10-2018 18 02 Measured vited 4 seas summ over pat with fpl an 04-29-2016 15 15 Permit Visit d 8x20 deck 04-29-2016 15 06 Info By Phon BUILDING PERMIT RECORD - A grant was 等性時間響。這些語言的方式認識的方式 TO SEE PRINT 1. S. F. S. S. S. Applicant SQ ft Permit Id Issue Date Permit C Description Amount Status Comments 04-14-2022 3.500 С **DESOUSA ELECTRIC** Wire detached garage 26 x 36 2021-01297-3lEL 78,000 C C F Construction Construct detached garage 26 x 36 01-10-2022 IGD 2021-01297 12-20-2021 IDRV C SHUNAMAN CHARLE Driveway extension to connect to new detached garage 26 x 36 2021-01297-2-Driveway lFD Foundation 78,000 С SHUNAMAN CHARLE Construct detached garage 26 x 36 2021-01297-1-12-20-2021 С 2020-00177-3 05-22-2020 MECH Mechanical 300 725 С 05-22-2020 MECH Mechanical 2020-00177-2 С 04-23-2020 ELEC Electrical 2.000 2020-00177-1 С 03-10-2020 lad Addition 96,400 2020-00177 C 2015-00707 07-28-2015 200 Visit Notes: Lp Tank For Fp And Furnace; Appendix to the property of the second of th LAND LINE VALUATION SECTION Barrier Commence Tag 1, 12 Size Site В Acrege Nbhd LandUse Land Type **Unit Price** Nbhd. Land Adjustment Land Units Cond. Notes Land Value Description # Code Adi. Index Adi. 1.00 RD AC 170,000 5 1.00 0.95 Location 0.95 153,400 1010 SINGLE FAMILY RES Site 1.000 1.00 0 1.00 RD 0.95 SINGLE FAMILY RES **Excess** 2.693 AC 6,000 15,400 1010 Total Card Land Units: 3.693 AC Parcel T Disclaimer: This information is helieured to be correct but is subject to change and is not warrantied AC Total Land Value:

Parcel Total Land Area: 3.693

Property Location: 101 MUSQUASH RD Vision ID: 550 Account #: 4198

1,788

4,132

Total Liv Area/Gr. Area/Eff Are

2,240 TotalValue

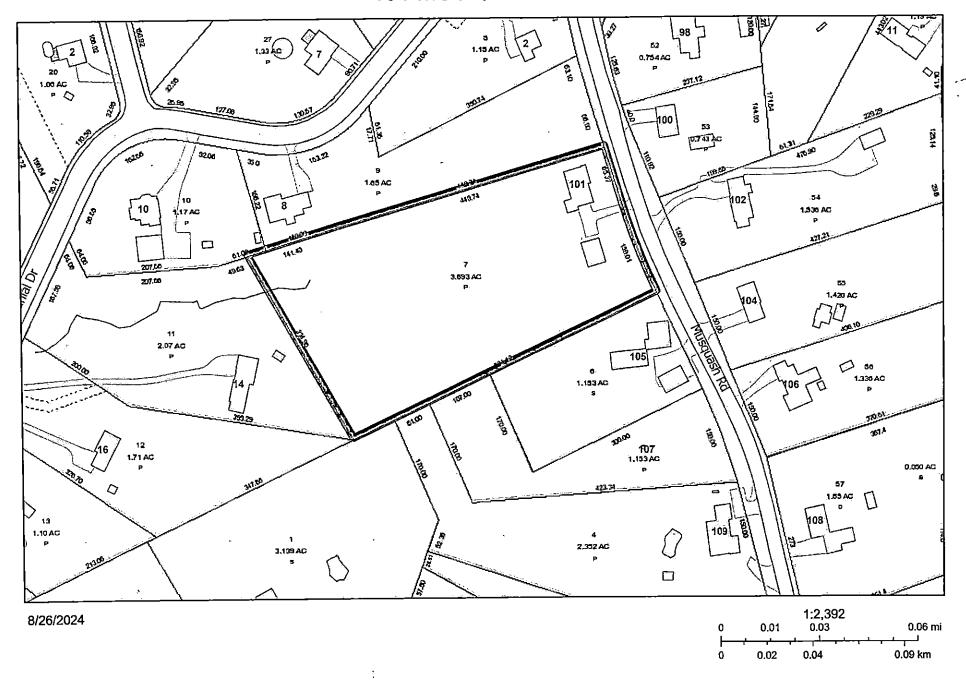
Parcel ID: 242/ 007/ 000/ /

Bldg #: 1

Card Address: Card #: 1 of 1 LUC: 1010 Print Date: 8/26/2024 12:20:38 P

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101 MUSQUASH RD



Printed 9/06/2024 3:16PM Created 9/06/2024

3:14 PM

Transaction Receipt

Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt# 789,481 tgoodwyn

Description			Current Invoice	Payment	Balance Due	
1.00	Zoning Application 101 Musquash Rd Map 242 Lot 007-000	Zone R-2				
	Home Occ Spcl. Excep		0.00	250.5300		0.00
				Total:		250.53
Remitter		Pay Type	Reference	Tendered	Change	Net Paid
Edgar & S	Stephanie Oliva	CHECK	CHECK # 164	250.53	0.00	250.53
			-	Total Due:		250.53
				Total Tendered:		250.53
				Total Change:		0.00
				Net Paid:		250.53



TOWN OF HUDSON

Land Use Division



Zoning Administrator Staff Report
Meeting Date: September 26, 2024

Case 152-067 (09-26-24): Tom Brown, 110 Barretts Hill Rd., Hudson, NH requests a Variance to allow the continued parking of a vintage recreational motor coach bus where the parking of recreational buses (Industrial use E-13) is not permitted in the R-2 Zone. [Map 152, Lot 067, Sublot-000; Zoned Residential- Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Address: 110 Barretts Hill Rd. Map 152, Lot 067-000

Zoning district: Residential Two (R-2)

RELIEF REQUESTED: Variance to allow the continued parking of a vintage recreational motor coach bus.

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 44,866 sq. ft. where 87,120 is required. The lot is classified as a single-family residence. The lot has a single-family home and a large garage.

History/Attachments: None

Plans: None

BUILDING PERMITS

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

A: Letter for the preexisting business 2-20-23

B: Complaint Follow-up 5-3-22

C: Complaint 1-3-23

D: Complaint 6-4-24

E: Zoning Determination 9-5-24

AERIAL / PHOTOS Aerials (2024) 110 Barretts Hill Rd



In-House comments:

F: Town Engineer: no comments 9-12-24 G: Inspectional Services/Fire Dept.: no

comments 9-12-24

H: Associate Town Planner: no comments

9-16-24



Date: 2/20/23

To: Town of Hudson 12 School St Hudson NH 03051

Re: This is to verify the business at 110 Barretts Hill Road.

To whom it may concern,

In 1958, George and Ann Brown bought property on Barretts Hill Road. It was later subdivided into 108, 110, and 114.

George and Ann started an excavation business at that time. They owned a backhoe, payloader, bulldozers, and dump trucks as well as snow plowing equipment. The business was excavation, landscaping, septic systems, and other earth moving business. They also bought a loam screener, which is still located at 110 Barretts Hill Road. In 1975, they built a barn in which to continue the business.

George and Ann had three children: Susan, Thomas, and Daniel. Thomas took over the business at 110 Barretts Hill Road from his father, George. Thomas has been running it ever since.

Please note this for your records. Thank you.

Sincerely,

Thomas G. Brown 110 Barretts Hill Rd Hudon NH 03051 603-689-5748

I attest that this location has been in business as described.

Thomas Brown	Date:
Susan Brown Susan Brown	Date: 2/26/23
Daniel Brown	Date:







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



Complaint Follow-up

May 3, 2022

Thomas and Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

Re:

110 Barretts Hill Rd Map 152 Lot 067-000

District: Residential Two (R-2)

Dear Thomas and Rachel,

Thank-you for allowing the site visit on Friday 4/29/22 with Dave Hebert – Fire Marshal and myself.

The Complaints I addressed were as follows:

- 1) Basement living: You indicated that the basement is/was used by a family member to sleep overnights on occasion. We determined that with a working smoke/CO Detector and the direct exit door access, this situation is not violating any codes.
- 2) Excess vehicles: I indicated to you that you are allowed 1 unregistered vehicle, you indicated you were in process of selling some. Action Item: Please continue to remove reduce the unregistered vehicles.
- 3) Junk/debris/scrap metal. Action Item: Please attempt to sell/remove the junk/debris/scrap metal.
- 4) The use of property as an Automotive Repair Business. It did not have appearance of any operation of such.

You have 2 action items to continue towards compliance and abatement of the complaint.

Please contact me in the first week of July 2022 to schedule a compliance/review of progress/action for possible close out of the complaint.

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



Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

Encl:

Complaint

cc:

Public Folder

B. Groth, Town Planner D. Hebert, Fire Marshal

File









TOWN OF HUDSON

Land Use Division

Complaint

January 3, 2023

Thomas and Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

110 Barretts Hill Rd Map 152 Lot 067-000 Re:

District: Residential Two (R-2)

Dear Thomas and Rachel,

I have received a complaint as follows: The use of property as an Automotive Repair Business.

Please contact me by January 31, 2023 to schedule a site visit to review the alleged complaint.

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

Complaint letter Encl: Public Folder

B. Groth, Town Planner

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







Land Use Division

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



Notice of Complaint

June 4, 2024

Thomas and Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

110 Barretts Hill Rd Map 152 Lot 067-000 Re:

District: Residential Two (R-2)

Dear Thomas and Rachel,

We have received a complaint about your property. The complaints are what we had last year and Bruce Buttrick was working with you. After I drove past your property it looks like things are starting to accumulate again.

The complaints are as follows:

§ 334-13 Junkyards prohibited; outdoor storage.

- A. The operation of a junkyard is not permitted in any district.
- B. The outdoor storage of any of the following are not permitted in any district:
- (1) More than one unregistered vehicle.
- (2) Any quantity of waste, refuse, junk or ashes.

§334-6 Definitions, Junk: "Any material, such as, but not limited to, discarded metal, glass, paper, building debris, demolition debris, salvage materials, rubber, textiles, rubbish or trash or junked, dismantled or wrecked motor vehicles or motor vehicle parts."

§ 334-15 Parking

- B. Parking prohibited. Parking or storing of vehicles in excess of the amounts specified in this section is prohibited.
- (1) Outdoor parking or storage of more than one unregistered motor vehicle per residential unit.
- (3) Outdoor parking or storing of more than one recreational vehicle per residence. Parking or storage shall not take place within setback areas, other than on a driveway.

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

Please contact me in the first week of June 21, 2024 to schedule a compliance/review of progress/action for possible close out of the complaint.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivanhudsonnh.gov

cc:

Public Folder Brooke Dubowik Inspectional Services

File









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

Zoning Determination #24-083

September 5, 2024

Sent 1st Class Mail

Thomas & Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

Re:

110 Barretts Hill Rd Map 152 Lot 067-000

District: Residential Two (R-2)

Dear Mr. & Mrs. Brown,

Your request: you would like to park a vintage bus on the property.

Zoning Review / Determination:

The Parking of a large bus is not permitted in the R-2 Zone per §334-21 (E-13) – <u>Table of Permitted Principal Uses</u>. You will have to obtain a variance from the Zoning Board of Adjustment to leave the bus parked on the property.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 886-6000 (ext. 1275) csullivan@hudsonnh.gov

Att:

2024 Aerial

cc:

Public File

B. Dubowik, Administrative Aide

Inspectional Service

Owner File

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



110 Barretts Hill Rd - Buss parked on the property.

9/5/2024 1:1,317 0.01 0.03 mi

0.01

0.03

0.05 km



REQUEST FOR REVIEW/COMMENTS:

Case: 152-067 (09-26-24) (VARIANCE)

Property Location: 110 Barretts Hill Rd

	For Town Use	
Plan Routing Da	ate: 09/11/2024 Reply requested by: 09/16/202	24ZBA Hearing Date: 09/26/2024
I have no	o comments I have comments (see	below)
EZD N	Name: Elvis Dhima, P.E.	Date: <u>09/12/2024</u>
DEDT. Town E	Engineer Fire/Health Department	Associate Town Planner
		w (====



REQUEST FOR REVIEW/COMMENTS:

Case: 152-067 (09-26-24) (VARIANCE)
Property Location: 110 Barretts Hill Rd

For Town Use
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024
I have no comments I have comments (see below)
DRH Name: David Hebert Date: 09/12/2024
(Initials)
DEPT. Town Engineer Fire/Health Department Associate Town Planner



REQUEST FOR REVIEW/COMMENTS:

Case: 152-067 (09-26-24) (VARIANCE)
Property Location: 110 Barretts Hill Rd

For Town Use							
Plan Routing Date: 09/11/2024 Reply requested by: 09/16/2024 ZBA Hearing Date: 09/26/2024							
I have no comments I have comments (see below)							
BWG NameBen Witham-Gradert Date: 09/16/2024							
DEPT. Town Engineer Fire/Health Department Associate Town Planner							

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

On **09/26/2024**, the Zoning Board of Adjustment heard **Case 152-067**, being a case brought by **Thomas G. Brown**, <u>110 Barretts Hill Rd.</u>, <u>Hudson</u>, <u>NH</u> requesting a <u>Variance</u> to allow the continued parking of a vintage recreational motor coach bus where the parking of recreational buses (Industrial use E-13) is not permitted in the R-2 Zone. [Map 152, 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."
▼ 7	N T	
Y	N	3. Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.
Y	N	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

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

(Continued)

Y 5. N N/A	A.	The Applicant established that literal enforce would result in an unnecessary hardship. "Ut to special conditions of the property that disarea: (1) No fair and substantial relationship exist the ordinance provision and the specific property; and	nnecessary hardship" means that, owing tinguish it from other properties in the a between the general public purposes of
	_	(2) The proposed use is a reasonable one.	
Y N	B. —	Alternatively, if the criteria above (5.A) are a will be deemed to exist if, and only if, owing that distinguish it from other properties in the used in strict conformance with the ordinance to enable a reasonable use of it.	g to special conditions of the property e area, the property cannot be reasonably
		-	
		member of the Hudson ZBA	Date
Print name: _			
Stipulations: -			

ARROF HOUSE AND Hampshire On	FOR A VARIANCE		
03051	Entries in this box are to b Land Use Division personne		
ZONING DEPT. SEP 0 6 2024 ZONING DEPT.	Case No. 152-067	09-26-24)	
, DEPT.	Date Filed 96		
Name of Applicant Tom Brown	Map: 152 Lot: 067Zc	ning District: 12-2	
Telephone Number (Home) 603 - 689-57	48 (Work)		
Mailing Address 110 Barretts Hill		051	
Owner Tom and Rachel Br	own		
Location of Property Same os above			
(Street Address	8/30/	24	
Signature of Applicant	Brown 8/30/2 Brown 8/30/2		
Signature of Property-Owner(s)	Brown 8/30%		
By filing this application as indicated above, the out's officials, employees, and agents, including the well as, abutters and other interested members of the of this application during any public meeting commay be authorized by the ZBA, for the purpose of the deemed appropriate by the ZBA. The owner(s) hereafter possess against any of the above identification, examinations, surveys, tests and/or inspective with this application.	members of the Zoning Board of Adhe public, to enter upon the property ducted at the property, or at such such examinations, surveys, tests and release(s) any claim to or right he/shiled parties or individuals as a result	ljustment (ZBA), as which is the subject reasonable times as linspections as may e (they) may now or of any such public	
If you are not the property owner, you must prowner(s) to confirm that the property owner(s) are or that you have permission to seek the described	allowing you to speak/represent on h	ed by the property nis/ her/ their behalf	
Items in this box are to be filled	d out by Land Use Division p		
COST: Application fee (processing, advertising &	recording) (non-refundable):	\$_185.00	
Abutter Notice: Direct Abutters x Certified postage Indirect Abutters x First Class post Total an	rate \$ 5.63 = tage rate \$ 0.73 =	\$ 39.38 \$ 2.19 \$ 226.57	كالمحر
	Amt. received:	\$ 226.57 3	3318
Received by: (13G)	Receipt No.:	789,482	
By determination of the Zoning Administrat			
Engineering rite Dept Health	Onicer Planner _ Oth	ner	

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.

		Autro.
Applicant Initials	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	Staff Initials
TB	The applicant must provide the original (with wet signatures) of the complete filled- out application form <u>and</u> all required attachments listed below together with thirteen (13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	as
TB	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.	C)5
TB	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.)	CJS
	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.)	CIS
	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	()
TB	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office) 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.	SS ending
ALL	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y of N circle one). If yes, submit an application to the Planning Board.	NA

2

Planning Board.

CERTIFIED PLOT PLAN:

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

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

a) WA 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. The plot plan shall be up-to date and dated, and shall be no more than three years old. b)_ The plot plan shall have the signature and the name of the preparer, with his/her/their seal. c) 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) The plot plan shall include the area (total square footage), all buffer zones, streams or e) 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. The plot plan shall include all proposed buildings, structures, or additions, marked as g) "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. The plot plan shall indicate all parking spaces and lanes, with dimensions. i)

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

Rach Brown

Signature of Applicant(s)

Signature of Property Owner(s)

9/6/2024 Date 9/4/2024

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) Thornoo I Brown	110 Banetto Hill Rd
152	067	Rachel D. Brown Corrad Hauthier	Hudson n.H. U3051
		Corrad Hauthier	113 Barretto Hill Rd.
152	004	Judith Souther	HudsonnH.03051
			107 Barretto Hill Rd.
152	005	Thomas R. Salati	Hudson n.H. 03051
		Thomas K. Salali	9 Copeland Dr.
152	063	Judith B Salati	Hudson N.H. 03051
I I E A	0/11	Micheal O. Flaherty	7 Copeland Dr.
152	064	allison Flaherty	Hudson NH, 0305/ 108 A Barretts Hilled.
152	066	Susant, Brown	Hudson n.H. 03051
134		Daniel P. Brown	114 Barretto Hill Rd.
152	068	Louise M. Brown	Hudam n.H.03051
100			
	:		
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	1		

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
152	003	Sean M. Hamel Trust.	l l
152	065	Michael Hacol-Hanley Christopher E. + Kellie ann	Monthy 1 Coplanda
152	069	Christophis E. + Kellie ann	Foly 116 Barrotto HillR
		•	•

USPS-Verified Mail

SENI	DER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 152-067 VARIANCE 110 Barretts Hill Rd., Hudson, NH 03051 Map 152/Lot 067-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/2024 ZBA Meeting
1	9589 071	0 5270 0646 5655 19	BROWN, THOMAS G. & RACHEL D.	APPLICANT/OWNER NOTICE MAILED
			110 BARRETTS HILL ROAD, HUDSON, NH 03051	
2	9589 0710	3 5270 O646 5655 26	GAUTHIER, CONRAD & JUDITH	ABUTTER NOTICE MAILED
			113 BARRETTS HILL ROAD, HUDSON, NH 03051	
	9589 071	0 5270 0646 5655 33	BROWN, KAREN A.	ABUTTER NOTICE MAILED
			107 BARRETTS HILL ROAD, HUDSON, NH 03051	
1	9589 071	0 5270 0646 5655 40	SALATI, THOMAS R. & JUDITH B.	ABUTTER NOTICE MAILED
	3.000.00		9 COPELAND DRIVE, HUDSON, NH 03051	
	9589 071	0 5270 0646 5655 57	FLAHERTY, MICHAEL D. & ALLISON	ABUTTER NOTICE MAILED
_			7 COPELAND DR., HUDSON, NH 03051	
5	9589 071	0 5270 0646 5655 64	BROWN, SUSAN L.	ABUTTER NOTICE MAILED
-1000	70 30		108A BARRETTS HILL RD., HUDSON, NH 03051	
1	9589 071	0 5270 0646 5655 71	BROWN, DANIEL P. & LOUISE M.	ABUTTER NOTICE MAILED
			114 BARRETTS HILL RD., HUDSON, NH 03051	
3			100 NH 03057	
			100° 057	
)				2
10			SEP 1 3 2024	
				/
		Total Number of pieces listed by sender 7	Total number of pieces rec'yd at Post Office	Postmaster (receiving Employee)

Direct Certified

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 152-067 VARIANCE 110 Barretts Hill Rd., Hudson, NH 03051 Map 152/Lot 067-000 1 of 1
		Name of Addressee, Street, and post	
	ARTICLE NUMBER	office address	09/26/2024 ZBA Meeting
1	Mailed First Class	HAMEL, SEAN M., TR.; SEAN M. HAMEL TRUST	ABUTTER NOTICE MAILED
	A	115 BARRETTS HILL RD., HUDSON, NH 03051	*
2	Mailed First Class	HANLEY-MCCARTHY, MICHAEL HANLEY-MCCARTHY, JACOB	ABUTTER NOTICE MAILED
		1 COPELAND DR., HUDSON, NH 03051	
3	Mailed First class	FOLEY, CHRISTOPHER E. & KELLIE- ANN	ABUTTER NOTICE MAILED
		116 BARRETTS HILL RD., HUDSON, NH 03051	
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5		/	05011 111 6305
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	Total Number of pieces listed by sender 3	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

First Class Page 1



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 13, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, September 26, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 152-067 (09-26-24): Thomas G. Brown, 110 Barretts Hill Rd., Hudson, NH requests a Variance to allow the continued parking of a vintage recreational motor coach bus where the parking of recreational buses (Industrial use E-13) is not permitted in the R-2 Zone. [Map 152, 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,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, 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 Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan Zoning Administrator

APPLICATION FOR A VARIANCE

this form constitutes a request for a variance from the literal provisions of the Hudson Zoning
Ordinance Article of HZO Section(s) 334-21 Oarking of
Ordinance Article of HZO Section(s) 33 4-21 Order to permit the following:
My family and I wish to Continue to use
our 1959 & M PD4104 motor Coach We bought
it in 1910 for 1500 cash with a promise to
Rootore as a Motor home. For more than 2042s
We have worked to Create Custom Calinets
dinette inte sorittimain a completable service
Which an occasion we take it out Camping with
Which an occasion we take it out Camping with family off premises + Iven parade down main St.

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 Motor Coach Courte that an amount of the public health, safety, or welfare, or otherwise injure "public rights.") The Motor Coach
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.") Adam This refracte to used a few function of the injury for the same for th
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.) We toke it out for Company at Comp
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 live Screened from the Road for the Side of the

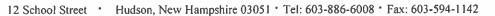
FACTS SUPPORTING THIS REQUEST: (Continued)

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
	This is a recluded to Valuable motor Coach we were much time & morey into Customers into a recreational relief of would be a great loss to our family to loss it
	realize as a part of a family tradetion because when are parents lived on the property behind is. They ploo had a Cooch that they converted into to a motor home also an centique dues It remo areat and
	it doubtful it poses any problem to anyon
	Explain how the special conditions of the property cause the proposed use to be reasonable.
	See #1'
	B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.



TOWN OF HUDSON

Land Use Division





Zoning Determination #24-083

September 5, 2024

Sent 1st Class Mail

Thomas & Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

Re:

110 Barretts Hill Rd Map 152 Lot 067-000

District: Residential Two (R-2)

Dear Mr. & Mrs. Brown,

Your request: you would like to park a vintage bus on the property.

Zoning Review / Determination:

The Parking of a large bus is not permitted in the R-2 Zone per §334-21 (E-13) – <u>Table of Permitted</u> <u>Principal Uses</u>. You will have to obtain a variance from the Zoning Board of Adjustment to leave the bus parked on the property.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 886-6000 (ext. 1275) csullivan@hudsonnh.gov

Att:

2024 Aerial

cc:

Public File

B. Dubowik, Administrative Aide

Inspectional Service

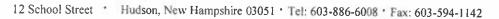
Owner File

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



TOWN OF HUDSON

Land Use Division





Notice of Complaint

June 4, 2024

Thomas and Rachel Brown 110 Barretts Hill Rd Hudson, NH 03051

Re:

110 Barretts Hill Rd Map 152 Lot 067-000

District: Residential Two (R-2)

Dear Thomas and Rachel,

We have received a complaint about your property. The complaints are what we had last year and Bruce Buttrick was working with you. After I drove past your property it looks like things are starting to accumulate again.

The complaints are as follows:

§ 334-13 <u>Junkyards prohibited</u>; outdoor storage.

- A. The operation of a junkyard is not permitted in any district.
- B. The outdoor storage of any of the following are not permitted in any district:
- (1) More than one unregistered vehicle.
- (2) Any quantity of waste, refuse, junk or ashes.

§334-6 <u>Definitions</u>, Junk: "Any material, such as, but not limited to, discarded metal, glass, paper, building debris, demolition debris, salvage materials, rubber, textiles, rubbish or trash or junked, dismantled or wrecked motor vehicles or motor vehicle parts."

§ 334-15 <u>Parking</u>

- B. Parking prohibited. Parking or storing of vehicles in excess of the amounts specified in this section is prohibited.
- (1) Outdoor parking or storage of more than one unregistered motor vehicle per residential unit.
- (3) Outdoor parking or storing of more than one recreational vehicle per residence. Parking or storage shall not take place within setback areas, other than on a driveway.

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

Please contact me in the first week of June 21, 2024 to schedule a compliance/review of progress/action for possible close out of the complaint.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivanhudsonnh.gov

cc: Public Folder

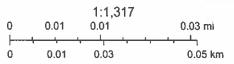
Brooke Dubowik
Inspectional Services

File

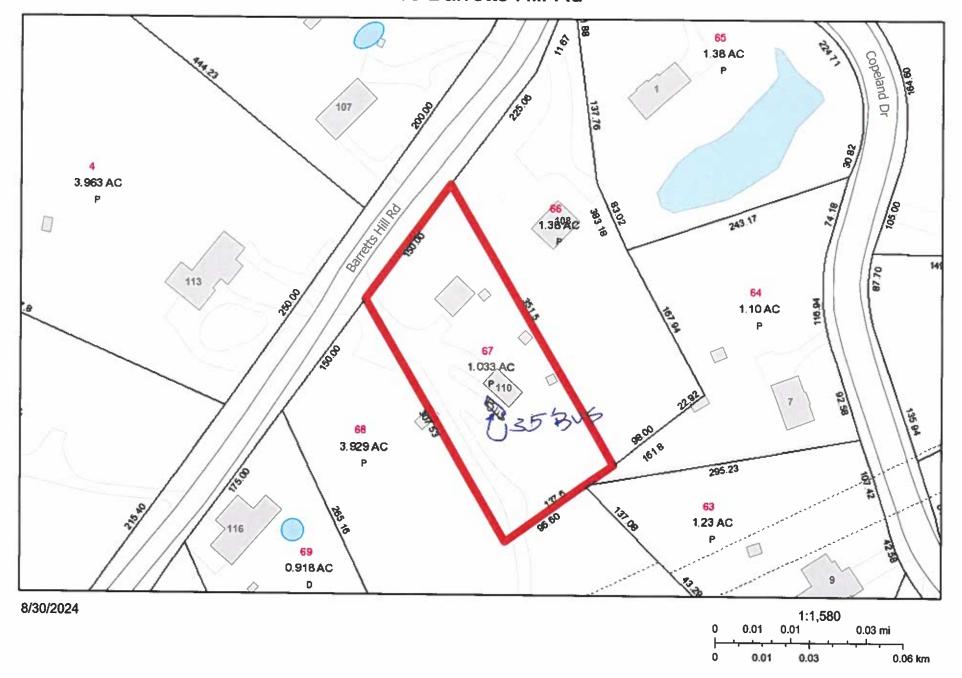
110 Barretts Hill Rd - Buss parked on the property.



9/5/2024



110 Barretts Hill Rd



Property Location: 110 BARRETTS HILL RD Vision ID: 4527 Account #: 1234 Parcel ID: 152/ 067/ 000/ /

Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1010

Print Date: 09-05-2024 1:35:51 P

														Card #:		of 1					e: 09-05-20	
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Property Location: 110 BARRETTS HILL RD Vision ID: 4527 Account #: 1234 Parcel ID: 152/067/000//

Bldg #: 1

Card Address:

LUC: 1010

of 1 Card #: 1 Print Date: 09-05-2024 1:35:52 P CONSTRUCTION DETAIL CONSTRUCTION DETAIL (CONTINUED) SKETCH / PRIMARY PHOTO Element Cd Description Element Description Cd Model 01 Residential Ava Ht/FL Stories: 0 1,75 Extra Kitchens Style: 04 Cape Cod Add Kitchen Ra Grade: C Average (Liv) Units WDK Exterior Wall 1 04 Vinyl Roof Structure 01 Gable Roof Cover 01 Asphalt Shingle Frame 01 Wood Foundation 01 Concrete Interior Wall 1 01 COST / MARKET VALUATION Drywall 179.90 16 Interior Floor 1 02 Softwood **Building Value New** Heat Fuel 01 256,537 Oil Heat Type 01 Forced Air # Heat Systems Year Built 1960 **AC Percent** 0 Effective Year Built 1995 **Total Rooms** 5 Depreciation Code ΑV Bedrooms 3 Remodel Rating Full Baths 1 TQS Year Remodeled FFL 3/4 Baths 0 BMT Depreciation % 27 Half Baths 0 Functional Obsol Extra Fixtures 0 External Obsol Kitchens Trend Factor 1.000 Kitchen Rating FR Fair Condition Bath Rating FR Fair Condition % Half Bath Rating Percent Good 73 Bsmt Garage 0 RCNLD 187,300 Fireplace(s) 32 Dep % Ovr Fireplace Rating AV Average Dep Ovr Comment WS Flues Misc Imp Ovr Color **GREEN** Misc Imp Ovr Comment Avg Ht/FL 8 Cost to Cure Ovr Extra Kitchens 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 GAR1L Garage, With Unfinished Loft 21,500 864 SQ. FT 41.55 1960 AV 60 POROPN Porch-Open Frame 144 SQ. FT. 27.90 2021 AV 60 2,400 SHEDNV Shed No Value - Less Than 1 36 UNITS 0.00 1960 AV 60 SHEDNV Shed No Value - Less Than 1 48 **UNITS** 0.00 1960 AV 60 **BUILDING SUB-AREA SUMMARY SECTION** Code Eff Area Description Living Area | Floor Area | Unit Cost Undeprec Value BMT Basement, Unfinished 768 192 41.16 31,614 FFL First Floor, Finished 768 768 768 164.66 126,457 TQS 3/4 Story, Finished 576 768 576 123.49 94.843 WDK Wood Deck, or Composite Dk 224 3,622 22 16.17 Total Liv Area/Gr. Area/Eff Are 1,344 2.528 1,558 TotalValue 256.536

Printed 9/06/2024 3:20PM Created 9/06/2024 3:16 PM

Transaction Receipt

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

Receipt# 789,482 tgoodwyn

	Description		Current Invoice	Payment	Balar	nce Due
1.00	Zoning Applicatio 110 Barretts Hill F Map 152 Lot 067-	₹d				
	Variance		0.00	226.5700		0.00
				Total:		226.57
Remitter		Pay Type	Reference	Tendered	Change	Net Paid
Rachel & 1	Thomas Brown	CHECK	CHECK # 3318	226.57	0.00	226.57
			_	Total Due:		226.57
				Total Tendered:		226.57
				Total Change:		0.00
				Net Paid:		226.57

APPLICATION FOR A REQUEST FOR A REHEARING

OF AUGUSTING Board of Adjustment New Hampshire Town of Hudson 03051	Case No. 165-02	1	
	Date of Hearing		
SEP O 6 2021	Date of Hearing _		
SEP 1 & LOUISION AND USE DIVISION ZONING DEPT. 12 and 14 Gambia			
Location of Property 12 and 14 Gambia	Street	Map: 165	Lot:
Applicant Keystone Estates, LLC			
Telephone Number (Home)	c/o Andrew J. Tine	_(Work)	
2.42D III I C II			
Mailing Address 343R High Street, H	lingham, MA 02043	All and a second	
Brendan Buke		8/29/24	
Signature of Applicant Brendan Burk	e, Mngr	Date	
If you believe that the Board's decision right to appeal for a rehearing. In addition, any has/have the right to appeal the decision of this rehearing; this motion for rehearing may be in must be made in writing within thirty (30) days	third party/parties affe s case. To appeal, you n the form of a letter to the s following the Board's	cted by the decision als nust first ask the Board he Board. The rehearing decision, and must set	o for a g request
right to appeal for a rehearing. In addition, any has/have the right to appeal the decision of this rehearing; this motion for rehearing may be in	third party/parties affer scase. To appeal, you not the form of a letter to the following the Board's unlawful or unreasonable if, in the Board's opinite the aring unless a major illegal or unreasonable evidence that was not a same set of facts unless the term or not a rehearing on to the Court(s). When	cted by the decision also nust first ask the Board he Board. The rehearing decision, and must set le. on, good reason is state rity of its sitting member or that the request for available at the original is it is convinced that any is held, you must have an a rehearing is held, the	for a grequest forth the ers
right to appeal for a rehearing. In addition, any has/have the right to appeal the decision of this rehearing; this motion for rehearing may be in must be made in writing within thirty (30) days grounds on which it is claimed the decision is to the Board may grant such a rehearing motion. In general, the Board will not allow a reconclude either that the protested decision was rehearing demonstrates the availability of new The Board will not re-hear a case based on the injustice would be created by not doing so. Wh requested one before you can appeal the decision	third party/parties affer a case. To appeal, you not the form of a letter to the following the Board's aunlawful or unreasonability, in the Board's opinity the parties a major illegal or unreasonable evidence that was not a same set of facts unless the term or not a rehearing on to the Court(s). When including public notice a	cted by the decision also nust first ask the Board he Board. The rehearing decision, and must set le. on, good reason is state rity of its sitting member or that the request for available at the original is it is convinced that any is held, you must have an a rehearing is held, thand notice to abutters.	o for a g request forth the d in the ers
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REQUEST FOR A REHEARING

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

1.	The ZBA failed to render a decision on applicant's request for a reasonable accommodation, which is error and/or a denial of said requested accommodation.
	See letter in support dated August 28, 2024 as to why this property should be
	legally allowed to continue to exist as a "dwelling unit" and why the reasonable
_	accommodation should have been granted. There will be no undue administrative
	burden upon the Town by allowing the present use as sober house. The use is
	not inconsistent with the Town's zoning scheme which allows unrelated individuals
	to live together in the the TR zone in the same numbers as the current occupancy. A
2.	failure to provide an accommodation to disabled individuals to liver together is
	exclusionary and denies access to housing for the disabled.
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LAW OFFICES OF

ANDREW J. TINE

ATTORNEY AT LAW

August 28, 2024

Zoning Board of Adjustment Hudson, New Hampshire

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

Dear Zoning Board of Adjustment:

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

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

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

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

In the ZBA decision issued on or after August 9, 2024, the ZBA provided seven (7) reasons to uphold the "cease and desist" letter and to deny (or not act upon) the requested reasonable accommodation. Those seven (7) reasons are addressed in like order below.

1. ZBA asserts Keystone opened a "business" and did not follow the steps for approval of the Use. RESPONSE: Keystone owns a residential property that it leases to a sober house operator who in turn leases to individuals in recovery from substance use. This is residential housing, not a "business" use, as the Town does not categorize residential rental properties as businesses for purposes of zoning depending upon the ownership but in-fact categorizes properties based upon the ultimate use. This use is residential housing in the form of "sober housing." "Those seeking to locate recovery homes have often been told by local governments

that the use is a "business" and not permitted in residential zones. However, courts throughout the country have confirmed that simply because the use of a dwelling may entail some management functions, such activities do not change the essential character of a single family or multi-family dwelling from a residence to a "business" or commercial use." See Exhibit A hereto.

- 2. ZBA asserts a) use not typical family makeup, b) not a single housekeeping unit because it does not match the rest of the neighborhood, and c) residence is being run like a business because each resident has a separate lease and the residency is not subject to residential eviction laws. RESPONSE: a) to qualify as a "family" under the Town's definition, the residents need not have the same makeup as traditional families, e.g. single housekeeping unit, b) a "single housekeeping unit" is not intended to be what may be considered a "traditional family" and therefore does not need to "match" the family composition of the neighbors, c) See Exhibit A as to being run like a business. Leasing housing to individuals with rules does not disqualify the use as residential housing. The fact that separate leases are used for each person does not make this commercial or a "business use" as opposed to residential housing. As to this sober home potentially not having to comply with eviction laws, does not mean the property is not a residence or residential use. In St. Onge. V. Oberton, LLC, the Supreme Court of New Hampshire stated, "Given the undisputed facts, the sober living facility at issue is a "group home" according to the plain meaning of the term. It is a residence for persons requiring care or supervision; here, individuals seeking to recover from chronic drug and alcohol addiction. See City of Edmonds v. Oxford House, Inc., 514 U.S. 725, 729 (1995)¹ (pertaining to "a group home . . . for 10 to 12 adults recovering from alcoholism and drug addiction")." The Supreme Court then decided that "Group Homes" are exempt from RSA chapter 540-A (eviction laws). The property is still a "home" or "residence" for these individuals in recovery.
- 3. ZBA asserts the family composition is different than the neighbors. RESPONSE: Much of the ZBA's argument here is speculation and generalization of how neighboring families operate and live together. The ZBA did collect data on the number of occupants and vehicles from those individuals that testified at the public hearing. See above, and again, a "single housekeeping unit" is not intended to be what may be considered a "traditional family" and therefore does not need to "match" the family composition of the neighbors.
- 4. ZBA argues the existence of separate leases for residents makes this a business and not a single housekeeping unit. RESPONSE: See response to #1 above. The relationships established between the residents, how they interact and support each other, how they share in household responsibilities and chores, and their common goals in recovery reflect the existence of a "single housekeeping unit" in this instance. The mere fact that they have individual leases alone is not enough to arbitrarily decide they do not qualify as a "single housekeeping unit" which is undefined in the Town's code.
- 5. ZBA argues a "sober house" is not a permitted use per the code. RESPONSE: First, the appellant has presented that it qualifies as a "family" under the definition of "single housekeeping unit" and therefore is a permitted use. Second, appellant seeks a reasonable

¹ Oxford House Inc. was operating a "dwelling" under the FHA, thus qualifying for protection against discrimination under federal law.

ANDREW J. TINE

ATTORNEY AT LAW

accommodation under federal law to the extent the ZBA refuses to accept that the use meets the Town's definition of "family."

- 6. ZBA asserts the use does not fit with in the allowed uses and therefore is prohibited. RESPONSE: See response to #5 supra.
- 7. ZBA asserts no variance was applied for and "no request for a reasonable accommodation was submitted." RESPONSE: A variance was not sought it is different relief with has different considerations then a "reasonable accommodation" and is a state law remedy. Appellant sought a determination that the use qualified as that of a "family," and therefore the "cease and desist" letter should be overturned. In the alternative, appellant clearly sought in writing and verbally a reasonable accommodation. For some reason, this board is ignoring this fact. There is no requirement under federal law that a variance be sought to obtain relief via a reasonable accommodation request. The cease and desist letter has made the appellant "aggrieved" for purposes of ripeness, allowing for direct relief via Federal Court and/or the presentment to this ZBA of the reasonable accommodation request. Advocacy and Resource Center v. Town of Chazy, 62 F. Supp. 2d 686 (N.D.N.Y 1999). The appellant has sought relief from the ZBA, as opposed to directly filing in Federal Court. This Board has the request for reasonable accommodation before it, as there is no established administrative procedure that must be followed for the consideration of requests for reasonable accommodations under Federal Law by the Town's ZBA.

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

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

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

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

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

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

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

Lastly, I would like to note that an assisted living facility (which is undefined) may exist in this TR zone without special permission. It is unfair and inequitable to allow unrelated individuals with an impairment that requires "assistance" to live in this neighborhood without having to seek a variance but to require unrelated individuals with a substance abuse impairment to have to seek a variance. This is discriminatory. It should also be noted that the Town does not allow any of the uses suggested in its cease and desist letter within the Town without a variance, therefore the Town does not provide any access to housing for unrelated disabled individuals to live together in a supportive, family-like environment. This is exclusionary and discriminatory.

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

LAW OFFICES OF

ANDREW J. TINE

ATTORNEY AT LAW

Thank you.

Sincerely,

/s/Andrew J. Tine

Andrew J. Tine

Enc.



Fair Housing Legal Protections For Recovery Housing

The following information provides an overview of how fair housing laws apply to recovery housing, their operators and the residents. This explanation does not constitute legal advice and you are strongly advised to consult an attorney when considering the development, location and operation of any recovery housing. This publication has been prepared for RecoveryPeople by the Law Office of Kim Savage and may not be reproduced in whole or in part without express written permission from RecoveryPeople (April 2018).

Federal Law - The Fair Housing Amendments Act of 1988

The federal Fair Housing Amendments Act of 1988 (hereafter "the Act") provides fair housing protections to individuals with disabilities in virtually every housing activity or transaction. The fundamental purpose of the Act is to prohibit practices that "restrict the choices" of people with disabilities to live where they wish or "that discourage or obstruct choices in a community, neighborhood or development."

The Act protects an individual with a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having any such impairment; or anyone who has a record of having such an impairment. Individuals in recovery from drug or alcohol abuse are also covered under the law. However, current users of illegal controlled substances are not protected under the law, unless they have a separate disability. Both recovery housing, those who operate the housing and, the individuals who reside in them, are protected under the federal Act. The Department of Housing Development and the Department of Justice, which enforce the law, explain:

A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.

The foregoing recognizes that unrelated individuals with disabilities who reside together as a cohesive group, may be the functional equivalent of a family of related members. The cohesiveness is comparable to a "traditional family" in that the unrelated individuals with disabilities may take meals together, share household responsibilities and derive social and emotional support from one another. Fair housing laws provide legal protections for siting in residential zones recovery housing that functions in a "family-like" way.

Land use and zoning regulations that specifically target recovery housing, singling out individuals with disabilities in recovery for substance abuse, violate fair housing laws. Discrimination may be intentional, meaning the regulation or procedural requirements were enacted with either a discriminatory motive or are being applied in a discriminatory manner. Although less obvious, a law or regulation may also violate fair housing laws if it has a discriminatory effect on housing for individuals with disabilities. A local government may not adopt regulations or ordinances or deny planning approvals for housing for individuals with disabilities based on stereotypes or

unfounded fears about the residents. Local governments may violate fair housing laws if in their decision-making they rely upon or adopt the discriminatory animus of those in the community opposing housing for individuals with disabilities. If the community opposing housing for individuals with disabilities.

In addition to not discriminating against people with disabilities, cities and counties have an affirmative duty to provide reasonable accommodations in land use and zoning rules, policies, practices and procedures where it may be necessary to provide individuals with disabilities equal opportunity in housing. **In the land use and zoning context, reasonable accommodation means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in restrictive regulations and procedures, or waiver of certain requirements when it is necessary to achieve equal access to housing. **Illure to provide a reasonable accommodation is a separate basis of liability and does not require a showing of intentional discrimination. Further, granting a reasonable accommodation does not cure a discriminatory land use or zoning regulation. Examples of reasonable accommodations for group homes for individuals with disabilities could include: waiving legitimate zoning restrictions for locating a large household in a single family residential zone; reducing parking requirements where residents do not drive or are not permitted to have cars at the home and; non-enforcement of distance or spacing requirements not otherwise subject to legal challenge. Reasonable accommodations are considered on a "case-by-case" basis meaning that each request is reviewed on the specific set of facts presented. Providers are advised to consult with an attorney before seeking reasonable accommodations from local governments.

The Fair Housing Amendments Act of 1988 also prohibits discriminatory conduct directed at individuals with disabilities, including those in recovery and, those who provide housing to them. This prohibition is interpreted broadly to reach all practices that have the effect of interfering with rights granted by fair housing laws including coercion, intimidation and, threats.

State Law - Texas Fair Housing Act

The State of Texas' fair housing statute is substantially equivalent to the federal Act, mirroring the definition of disability and excluding from the definition current users of illegal controlled substances. The Texas Fair Housing Act prohibits discrimination against individuals with disabilities in rental, leasing and sales transactions including failing or refusing to make reasonable accommodations that are necessary to provide equal opportunity in housing. Under certain circumstances, and similar to federal law, the rental or sale of single family homes may be exempt from the Act. The Texas Workforce Commission which enforces the statute investigates and settles complaints of discrimination and provides remedies for aggrieved individuals, those providing housing for individuals with disabilities and others protected by fair housing laws. Additional information about the Texas Fair Housing Act is available at www.statutes.legis.state.tx.us (statute); www.twc.state.tx.us (Texas Workforce Commission); www.tdhca.state.tx.us (Texas Dept. of Housing & Community Affairs).

Privacy Rights Of Individuals Residing In Sober Living Homes

A local government that imposes restrictions on households of unrelated individuals (excluding legal neutral occupancy standards), may violate the federal and state privacy rights of individuals with disabilities as well as federal and state fair housing laws. Municipal and state recovery housing certification requirements, suspect under fair housing laws, may also implicate resident privacy rights including HIPAA protections. Likewise, a municipality's use of boarding home facility standards to regulate recovery housing (discussed below) may violate residents' privacy rights.

Frequent Issues Regarding Recovery Housing

Mischaracterization of Recovery Housing As A Business

Those seeking to locate recovery homes have often been told by local governments that the use is a "business" and not permitted in residential zones. However, courts throughout the country have confirmed that

simply because the use of a dwelling may entail some management functions, such activities do not change the essential character of a single family or multi-family dwelling from a residence to a "business" or commercial use.

This Court finds persuasive the reasoning of other jurisdictions which have held that the incident necessities of operating a group home such as maintaining records, filing accounting reports, managing supervising, and providing care for individuals in exchange for monetary compensation are collateral to the prime purpose and function of a family housekeeping unit. Hence, these activities do not, in and of themselves, change the character of a residence from private to commercial.

A zoning code that regulates housing for individuals with disabilities as a commercial use when the same use designation is not applied to similarly situated families singles out individuals with disabilities in a discriminatory manner. A single family occupying a residential dwelling engages in comparable management functions when it employs a housekeeper or gardener and there is an exchange of money. Or, parents may charge rent to an adult child living at home. These activities do not change the residential use of the home, nor do comparable activities that assist with the sound functioning of a home for individuals with disabilities. The payment of rent does not transform a dwelling with a residential use to a business or commercial use. And, as explained earlier, fair housing laws protect the siting of recovery housing that functions in a "family-like" way in residential zones.

Potential Regulation of Recovery Housing As Boarding Home Facility

Some cities have asserted that recovery homes are "boarding home facilities" and subject to local licensing or permitting and detailed physical facility standards and operational requirements. In 2009, the Texas Legislature amended the State's Health & Safety Code to address "boarding home facilities" and directed the Health & Human Services Commission to adopt model standards for the operation of boarding home facilities. The Texas Boarding Home Model Standards were published in 2010; since then some cities and counties have voluntarily adopted the standards and begun permitting or licensing boarding home facilities. XIV

While recovery homes provide a residence for individuals with disabilities, they are typically distinguishable from recently defined boarding home facilities which are highly regulated under the model standards. For example, the model standards require that boarding home facility operators provide residents with three meals daily and to "complete and document an annual assessment and conduct periodic monitoring to ensure that a resident is capable of self-administering medication and completing basic elements of personal care." Additionally, in recovery housing, a landlord-tenant relationship exists with the resident (or tenant) acquiring a legal right to a designated bedroom as well as access to the entire premises. In contrast, a boarding home facility "furnishes . . . lodging." Historically, boarding or lodging homes provide restricted access; there is no right to occupy the entire dwelling unit nor is there a landlord-tenant relationship.

Regulation of recovery housing as a boarding home facility will require compliance with a jurisdiction's standards, based on the State's model, and likely result in restrictive zoning. If a municipality designates a boarding home facility as a commercial use, recovery homes so designated will not be permitted in residential zones. It is recommended that recovery home providers seek legal counsel for determining their legal rights and protections should their home be subject to local boarding home facility standards.

Fair housing laws provide strong civil rights protections for individuals with disabilities, including those currently in recovery for substance abuse. In addition to prohibiting discrimination in housing, fair housing laws seek to increase housing opportunities for all segments of our society. These fair housing protections extend to the development and siting of recovery housing, its providers and residents currently in recovery. Additional general information about the federal Fair Housing Amendments Act of 1988 is available at www.hud.gov. Further information about the Texas Fair Housing Act is available at www.hud.gov. Further information about the Texas Fair Housing Act is available at www.statutes.legis.state.tx.us (statute); www.tuc.state.tx.us (Texas Dept. of Housing & Community Affairs).

End Notes

ⁱ Federal Fair Housing Amendments Act of 1988 ("the Act"), 42 U.S.C. §§ 3601 et seq.

Federal Regulations implementing the Act, 24 C.F.R. § 100.70(a) (1994).

The definition of "disability" is found at 42 U.S.C.§ 3602(h); 24 C.F.R.§ 100.201.

^{iv} 24 C.F.R. § 100.201; <u>United States v. Southern Management Corp.</u>, 955 F. 2d 914 (4th Cir. 1992); <u>Oxford House v. Town of Babylon</u>, 819 F. Supp. 1179 (E.D.N.Y. 1993).

^v Joint Statement of the Dept. Of Housing & Urban Development and The Dept. of Justice, *State and Local Land Use Practices* and the Application of the Fair Housing Act, at 7, 3 (November 2016).

vi <u>U.S. v. City of Jackson</u>, 359 F. 3d 727 (5th Cir. 2004); <u>Oxford House v. City of Babylon</u>, 819 F. Supp. 1179 (E.D.N.Y. 1993).

vii The Act's reasonable accommodation mandate, 42 U.S.C. § 3604(f)(3)(B). See also, Joint Statement of HUD and DOJ, Reasonable Accommodations Under the Fair Housing Act (2004), www.hud.gov.

Groome Resources Ltd., LLC v. Parish of Jefferson, 234 F. 3d 192 (5th Cir. 2000) (Texas is in the Fifth Circuit).

ix The Act, 42 U.S.C. 3617.

^{*} Texas Fair Housing Act, Texas Property Code, Title 15, Chapter 301, § 301.003(6).

xi Texas Fair Housing Act at § 301.025.

xii Texas Fair Housing Act at § 301.041.

Rhodes v. Palmetto Pathway Homes, Inc., 400 S.E. 2d 484 (S.C. 1991) citing Gregory v. State Dept. of Mental Health Retardation and Hospitals and JT Hobby & Sons v. Family Home.

xiv Texas Health & Safety Code, Chapter 260.



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES - July 11, 2024 - as edited

The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, July 11, 2024, at 7:00 PM in the Hills Memorial Library building located at 18 Library St., Hudson, NH.

There was be an Attorney-Client Session, pursuant to RSA 91-A:2.I.(b) (not open to the public) beginning at 6:15 PM (*time amended*). The regular meeting will begin immediately after the Attorney-Client Session.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

 Chairman Daddario called the meeting to order at 7:11 PM, apologized for the delay, noted that the Board held a conference with Town Counsel prior to the start of this meeting and advised the audience that the decision before the Board at this meeting is to decide whether the decision of the Code Enforcement Officer was in error when he issued the Cease and Desist Notice of Violation letter dated May 8, 2024 or whether the Board concurred and would have made the same determination. Mr. Daddario outlined the format of the meeting noting that the Board would first hear from the Property Owner's representative and open the meeting to hear from the Public. Mr. Daddario stressed that all communication be directed to the Board. Mr. Daddario stated that Selectmen Dumont is seated at the Board table and would be able to engage in the conversation and that, because he is a Selectmen, has no vote on matters before the ZBA.

32 III. ATTENDANCE

33 IV. SEATING OF ALTERNATES

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

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

 Case 165-021 (07-11-2024): Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA requests an <u>Appeal from an Administrative</u> <u>Decision</u> for <u>12-14 Gambia St., Hudson, NH.</u> The applicant is appealing a Code Enforcement – Notice of Violation Cease & Desist letter dated May 8, 2024 which cites a non-permitted use of a rooming/boarding house in the Town Residence (TR) Zone and requires a variance from the Zoning Board of Adjustment and if approved, site plan approval from the Planning Board. [Map 165, Lot 021, Sublot-000; Zoned Town Residence (TR); HZO Article V: Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table of Permitted Principal Uses and HZO Article III: General Regulations; §334-16.1, Site plan approval]

Mr. Sullivan read the Case into the record and noted that In-house Comments have been received from the Town Engineer, Inspectional Services/Fire Department and the Associate Town Planner. Mr. Daddario noted that issues pertaining to the Planning Board are not before the ZBA and that neither is the Variance and emphasized that the only issue before the ZBA at this meeting is the Appeal from the Zoning Administrator and for the Board to decide whether they would have made the same determination based on the evidence presented.

Atty. Andrew J. Tine, of 18 Maple Avenue, Barrington, RI, introduced himself as representing the Property Owner, Keystone Estates, LLC. Also seated at the table was Scott Landry of Keystone Estates.

Atty. Tine stated that Keystone Estates rents the property to Jeffrey House who then rents to seven (7) individuals who share the entire house and are living there as a family each sharing in the responsibility of maintaining the house in this single family home. Atty. Tine stated that it is not transitional housing, that it is a Sober House that is there for individuals to recover from substance abuse and noted that there is no treatment provided on site and added that it is no different than seven (7) buddies going to college living together and should be no different for these seven (7) individuals living together in recovery. Atty. Time stated that there is no definition of "family" or "single housekeeping unit" or "rooming or lodging house" and if the Zoning Administrator's decision is not overruled, then his client would be forced to look for Federal intervention.

 Mr. Martin asked if the recovery house is registered and Atty. Tine responded that it is not and that they cannot be required to register as registering is just voluntary. Mr. Martin referenced the email dated 6/4/2024 from NH-DHHS (State of NH Department of Health and Human Services) that confirmed that there are no recovery houses registered in Hudson and asked Atty. Time how it could be considered discriminatory if it is not registered and added that the Zoning Ordinance (ZO) allows for Assisted Living if it gets registered and licensed by the State. Atty. Tine stated that the NH Core is a six-month process to certify a Sober House and noted that there are no medical treatments provided on site. Mr. Martin asked if there was a manager on site. Atty. Tine confirmed that there was a manager on site.

Mr. Dumont asked if there was a housing agreement and if so to please provide a copy to the Zoning Administrator. Atty. Tine confirmed and agreed. Mr. Dumont asked if members pay rent. Atty. Tine responded that they do, \$225.00 per week which includes all utilities but not food. Mr. Dumont asked how food and food shopping was handled and Atty. Tine stated that that is an individual's decision. Mr. Dumont asked

95 if there were any future goals for the property and Atty. Tine responded that there are no changes proposed.

Mr. Dion asked if there is a manager on site and whether he pays rent too. Atty. Tine confirmed that there is a manager on site and that he does not pay rent. Mr. Dion inquired about the chores of maintaining the household and Atty. Tine responded that that obligation is part of the rental agreements and includes tasks, both inside and outside. Mr. Dion asked if the house really needs a manager to which Atty. Responded that it does not. In response to whether the landowner lives there, Atty. Tine confirmed that no one from Keystone Estates lives there. Mr. Dion deduced that Keystone Estates then bought the property with the intention to rent.

Mr. Lanphear asked if there was a Rule Book for the household, whether rents are subsidized and who checks on the manager. Atty. Tine responded that there is no Rule Book, just a rental agreement and that to his knowledge the rents are not subsidized. Scott Landry stated that there exists a chain of command to handle disputes.

Mr. Daddario questioned the maximum number of tenants, whether seven (7) included or excluded the house manager and whether seven (7) is the maximum occupancy. Atty. Tine confirmed that the total is seven (7) for the household, which includes the house manager and added that this is a "family unit". Mr. Dion questioned whether the house is safe for seven (7) people to reside there, noted that according to the Property Card, there is 2,400 SF of living area which would equate to 342.865 SF per person for seven (7) people to share three (3) bedrooms and asked if the rental agreement included this sharing. Mr. Daddario asked that a copy of the agreement to reside at the house, a copy of the Rules to live at the house and a tenancy agreement be supplied to the Town.

Mr. Dumont asked and received confirmation that the Lease Agreement is between the Property Owner, Keystone Estates, and Jeffrey House and that the tenant agreement for those who reside at the house is with Jeffrey House, that rent is paid to Jeffrey House, that if the rent is not paid the lawyers get involved before eviction, that the home is restricted to just those in recovery, that there is a smoking area designated out back, and that currently there are only two (2) cars parked in the driveway as it is not unusual for a tenant to have lost their driver's license.

Mr. Dion asked if the tenants hold jobs. Atty. Tine stated that they typically do hold jobs. Mr. Dion asked how they get to work? Atty. Tine responded that the Sober House does not provide transportation and that services such as Uber or Lift are commonly used. Mr. Dion asked if the house manager has an outside job in addition to being the house manager. Atty. Tine confirmed that the house manager holds an outside job. Mr. Sullivan asked when the tenants work if they are required to be in counseling every day from 9 AM to 3 PM and where counseling is held.

Mr. Sullivan stated that Fire Safety is a real concern. Atty. Tine stated that he spoke to the State Fire Marshall and was informed that no special requirements are necessary and added that, if need be, they would pursue a variance from the State Fire Marshall.

- 145 Mr. Dion asked if visitors whether family or friends are allowed. Atty. Tine stated
- that family and friends are allowed to visit but overnight visits are not allowed. Mr.
- Dion asked if there is a limit to the actual number of visitors allowed and whether it is
- included in the house rules and how is it managed. Atty. Tine responded that it is
- managed similar to any family, through discussion and acceptance. Mr. Dion
- surmised that it then becomes a house rule.

Mr. Lanphear asked if a handicap person could be accommodated. Atty. Tine responded that they could not as there are no ADA features. Mr. Lanphear asked and received confirmation from Atty. Tine that Keystone Estates, LLC, bought the property and rents it to Jeffrey House who then rents to Sober House individuals and concluded that Keystone Estates is renting to a business.

Mr. Martin stated that when starting a business, any business, like a Recovery House, one calls and checks with the Town to find out what would be required before one sets up shop, and a call to the State would also be wise to discover that the State requires a Registry. Mr. Sullivan stated that approximately five (5) months ago someone did call the Town to inquire and was specifically informed of what needs to happen, a variance from ZBA and site plan from the Planning Board and life safety inspection. Mr. Martin stated that the Town is not being discriminatory and that the Town is not violating Atty. Tine's client.

Mr. Dion stated that the property was bought by Keystone Estates LLC, a commercial entity, who rents it to Jeffrey House, another commercial entity, who then is serviced by Sober House, another commercial entity, for potential tenants. Mr. Dion noted that Atty. Tine represents the property owner, Keystone Estates LLC.

Mr. Dion questioned the average stay of the tenants – and is it measured in weeks, months and/or years. Scott Landry responded by saying that his best guess would be approximately one (1) year but it is variable and dependent upon each individual and because of that, the lease is paid weekly. Mr. McDonough asked what the minimum occupancy would be as well as the maximum occupancy. Atty. Tine did not answer except to state that there are currently seven (7) individuals there now.

Discussion continued. Mr. Daddario summed it up by stating that two (2) different wavelengths are emerging – a business use versus a residential use under the guise of a recovery discrimination use – and noted that what is before the Board is to consider testimony to determine if they support the Zoning Administrator's decision.

Meeting opened to public comment. Mr. Daddario restated the guidelines – that all comments are to be directed to the Board and that there is no need to repeat any comments but it can be stated whether you agree or do not with a prior speaker. The following individuals addressed the Board:

(1) Jose Urrutia, 9 Campbello Street, stated that he is opposed to having a business in the neighborhood, noted that there are many children in the neighborhood, including his grandchildren who often come visit, and like al children they like to play outside and ride their bikes and questioned whether any of the residents have criminal backgrounds or are sexual predators.

Mr. Dumont asked how many people live in his house, how many bedrooms and bathrooms he has and how many cars there are. Mr. Urrutia responded that two people live there, that he has four bedrooms and two and a half bathrooms and there are two vehicles.

(2) Shara Katsos, 7 Campbello Street, stated that she has concerns, that her professional career has dedicated over twenty five years to homelessness, recognizes the need for permanent housing with services, with case management, clinical therapy and does not feel that any of it is provided to the tenants and is concerned for the fifteen (15) children under the age of thirteen (13) in the neighborhood who play in neighboring yards, the deadend street and congregate on the cul-de-sac – and in order to continue this, they must pass the house numerous times and as residents, we don't know who lives there and residents appear to be moving in and out frequently. This appears to be an agency looking to make a profit and not caring for their residents, nor the town regulations or their surrounding neighbors. The ADA is to be used to protect individuals with disabilities, not as a bullying tactic for an agency to make a profit.

In response to Mr. Dumont questions, her household has three people, with three bedrooms, two and a half bathrooms and two vehicles.

Mr. Dumont asked if the seven (7) individuals residing are the same seven (7) people since inception. Atty. Tine introduced Mitch Cabral, the manager of the property and Mr. Cabral stated that a few individuals have come and gone, that since inception there have been a total of eleven (11) individuals through the house. Mr. Dion asked if seven (7) has been consistent. Mr. Cabral responded that seven is not consistent and added that there is no waiting list for additional residents. Mr. Dion asked if it was advertised or did it rely on word of mouth advertisement. Mr. Cabral responded that it is by word of mouth.

(3) Richard Suter, 12 Campbello Street, stated that he abuts the property, that he has respect for recovery, noted that there are places that offer help, like Fairview which is an Assisted Living center, and stated that this place does not qualify for assisted living, that it is not an ADU either, that it alters the character of the neighborhood and noted that the police have already been call to the residency.

In response to Board questions, two people, three bedrooms and six vehicles.

Atty. Tine stated that this is not and ADU or Assisted Living.

(4) Alyssa Cabezas, 11 Campbello Street, questioned the Attorney's statement that there are only 7 residents on site because last week when the police were called there were 11 people there. Ms. Cabezas noted that there has been no police in the neighborhood for more than a couple of years and expressed concern that the "manager" is not on the property especially during their 'meandering' time

In response to Board questions, 3 people, 3 bedrooms, 2 bathrooms, 3 vehicles

Mr. Daddario noted that the last two speakers have made reference to emergency vehicles coming to the residence and asked Atty. Tine if he wished to address. Atty. Tine responded that he was aware that the police came when one person was speeding but he is unaware of a second police encounter or ambulance to the residence.

Mr. Dillon asked what the sexual orientation was of the residents. Atty. Tine responded that the residents are adult males.

(5) Jeffrey Hudgins, 12 Kenyan Street, stated that he is angry with the disingenuous of Atty. Tine, that he has pictures of the female resident, that Jeffrey's House is a leasing boarding house, that they are asking for 'forgiveness' instead of 'permission', that his wife runs a daycare business and had to come before the Board to ask for permission, that these people need to realize that there are two levels of registration and once registered with the State they can get services and questioned if the residents are Massachusetts residents or NH residents and noted that is any of the residents are sex offenders, they are not registered.

In response to Board questions, 3 people, 3 bedrooms, 3 vehicles

(6) Ms. Brennan, 13 Gambia Street, stated that she seconds the statements made by Alyssa Cabezas, noted that the altercation that occurred and involved the police was with her, that she has three sons, ages 13, 10 & 3, that she was met with hostility and discrimination and even had her sexuality questioned and stated that the aggression stopped when he realized that he was being filmed, that there are 9 residents there not 7, that all the cars that come there have Massachusetts license plates, and that there is no supervision there from 9 am – 3 pm

In response to Board questions, 5 people, 3 dogs, 4 3 bedrooms, 1 bathroom, 2 vehicles, 1 motorcycle

Mr. Dion asked is she had noticed any activity at the property. Ms. Brennan stated that the vehicles are all gone in the morning, that the residents hang out doing nothing, that there is only one guy attending to the property, that usually there are 2-3 cars there and today there was 5 cars

(7) Will Jubinville Jr., 10 Gambia Street, stated that he is an alcoholic, that he sobered up without a sober house so it is possible, and concurred with Ms. Brennan that there is one guy there who takes care of the property and the others just meander around.

 In response to Board questions, 1 person, 3 bedrooms, 1 bathroom, 2 vehicles and 1 pickup

(8) Brian Bright, 26 Campbello Street, stated that he agrees with what his neighbors have already said, that he has three children and they were quite surprised when they started this business without having received any notice

In response to Board questions, 5 people, 2 bedrooms, 2 bathrooms, 5 vehicles

294	(9) Brian Cabral, 8 Gambia Street, stated that it is absolutely a business and
295	they are not in a business zone
296	In response to Board questions, 4 people, 4 bedrooms, 2.5 bathrooms, 4
297	vehicles
298	(10) 0 1 1 1 1 1 0 0 1 1 1 0 1 1 1 1 1 1
299	(10) Gabrielle McNulty, 8 Campbello Street, stated that she is a licensed
300	social worker, that she checked out Jeffreys House's website and it is a
301	business and, in her opinion, they should go through the ZBA for it
302	In response to Board questions, 4 people, 5 bedrooms, 2.5 bathrooms, 4
303	vehicles
304	
305	(11) John Colby, 11 Kenyon Street, stated that the applicant is trying to say
306	that it's a family living there, but it is not, it is long term rental and on a
307	week-to-week basis so its more of a boarding house and they need to come
308	before the Boards for it, that he volunteers at a Recovery Home in Lowell,
309	Mass. and knows that the residents tend to be targets which raises even
310	more concern for safety of his 5 children
311	In response to Board questions, 9 people, 4 bedrooms, 2 bathrooms, 4
312	vehicles
313	
314	Board took a break at 9:50 PM. Meeting called back to order at 9:57 PM.
315	
316	Mr. Daddario asked Atty. Tine of he wished to respond to any of the testimony and
317	Atty. Tine declined.
318	
319	Mr. Daddario stated that during the break, Abutter Ms. Brennan 13 Gambia Stated
320	that she misspoke the number of bedrooms.
321	
322	Ms. Brennan addressed the Board and stated that her home has 3 bedrooms.
323	
324	Atty. Tine stated that the property is owned by a LLC but that does not make it a
325	commercial use and that Jeffreys House is a NH LLC.
326	N. D. 1 141 CH + AH W. 1 141 + 41
327	Mr. Dion asked the age range of the tenants. Atty. Tine responded that they must be
328	adults, that they do not have children or teen tenants.
329	NG. I 1 1 1
330	Mr. Lanphear asked and received confirmation that it is a "for profit" endeavor.
331	Dellis testing are along the 10.04 DM
332	Public testimony closed at 10:04 PM
333	Ma Dispersed that the Decoderate to see the large encounts. Me Martin stated
334	Mr. Dion stated that the Board needs to see the lease agreements. Mr. Martin stated
335	that that is not before the Board, that what is before the Board is to decide whether to
336	uphold the Zoning Administrator's decision to issue a Cease & Desist order or not.
337	Mr. Moutin mode the metion to surheld the Zoning Administrator's decision to issue
338	Mr. Martin made the motion to uphold the Zoning Administrator's decision to issue a
339	Cease & Desist order. Motion seconded by Mr. Lanphear.
340 341	Mr. Daddario temporarily rescinded the motion as an email was received from an
342	abutter that, as is the Board's custom, should be read into the record. Mr. Martin
343	read the email dated 7/3/2024 from Nicole & Derek Horn, 9 Gambia Street that

344 opposed the installation of a Sober House. In brief, the email stated that they support 345 sobriety but are opposed to its location in the middle of a residential neighborhood 346 with families and children where the children play outside, people walk their dogs without any worry that a resident in the sober house could relapse for all to see and 347 348 that they have lived in this neighborhood since 1998 and never worried about their 349 safety but now they have had to install new locks with cameras on their doors. The 350 character and safety of the neighborhood has suffered with their presence.

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Mr. Martin re-made his motion to support the Zoning Administrator's decision to issue a Cease and Desist Order. Mr. Lanphear re-seconded the motion.

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Mr. Martin spoke to his motion stating that it is in the TR Zone that has traditionally small lots and that a lack of definition in the Zoning Ordinance does not mean it's a discrepancy because it is not and is one of the reasons variances exist.

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Mr. Lanphear spoke to his second and stated that he agreed with Mr. Martin.

360 361

362 363 Mr. Dion voted to uphold the Zoning Administrator's decision and stated that it does not fit into a "family unit", that it does not match the rest of the neighborhood, that the residents are all adult males and are transitory, that they are not building a home here and all appear to be from Massachusetts.

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Mr. McDonough voted to uphold the Zoning Administrator's decision as it is not a single family unit, it is more of a boarding house.

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Mr. Daddario voted to uphold the Zoning Administrator's decision as the use needs to be reviewed by the ZBA and the PB (Planning Board), and that the existence of seven people with seven separate lease agreements is a business.

371 372 373

Vote was 5:0 to uphold the Zoning Administrator's 5/8/2024 Notice of Violation Cease and Desist letter.

374 375

376 Mr. Daddario stated that there exists two (2) options, either appeal the Board's 377 decision within the 30-day Appeal period or submit a variance application to the 378 Zoning Board.

379 380

Atty. Tine asked if the Board would consider a reasonable accommodation. Mr. Daddario responded that is not before the Board at this time.

381 382

- 383 VI. REQUEST FOR REHEARING: None
- 384 No requests were presented for Board consideration.

385

- 386 VII. OTHER BUSINESS:
- 387 No other business was presented for Board consideration.

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389VIII. ADJOURNMENT:

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Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted to 392 adjourn the meeting. The 7/11/2024 ZBA meeting adjourned at 10.21 PM.

393

394 Respectfully submitted, Louise Knee, Recorder





TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES – August 22, 2024 – as edited

The Hudson Zoning Board of Adjustment met Thursday, August 22, 2024, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- 14 III. ATTENDANCE
 - IV. SEATING OF ALTERNATES

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

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

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 151-059 (08-22-24): John Gargasz, owner of Barrett Hill, LLC, 21
Continental Blvd., Door #4, Merrimack, NH requests a Variance for 7 Barretts
Hill Road, Hudson, NH to allow the construction of 13 condex/duplex units
with the firewall located between the garages versus a firewall located between
the principal dwelling units. [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

Mr. Sullivan read the Case into the record and referred to his Staff Report initialed 8/22/2024 and noted that the Planning Board conditionally approved the subdivision and noted that what is before the Zoning Board pertains to the question of building design, not location.

 John Gargasz, owner of Barrett Hill, LLC introduced himself and stated that they have been working for the past ten (10) months in the design, including modeling and architecture of these net-zero homes, and seeking Planning Board approval. Mr. Gargasz then addressed the criteria for the granting of a Variance and the information shared included the following:

(1) not contrary to public interest

- The granting is not contrary to the public interest because it permits construction of net-zero ready and full net zero homes
- The condex homes match the existing area, most recently the construction of the Granite Heights subdivision but also the immediate abutter at 85/87 Barrett's Hill Road and the homes on Rangers Road
- The design actually increases the general safety with all electric design and solar power generation on site
- (2) will observe the spirit of the Ordinance
 - the proposed use observes the spirit of the Ordinance because it maintains the character of the neighborhood and matches the aesthetic of many recently built homes in the area
- (3) substantial justice done
 - substantial justice would be done
 - the developer has spent 10 months in the design, planning board approval, energy modeling and architecture of these net-zero homes
 - these architectural plans were presented to the planning board during the approval process and the grading plan with center load condexes is part of the approved and recorded plan set
 - this has been a substantial investing to achieve a sustainable development
- (4) not diminish surrounding property values
 - the list price of a condex unit at Barrett Hill is \$695K
 - A Comparative Market <u>Analysis (CMA)</u> for similar size homes in the area performed by Berkshire Hathaway shows an average sales price of \$630K
 - Barrett's Hill homes will will generally increase the value, not diminish the value, of the surrounding community
 - See attached CMA by Gail Nickerson dated 8/7/2024 that was attached to her 8/8/2024 letter noting her involvement in real estate for the past twenty (20) years with a primary focus on new construction and attesting her opinion that to allow the proposed project as presented would not diminish the value of surrounding properties and would significantly improve values with a positive impact
 - (5) hardship
 - The developer presented a subdivision and architectural plan to the planning board that was specifically engineered at significant expense to meet net zero ready and full net zero requirements
 - This plan was unanimously approved by the planning board see Notice of Approval dated 6/4/2024
 - Barrett Hill has incurred significant expense and time to develop to develop this plan
 - Altering the plan at this time would be technically challenging, increase the cost of the homes and further delay the delivery of much needed housing
 - The variance request is to simply permit a center garage layout with firewall that will provide a safer home than having shared dwelling unit walls and provides a quieter living environment for the home owners and is aesthetically pleasing.
- Mr. Sullivan stated that in order to obtain a Building Permit, the design will need to include a firewall between the garage and the living quarters. Mr. Gargasz nodded his acknowledgement.

Mr. Daddario opened the public hearing to anyone wishing to address the application, either in favor or opposition or neutrally. No one addressed the Board. Public testimony closed at 7:18 PM.

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

Mr. Lanphear spoke to his motion stating that it is not contrary to public interest and observes the spirit of the Ordinance with an advanced type technology and with a well thought out design improvement, that substantial justice would be done to the property owner, that it would not diminish and would actually improve the surrounding property values according to the real estate analysis from Berkshire Hathaway on the market values, that there is no fair and substantial justice as the Zoning Ordinance does not allow this style, this well thought out net zero design, that it is a reasonable use and the hardship would be not to approve. Mr. Lanphear voted to grant the Variance as requested.

 Mr. Martin spoke to his second stating that it is not contrary to the public interest, that it does observe the spirit of the Ordinance, that substantial justice would be done to the property owner, that the net zero different build in Town with all electric makes for a safer house, that comparable documentation has been presented that these homes will not diminish values of surrounding properties, that the Zoning Ordinance does not allow this style of buildings, which in his opinion is a bad choice to allow only one style, so the hardship is the Zoning Ordinance and that the proposed use is a reasonable use. Mr. Martin voted to grant the Variance as requested.

Mr. Sakati voted to grant stating that it is not contrary to public interest and does not harm the public and might be safer; that it maintains the character of the neighborhood; that it does not conflict nor threaten public health; that justice is done to the property owner; that the variance is constructive and the justice to the property owner is provided with no harm to the public; that there is no diminishment to surrounding property values but actually could be an improvement per the analysis provided by Berkshire Hathaway; that the duplex definition in this case is restrictive and that a firewall between the garages is a reasonable variance and that the proposed use is reasonable.

Mr. Dion voted to grant stating that he concurs with what has already been presented, that it is not contrary to public interest, that the plan has already been approved by the Planning Board which is a solid plan, that the approved plan included the house design plan which, even though it is not defined in the Zoning Ordinance seems to be a safer design that what is allowed by definition, that is does conform to the neighborhood without bringing any harm to the general public and without diminishing surrounding property values per the evidence provide by the applicant from Berkshire & Hathaway, that the strict enforcement of the Zoning Ordinance which is overly restrictive and goes against the general design causes the hardship and that the use is a reasonable one.

Mr. Daddario voted to grant stating that there is no harm to the public, that it is in character of the neighborhood and with a design that offers benefits to a potential

homebuyer, that the spirit of the Ordinance is met as there will be a firewall between the dwelling areas, that, at issue, is the placement of the firewall and noted that there were no concerns received, nor any negative comments received from the Town Officials including the Fire Department, that there will be no harm to the general public and no diminishing of surrounding property values as attested from Berkshire Hathaway, and that the hardship has been met noting that the project has been previously approved by the Planning Board that included the design of the duplex/condex with their garages between the living quarters, and that what is before the Zoning Board is the placement of the firewall between the garages of the two (2) living quarters, that the burden has been met, that the design is consistent with the neighborhood and that the development has design benefits.

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

163 VI. RQUEST FOR REHEARING: (Addendum)

Case 165-049 (06-27-24): Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a Variance for 36 Campbello St., Hudson, NH for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Mr. Sullivan read the request into the record. Mr. Sullivan stated that a Motion for Rehearing is governed by RSA 677:22 and includes the Board's determination on either new evidence being presented, or determining if the Board made a procedural error or an error in law or whether the applicant presented giood reason that should be considered.

PE David Jordan from Greenen-Pedersen, Inc. <u>introduced introduced himself</u> as representing Sousa Realty in pursuit of this motion for rehearing and proceeded to present their case which included the following information:

- Belief that the majority of the Board erred in determining that the granting of the variance would alter the essential character of the neighborhood as the character of the neighborhood is single family homes on TR sized lots which is what is being proposed
- The applicant's project proposes_single family homes on TR sized lots within the homeowner's association
- What is not in character of the neighborhood is the subject lot with one house on a 4.7 acre lot
- The number of proposed homes cited as a basis for that determination even though the density proposed is less than what is allowed in the district
- The Board erred in stating that public safety woulds be threatened without the benefit of testimony from anyone charged with reviewing public safety as was evidenced in Mr. Sullivan's Staff Report that neither the Town Engineer, Inspectional Services/Fire Department nor the Associate Town Planner had offered "no comments" related to the proposed subdivision. PE Jordan had

- stated that there would be adequate access for public safety and that it would be vetted by the Planning Board during their review process.
 - The Board also erred in their determination that the spirit of the Ordinance would not be observed as the purpose of the frontage requirement is to prevent overcrowding and the proposed development would not place any overcrowding as it will fully comply with all area, density and dimensional requirements within the Zoning Ordinance, which theferore therefore does embrace the spirit of the Ordinance
 - The proposed development is consistent with the present use of the area
 - There is no gain to the general public_through the denial of the variance and there is a substantial injustice to the applicant through the denial of the -ability to use and develop the property in a manner consistent with others in the area.
 - The 1980 Atkinson Subdivision Plan shows that future development of the 4/7 acres was contemplated 44 years age using the same 30.37' for access
 - To deny that access is a serious injustice to the Owner and Applicant and could amount to an unconstitutional taking of property without compensation
 - The denial of the variance resulted in an unnecessary hardship to the applicant
 - At over 4.7 acres, this is the largest property in the area and the last of this size to have not been previously developed.
 - Unlike other properties in the area, this lot has always existed with its current frontage since it was created in 1980.
 - Unlike the other properties in the area, Campbello Street comes to a dead end at this property's frontage
 - With the proposed density being less that what is allowed (15 homes versus 11) there is no fair and substantial reason to reject the hardship criteria
 - The current use as a 4.7 acre single family house lot is not reasonable for thiss site or the neighborhood
 - Every property enjoys a "use" whether <u>or n</u>ot <u>it</u> be single family, multiple units or even as a vacant lot.
 - Literal enforcement of the frontage requirement for this site does not result in unnecessary hardship to the applicant that can only be remedied through the granting of a variance
 - "When an area variance is sought, the proposed project is presumed to be reasonable if it is a permitted use under the Town's applicable zoning ordinance" Vigeant v. Town of Hudson, 151 NH 747, 752 (2005)
 - Development of this property om will be in full compliance with all provisions of the zoning ordinance other than frontage, including the proposed use, cannot be seen as anything other than reasonable.

Mr. Martin inquired why a single family residence on a 4.7 acre lot is not reasonable. Mr. Jordan stated that it is not reasonable to the property owner nor the applicant.

Mr. Lanphear asked if Campbello Street comes to a dead end. Mr. Jordan stated that it ends to a driveway. Mr. Lanphear asked if the driveway is useable and Mr. Jordan confirmed that it is.

Mr. Daddario opened the meeting to anyone wishing to address the Board and speak either in favor, in opposition or neutrally to this Case before the Board. No on addressed the Board. Public testimony closed at 7:45 PM.

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Mr. Sakati stated that he has not heard any new evidence, nor tht the Board made an error in law nor a procedural error and neither was there a good reason presented. Mr. Martin agreed with Mr. Sakati and added that he does not feel it is unreasonable to have a 4.7 acre property to have access to one home which has a reasonable use of the entire property.

Mr. Sullivan noted the plan submitted with the request for a rehearing – specifically specifically the plan prepared by GPI dated July 23, 2024 depicting a Ladder Truck Turn Plan – that is new evidence and addresses one of the concerns raised for public safety.

Mr. Lanphear asked if he heard correctly that a subdivision was proposed 44 years ago. Mr. Sullivan stated thast there was.

Mr. Martin stated that he was prepared to make a motion to deny the petition to rehear based on the fact that no new evidence was presented and that no error was made, either procedurally or in law. Mr. Sakati asked if the Board was acting prematurelyally in jumping to a vote. Mr. Doherty asked whether the proposed plan submitted with the rehearing improves or detracts but it seems that it doesn't. Mr. Daddario stated that there are terms of rehearing factors before the Board; specifically whether there is new evidence presented, or that an error was made by the Board or whether there was an error in the law that was applied and whether there was enouigh presented to warrant a rehearing. Mr. Martin stated that it would seem then that the Board made an error by opening a public hearing at this meeting. Both Mr. Daddario and Mr. Sullivan disagreed, there was no error made and noted that no one addressed the Board. Mr. Sakati concluded that it was then that it was not a rehearing but a reconsideration. Mr. Doherty stated that he was not on the Board back in June but would be inclined to hear more from the applicant. Mr. Dion asked if there was any new evidence in the rehearing packet. Mr. Sakati stated that he didn't hear any new evidence that would change his mind and nor was there any error made, either procedurally of in the law. Mr. Daddario stated that the granting of a rehearing request is different than a decision against a rehearing request.

Mr. Lanphear made the motion to not grant a rehearing as there was no new evidence presented, there was no error in law made, that there was no procedural error made and there was no reason presented to warrant a rehearing. Mr. Martin seconded the motion stating that there was no new evidence presented, that the Board made no errior either procedurally or in the law.

Mr. Sakati voted to support the motion and deny the rehearing request for the same reasons – there was no new evidence presented and the Board made no error either procedurally or with the law.

Mr. Dion voted to deny the rehearing request for the same reasons just presented and stated that the evidence presented was previously discussed, that nothing new was presented and that the ZBA did not make any unlawful error or procedural error.

Mr. Daddario voted to deny the motion and to rehear the application stating that no new evidence was heard but a convincing argument was made; that there were no procedural errors made and that good reason were stated to warrant a rehearing.

Wote was 4:1. Motion to deny the rehearing request passed.

<u>Case 165-021 (07- 11-24)</u>: Brendan Burke, Manager for Keystone Estates, LLC, 34R High Street, Hingham MA requests a rehearing of an <u>Appeal from an Administrative Decision request for 12 14 Gambia St.</u>, Hudson, NH where a Code Enforcement – Notice of Violation Cease and Desist letter dated May 8, 2024 was upheld by the Zoning Board of Adjustment.

Mr. Sullivan read the request into the record and noted that an email dated 8/12/2024 was received from Atty. Amdrew Tine asking to defer for thirty (30) days in order to address the issues raised in the Board's decision, the hearing for thirty (30) days.

Mr. Martin asked if the requested deference was to the request for a rehearing or to a variance application. It was noted that a variance application has not been received, and Mr. Daddario surmised that the deference would be to the request for a Rehearing. Mr. Martin stated that the Board upheld Mr. Sullivan's decision and asked what they would be expecting.

Board discussion ensued with a dominant focus on dates noting that the NOD (Notice of Decision) was issued late and that their assertion that a "reasonable accommodation" was not part of the hearing held when it had not been presented to the Board. Both Mr. Daddario and Mr. Martin surmised that the request for a rehearing should not have been placed on this meeting's Agenda.

Mr. Martin made the motion to grant the deferment to the September meeting as requested. Mr. Lanphear seconded the motion. Mr. Lanphear noted that he would not be attending the September meeting. Roll call vote was unanimous at 5-:0 to defer to the 9/26/2024 Zoning Board meethg.

330 vii. Review of minutes:

07/11/2024 draft-Meeting Minutes

Neither the draft nor the edited Minutes were included in the meeting packet or in the supplemental meeting packet. Item deferred to the September meeting.

07/25/2024 draft-Meeting Minutes

Board reviewed. Motion made by Motion made by Mr. Lanphear, seconded by Mr. Martin and unanimously voted to approve the 7/25/2024 Minutes as presented.

VIII. OTHER BUSINESS:

No other business was presented for Board consideration.

343 IX. ADJOURNMENT:

Motion made by Mr. Martin and seconded by Mr. Sakati to adjourn the meeting and unanimously voted to adjourn the meeting. The 8/22/2024 ZBA meeting adjourned at 8:20 PM.

348	Respectfully	submitted,

349 Louise Knee, Recorder _____