

TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

MEETING AGENDA - November 14, 2024

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, November 14, 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 147-029 (11-14-24): Laurie & Robert Greer, 28 Derry Lane, Hudson, NH requests an Appeal from an Administrative Decision of a Notice of Violation letter dated September 27, 2024 citing the current placement of an un-permitted 14 ft. x 40 ft. shed and pergola structure in a 25 ft. cemetery setback which are in violation of a NH State Regulation and also Hudson Zoning Ordinance for building permits. [Map 147, Lot 029, Sublot-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-16, Building permits; NH RSA Title XXVI: Cemeteries; Burials; Dead Bodies; §289:3, III., Location]
- 2. <u>Case 174-216 (11-14-24)</u>: Joseph F. Roberts, duly Authorized for LK41 Real Estate, LLC, requests a <u>Variance</u> for 71 Ferry Street, Hudson, NH for a proposed two-lot subdivision with the newly created lot containing 70 feet of frontage where 90 feet is required in the TR zone. [Map 174, Lot 216, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and §334-27.2, Lot requirements for subdivision of land]

VI. REQUESTS FOR REHEARING:

VII. REVIEW OF MINUTES:

10/24/2024 edited draft Meeting Minutes

VIII. OTHER BUSINESS:

Reminder: The next ZBA Meeting is scheduled on Thursday, December 12, 2024 @ 7:00 PM

IX. ADJOURNMENT:

Chris Sullivan, Zoning Administrator

Posted: Town Hall, Town Website, Library, Post Office - November 1, 2024

Legal Notice

Advertisement for Bids Owner Name: County of Carroll **Project Number: 2718** Project Address: Old Route 28, Ossipee, NH 03864

Separate sealed BIDS for the construction of: Contract 5 - Old Route 28 Water Main Replacement will be received by THE COUNTY OF CARROLL at the office of THE COUNTY OF CAR-<u>ROLL</u> until <u>2:00 PM.</u> Local Time on **11/27/2024.** Bids will be publicly opened and read aloud at the County Commissioners meeting on **12/5/2024.**

1. Completion time for the project will be calculated as calendar days from the date specified in the "Notice to Proceed" as follows: 120 calendar days for sub-

stantial completion.

150 calendar days for final completion.

Liquidated damages will be in the amount of \$1,000.00, for each calendar day of delay from the date established for substantial completion, and \$1,000.00 for each calendar day of delay from the date established for final

2. Each General Bid shall be accompanied by a Bid Security in the amount of 5% of the Total Bid

3. The successful Bidder must furnish 100% Performance and Payment Bonds and will be required to execute the Contract Agreement within 10 days following notification of the acceptance of their Bid.

4. Any contract or contracts awarded under this Advertisement for Bids are expected to be funded in whole or in part by a grant from the American Rescue Plan Act from Carroll County (ARPA).

5. No Bidder may withdraw a Bid within 60 days after the actual date of opening thereof.

6. A **non-mandatory** pre-bid conference will be on 11/13/2024at 1:00 PM, at the CARROLL COUNTY FARM MAINTENANCE GARAGE located at 10 County Farm Road, Ossipee, NH.

The Contract Documents may examined at the following locations:

Carroll County Office, 95 Water Village Road, Ossipee, NH

Underwood Engineers, Inc., 25 Vaughan Mall, Portsmouth, NH

Underwood Engineers, Inc., 99 North State Street, Concord, NH

03303 Associated General Contractors of NH, 48 Grandview Road Bow, NH 03304

Construction Summary, 734 Chestnut Street Manchester, NH

03104 Dodge Data & Analytics, 34

Crosby Drive, Suite 201 Bedford, MA 01730

Technical questions must be forwarded to Underwood Engineers, Attn: Lynnette Carney, PE Project Manager (<u>lcarney</u> @underwoodengineers.com). Telephone (603) 230-9898.

Electronic copies of the Contract Documents may be obtained from Underwood Engineers, Inc. (Concord Office above) upon email request to **concord@underwoode** ngineers.com. Partial sets will not be distributed. Paper copies will not be furnished.

In order to be qualified to submit a bid, General Contractors must acquire a set of Contract Documents from Underwood Engineers, Inc. Contact Underwood Engineers at (603) 230-9898 or concord <u>@underwoodengineers.com.</u> (UL - Nov. 6)

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

October 24, 2024 STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES WATER DIVISION CONCORD, NEW HAMPSHIRE NOTICE OF PUBLIC HEARING

RSA 482-A:8, Env-Wt 202, Env-C 205.03

The New Hampshire Department of Environmental Services Wetlands Bureau (NHDES) is providing notice of a public hearing scheduled for November 15, 2024, commencing at 10:00am.
The hearing will be held at NH Department of Environmental Services, Conference Room 208C 29 Hazen Drive, Concord, NH

purpose of this public hearing is to receive public comments regarding NHDES applica-tion #2024-01739, submitted by PSNH Dba Eversource, requesting authorization to impact wetlands to replace 188 existing utility structures and install OPGW along the A164 transmission Line Right-Of-Way (ROW). The appli-cant proposed to temporarily impact approximately 329,426 square feet (7.56 acres) and permanently impact 700 square feet of scrub-shrub and emergent wetlands for installation of timber matting. The project location begins at the Jackman Substation in Hillsborough and runs through the Weare Substation.

The public hearing will be digitally recorded and made part NHDES application #2024-01739.

Members of the public may submit written comments to be included in this application hearing as follows:

• Email: WetlandsApplication PublicComments@des.nh.gov,

• First-class mail: NHDES, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095, or

• Hand-delivered during this application hearing.
All written comments must

include NHDES application #2024-01739, to ensure the written comments are included in the record of this application hearing.

Prior to the conclusion of the hearing, a party may request the record be left open for a specified length of time for the filing of information not available at the hearing. Otherwise, the record will be closed at the end of the

The file will be made available for review at the offices of NHDES, 29 Hazen Drive, Concord, NH during regular business hours of 8 a.m. to 4 p.m. To schedule an appointment to review the file, submit a request to: filereview @des.nh.gov.

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 Scott Huot (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for First Bank d/b/a First Bank Mortgage and now held by The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2006-22 (the "Mortgagee"), said mortgage dated May 25, 2006, and recorded in the Coos Registry of Deeds in Book 1174, Page 352, (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

January 10, 2025 at 12:00 PM Said sale to be held on the

Said sale to be held on the mortgaged premises hereinafter described and having a present address of 132 Maple Street, Berlin, Coos County, NH 03570.

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 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 name and address of the mortgagee's agent for service of process is The Bank of New York Mellon FKA The Bank of New York or Trustee for the Continuous Control of the Continuous Control of the Continuous Control of the Continuous Control of the Control of the Continuous Control of the Continuous Control of the Contro York, as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2006-22, c/o Newrez LLC, 601 Office Center Drive, Suite 100, Fort Washington, PA 19034. 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 entitled to precedence over 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 October 28, 2024. The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed

Certificates, Series 2006-22 By its Attorney, Jeffrey J. Hardiman Brock & Scott, PLLC Suite 151
Farmington, CT 06032
(UL - Oct. 30; Nov. 6, 13) 270 Farmington Avenue

Legal Notice

NOTICE OF

MORTGAGEE'S SALE By virtue of the Power of Sale contained in a certain Mortgage Deed and Security Agreement given by Nathaniel G. Emerson **and Rebecca H. Emerson** to 2954 Associates LLC, which Mortgage is dated September 23, 2021 and recorded in the Hillsborough County Registry of Deeds on September 23, 2021 at Book 9530, Page 1427, pursuant to and in execution of said power of sale and for breach of the conditions of said Mortgage, to wit: nonpayment of principal and interest when due, 2954 Associates LLC will sell all of its right, title and interest in and to the Mortgaged Premises, known as 52 Locust Lane, Hillsborough County, New Hampshire 03082 and described in said Mortgage at

PUBLIC AUCTION on TUESDAY, December 10, 2024 At 11:00 A.M. on the premises located at 52 Locust Lane, Lyndeborough

Hillsborough County. New Hampshire 03082

Mortgagee makes no representation as to the accuracy or correctness of the above address. A copy of the Mortgage instrument may be examined by any interested person at Kalil & LaCount, 681 Wallis Road, Rye, New Hampshire, (603) 964-1414, during business

To the Mortgagor or any other person claiming a lien or encum-brance against the Mortgaged Premises: YOU ARE HEREBY NO-TIFIED 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. FAILURE TO INSTITUTE SUCH PETITION AND COMPLETE SUCH SERVICE UPON THE MORTGAGEE CONDUCTING THE SALE PRIOR TO SALE SHALL THEREAFTER BAR ANY ACTION OR RIGHT OF ACTION OF THE MORTGAGOR BASED ON THE VALIDITY OF THE FORECLOSURE.

The name and address of the mortgagee for service of process is 2954 Associates LLC C/O United States Corporation Agents, Inc., One New Hampshire Avenue, Portsmouth, New 125, Suite Hampshire 03801. The mortgaee's agent for service of process is Richard R. Rousseau, Kalil & LaCount, 681 Wallis Road, Rye,

New Hampshire 03870. FOR INFORMATION ON GET-TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT -800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT THERE IS NO CHARGE FOR THIS CALL. YOU MAY ALSO CONTACT THE NEW HAMPSHIRE BANKING DEPARTMENT AT: 53 REGIONAL DRIVE, SUITE 200, CONCORD, NEW HAMPSHIRE 03301 OR ON ITS WEBSITE AT: https://www.b anking.nh.gov/ OR VIA EMAIL AT nhbd@banking.nh.gov.

LIENS AND ENCUMBRANCES: The sale of the Mortgaged Premises will be subject to any and all easements, unpaid taxes, prior liens, other encumbrances or restrictions and conditions whether or not of record, which may be entitled to precedence over the

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

TERMS OF SALE: Ten Thousand (\$10,000.00) Dollars cash or certified check or other funds acceptable to mortgagee or agent at the time of sale; balance within thirty days, or on delivery of deed, at option of mortgagee. Mortgagee serves the right to change terms of sale at sale or to add additional terms and to qualify some or all

Dated this 21st day of October,

2954 ASSOCIATES LLC By its attorneys, KALIL & LaCOUNT By: /s/ Richard R. Rousseau Richard R. Rousseau 681 Wallis Road Rye, New Hampshire 03870 (603) 964-1414 Rich@ryelaw.net

(UL - Nov. 6, 13, 20)

Legal Notice

NOTICE OF

FORECLOSURE SALE Reference is made to a mortgage given by Roy S. Campbell (the Mortgagor") to Avidia Bank dat-September 30, 2022, and recorded at the Merrimack County Registry of Deeds on September 30, 2022 in Book 3807, Page 1557 (the "Mortgage"). By virtue of the power of sale contained in the Mortgage, Avidia Bank (the "Mortgagee"), in execution of the power of sale and for breach of the conditions of the Mortgage, and for the purpose of foreclosing the same will sell at

PUBLIC AUCTION

On December 4, 2024 at 11:00 o'clock a.m. in Hopkinton, Merrimack County, New Hamp-shire, on the premises which are located at 108 Maple Street, Hopkinton, New Hampshire 03229 which premises are described in the Mortgage and which may be currently described as follows (the "Mortgaged Premises"):

A certain tract or parcel of land with the buildings thereon, situated at 108 Maple Street in Hopkinton, County of Merrimack and State of New Hampshire, more particularly being Map 102 Lot 41, as shown on a certain plan entitled, "Lot Line Adjustment Plan Prepared for Loren Clement 86 Maple Street, Land of: Loren D. & Holly E. Clement and Marc and Anne Lajeunesse, Tax Map 102, Lots 41 & 42, Hopkinton, New Hampshire" by Higginson Land Services, dated May 18, 2018, Scale 1 inch = 20', approved by the Hopkinton Planning Board on July 9, 2019, and recorded with the Merrimack County Registry of Deeds July 18, 2019, as Plan #201900012275, to which plan reference is hereby made for a more particular description of said

Subject to a water/sewer lien by the Town of Hopkinton in the amount of \$631.68 dated May 17, 2024 and recorded in the Merrimack County Registry of Deeds in Book 3856, Page 1094.

Subject to a pipe easement as set forth in the warranty deed

dated May 27, 1977 and recorded in the Merrimack County Registry of Deeds in Book 1295, Page 392. [End of Description of Mortgaged Premises

To the Mortgagor or any other person claiming a lien or encumbrance against the Mortgag-ed Premises: YOU ARE HERE-BY 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 EN-JOIN THE SCHEDULED FORE-CLOSURE SALE. Failure to institute such petition and complete such service upon the Mortgagee conducting the sale prior to sale shall thereafter bar any action or right of action of the Mortgagor based on the validity of the foreclosure. The Mortgagee's address for service of process purposes is: Avidia Bank, 42 Main Street, Hudson, Massachusetts 01749. The address for the Mortgagee's agent for service of process is: 10 Pleasant Street, Suite 400, Portsmouth, New Hampshire 03801.

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hot-line is a service of the New Hampshire banking department. There is no charge for Liens and Encumbrances: The

Mortgaged Premises shall be sold subject to any and all unpaid taxes, mortgages, liens and other encumbrances entitled to precedence over the Mortgage.

Terms: To qualify to bid, bidders other than the Mortgagee must place \$20,000.00 on deposit with the auctioneer in cash, by certified check or other form of payment acceptable to the Mortgagee prior to the commencement of the foreclosure sale. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the sale. The Mortgagee reserves the right to accept back up Foreclosure Sale Agreements from one or more unsuccessful bidders to become in force in the event that the successful bidder shall fail to timely close. The successful bidder will be required to execute a Memorandum of Foreclosure Sale (the "Memorandum") at the time and place of sale, and, if the successful bidder shall refuse to sign the Memorandum, that bidder's de-posit shall be retained by the Mortgagee. A copy of the Memorandum shall be available for inspection prior to commencement of the foreclosure sale. The successful bidder will be required to tender an additional deposit (the "Additional Deposit") within ten (10) days of the date of the sale, in an amount sufficient to bring the total Additional Deposit and Initial Deposit (the "Deposit") to an amount equal to ten percent (10%) of the successful bid. All Deposits shall be held by the Mortgagee among its general funds without any obligation to segregate the same and without any obligation to pay interest on the same. The balance of the purchase price must be paid in full by the successful bidder in cash or by certified check on or before the thirtieth (30th) day after the date of sale. If the successful bidder fails to complete the purchase of the Mortgaged Premises on or before the thirtieth (30th) day after the date of foreclosure sale, then the Mortgagee reserves the right to exercise all of its remedies as set forth in the Memorandum, including without limitation, the right to retain the deposit, in full, as reasonable liquidated damages or, as the duly appointed attorneyin-fact of said successful bidder, to assign all rights and obligations evidenced by the Memorandum, as a result of the bidder's failure to perform. If the deposit is retained for any reason, it shall become the property of the Mortgagee. Conveyance of the Mortgaged Premises shall be by foreclosure deed. The foreclosure deed and affidavit shall be herein referred to as the "Conveyance Documents." At closing the successful bidder shall execute and deliver to the Mortgagee an acknowledgment and release acknowledging acceptance of the Conveyance Documents as full and complete performance by the Mortgagee under the Foreclosure Sale Agreement, and releasing any and all claims and rights against the Mortgagee and its agents, except as may be specifically provided for in the Conveyance Documents. The Conveyance Documents shall be delivered to the successful bidder upon the Mortgagee's receipt of the balance of the purchase price and the Acknowledgment. There shall be no proration of rents, fuel, real estate taxes or of any other matter. The successful bidder shall pay both its and the Mortga-

every aspect of the Successful Bidder's obligations hereunder. Exclusion of Warranties: Except for warranties arising by operation of law, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any other expressed or implied representations or warranties whatsoever including, without limitation, representations or warranties relating to title, possession, or tenancies, condition of the Mortgage Premises, construction or fitness for habitation, compliance with applicable state or local building or sanitary codes, recita-tion of acreage or hazardous waste at the Mortgage Premises

gee's share of any and all transfer

taxes and all recording fees. Time

is of the essence with respect to

Reservation of Rights: The Mortgagee reserves the right to (1) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable; (2) bid on and purchase the Mortgaged Premises at the foreclosure sale; (3) reject any and all bids for the Mortgaged Premises, the foreclosure sale of the Mortgaged Premises being offered WITH RESERVE; (4) waive reading this Notice or any portion thereof at the foreclosure sale; and (5) amend or alter the terms of sale as stated in this Notice by oral or written announcement made at any time before or during the foreclosure sale, and such changes or amendments shall be binding on all bidders.

For further information regarding the Mortgaged Premises, contact James R. St. Jean Auctioneers, at 45 Exeter Road, Epping, NH 03042, 603-734-4348, or 800-639-1810.

AVIDIA BANK By its attorneys, Ford, McDonald & Borden, P.A.

Date: October 17, 2024

By: /s/ Ryan M. Borden Ryan M. Borden, Esquire 10 Pleasant St., Suite 400 Portsmouth, NH 03801 Telephone: 603-373-1613 Facsimile: 603-242-1381 rborden@fordlaw.com

(UL - Nov. 6, 13, 20)

Legal Notice

NOTICE OF MORTGAGEE'S SALE

By virtue of the Power of Sale contained in a certain Mortgage Deed given by **Karen M. Hayes** having a mailing address of 498 Valley Road, Mason, New Hampshire 03048, to Pentucket Bank, a Massachusetts banking corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Merrimack Street, PO Box 791, Haverhill, Massachusetts 01831, which Mortgage is dated December 5, 2012 and recorded on December 5, 2012 in the Hillsborough County Registry of Deeds at Book 8501, Page 1896. Pentucket Bank, pursuant to and in execution of said Power of Sale and for breach of the condition of said mortgage, to wit: nonpayment of principal and interest when due, will sell at PUBLIC AUCTION all of its right, title and interest in and to the real estate described in said mortgage

SALE DATE: November 21, 2024

at 11:00 a.m. on the premises located at 498 Valley Road, Mason, New Hampshire, and further described as follows:

A certain tract or parcel of land with buildings thereon situate in the Town of Mason, County of Hillsborough and State of New Hampshire, known as 498 Valley Road, Mason, New Hampshire, bounded and described as follows: Beginning at an iron pin at the

southwest corner of the premises on the easterly side of the highway running from the Village of Mason to the Village of West Townsend; thence Easterly along a stonewall approximately 205 feet, more or

ess, to an iron pin in a corner of a stonewall; thence Northerly along a stonewall approximately 269 feet, more or

less, to an iron pin in a corner of a stonewall; thence Westerly along a stonewall approximately 292 feet, more or less, to an iron pin at a corner of

stonewalls bounding on the easterly side of the state highway first named; thence Southerly along said state highway approximately 241 feet,

more or less, to the point of beginning. Containing by estimation 1.25 acres be the same, more or less.

For Mortgagor's title see deed recorded in the Hillsborough County Registry of Deeds at Book 8501, Page 1894.

A copy of the original mort-gage instrument may be examined by any interested person at the office of Feniger, Uliasz & Stacey, PLLC, during normal business hours

To the Mortgagor(s) and any and all persons, firms, corporations or agencies claiming by, from or under them:

NOTICE PURSUANT TO NEW HAMPSHIRE RSA 479:25:

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

The name and address of the mortgagee for service of process is Pentucket Bank, a Massachusetts banking corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Merrimack Street, PO Box 791, Haverhill, Massachusetts 01831. The name and address of the mortgagee's agent for service of process is Attorney Gregory T. Uliasz, Feniger, Uliasz & Stacey, PLLC, 45 Bay Street, New Hampshire

03104. The original mortgage is located at Pentucket Bank, One Merrimack Street, Haverhill, Massachusetts 01831 and may be examined during normal business

The sale of the premises will be subject to any and all easements, encroachments, covenants, restrictions, unpaid municipal or other taxes, assessments, prior liens or claims in the nature of liens, outstanding tax titles, building, zoning and other land use laws and all permits and approvals issued pursuant thereto and any other encumbrances whether or not of record, which may be entitled to precedence over the mortgage if there be any. Said premises are to be sold subject to the right of redemption of the United States of America, if any there be. No warranties: Except for war-

ranties arising by operation of law, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder therefore without any express or implied warranties whatsoever including without limitation any representations or warranties with respect to possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. The Mortgagee expressly disclaims any representations as to the state of the title to the premises as of the date of the notice of the date of sale. Said Mortgaged Premises will be sold "AS IS WHERE IS" and with all faults in all respects, including, but not limited to, the physical condition of the Mortgaged Premises and the rights, if any, of the occupants of the Mortgaged Premises.
TERMS OF SALE: Ten Thou-

sand and 00/100 (\$10,000.00) Dollars cash or certified check or other funds acceptable to Mortgagee or agent at the time of sale; balance within forty-five (45) days, or on delivery of deed, at option of Mortgagee at the firm of Feniger, Uliasz & Stacey, PLLC Attorneys for the Mortgagee at 45 Bay Street, Manchester, New Hampshire. Mortgagee reserves the right to bid at the sale, to reject or accept any and all bids, to continue the sale to another date and time, to cancel the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale, in which event such terms as amended or altered shall be binding on all bidders and interested person, and to qualify some or all bidders at its discretion. Mortgagee reserves the right to purchase at the high bid amount, should the high bidder default. Mortgagee further reserves the right to amend this notice. Furthermore, the successful Bidder will be required to execute a Memorandum of Sale at the auction upon completion of the sale. Other terms, if any, shall be announced at the time and place of the sale. The description of the premises contained in said mortgage shall control in the event of error in publication.

The contact information for the New Hampshire Banking Department is: New Hampshire Banking Department, 53 Regional Drive, Suite 200, Concord, New Hampshire 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

garding the Mortgaged Premises and/or terms of the foreclosure sale, please contact James R. St. Jean Auctioneers, 45 Exeter Road, PO Box 400, Epping, New Hampshire 03042, website: jsjauctions.com, Phone Number (603) 734-4348.

Dated this 3rd day of October,

Pentucket Bank, By its attorney Feniger, Uliasz & Stacey, PLLC By: Gregory T. Uliasz 45 Bay Street Manchester, NH 03104 Tel. No. 603-627-5997 guliasz@fenigeranduliasz.com (UL - Oct. 23, 30; Nov. 6)

Legal Notice

Precision Towing and Recovery Inc. 1065 Hanover Street Manchester, NH 03104 November 20, 2024 - 9AM

1. 2018 MERCEDES GLS VIN: 4JGDF7FE7JB155691 2. 2008 HONDA ACCORD VIN: 1HGCP36898A017829 3. 2022 NISSAN ROGUE VIN: JN1BJ1BW4NW680506 4. 2015 DODGE DART VIN: 1C3CDFBB2FD146148 5. 2018 FORD F250

VIN: 1FT7X2B60JEB02376 6. 2001 FORD EXPEDITION VIN: 1FMEU17L11LB37962 7. 2014 RAM 1500 VIN: 1C6RR7FT9ES439286

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, NOVEMBER 14, 2024

The The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, November 14, 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:

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Chris Sullivan, Zoning Administrator



TOWN OF HUDSON

Land Use Division

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

Zoning Administrator Staff Report Meeting Date: November 14, 2024



Case 147-029 (11-14-24): Laurie & Robert Greer, 28 Derry Lane, Hudson, NH requests an Appeal from an Administrative Decision of a Notice of Violation letter dated September 27, 2024, citing the current placement of an un-permitted 14 ft. x 40 ft. shed and pergola structure in a 25 ft. cemetery setback which is in violation of a NH State Regulation and also Hudson Zoning Ordinance for building permits. [Map 147, Lot 029, Sublot-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-16, Building permits; NH RSA Title XXVI: Cemeteries; Burials; Dead Bodies; §289:3, III., Location]

Address: 28 Derry Rd

Zoning District: Residential Two (R-2)

Summary:

The applicant is asking for an appeal from an administrative decision from a letter dated September 28, 2024, titled Notice of Violation.

Time Line of Events:

The Code Enforcement Department was notified on July 31 2024 when the owner called to see if she needed a building permit. A site visit was performed, shed and a bee house were in the location. What was discovered was the shed and bee house were not in the town's setback but, the 25' cemetery setback. The determination was made that the general 15' setback requirements of the Hudson Zoning Ordinance do not apply to cemeteries. The Hudson Zoning Ordinance does not contain any specific "local zoning regulations concerning burial sites" such as contemplated by RSA § 289:3.

289:3 Location. -

All cemeteries and burial grounds shall be laid out in accordance with the following requirements:

I. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store, or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries that are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources, or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway. II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the

requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds, or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

In the absence of specific local regulations, the accessory structure must comply with the 25' setback requirement under RSA § 289:3 before any building permit can be issued.

Attached is a plan that was recorded at the Hillsborough County Registry of Deeds. This was a Subdivision Plan from July 24, 2003. The subject parcel shows the 25' Cemetery Setback The agency that enforces the setback is The New Hampshire Historical Resources, The shed has been installed 10' into the cemetery setback where it is not allowed to be per RSA289-3. In the application, the property owner says the shed was prebuilt and no new construction was done. According to an email from Marika Labash Dated 10-10-24 pre-built sheds are considered "new construction". The application also says the owner removed the brush, and plant material that a snow plow company hit. These items are considered ground disturbance per the NHDHR and are not permitted.

Property Description:

The Town of Hudson records indicate these parcels are an existing record. The lot is 136,778 sq. ft. where 43,560 is required in the (R-2) district, the property consists of a single-family home constructed in 2002

History/Attachments:

AERIAL / PHOTOS

A: 2024 Aerial with shed location

PLANS

B: Recorded Subdivision Plan 7-24-03

C: Standard Shed detail

ZONING BOARD ACTION

D: Letter: Notice of Violation- (8-6-24) **E:** Letter: Notice of Violation- (9-27-24)

OTHER SUBMITTALS:

F: Pictures of the Shed be delivered

G: Pictures from July 31. 2024

H: Email from Marika Labash - NH Historic Resources Department

In-House comments:

I: Town Engineer: 10-31-24

- Staff and local boards do not have the authority to supersede state or federal requirements and this practice is in line with how we handle other disciplines in Town, such as water, sewer, bridges, septic, and the list goes on and on.
- The applicant should seek relief from the state, not ZBA or staff.

J: Inspectional Services/Fire Dept.: 11-5-24

- Building permit required
- Electrical permit required
- Inspections required

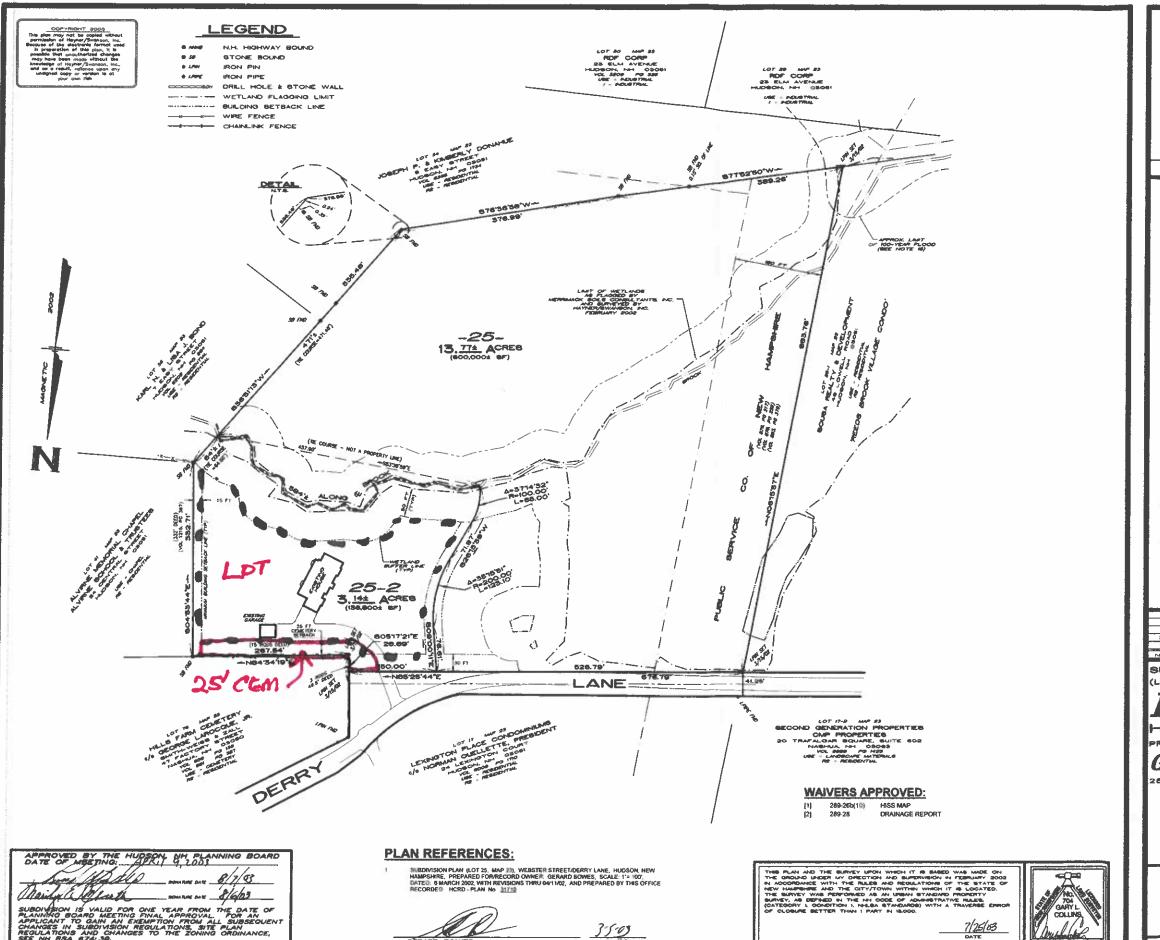
K: Associate Planner: 11-4-24

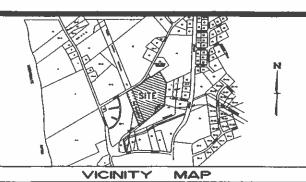
No Comment











NOTES:

TOTAL SITE AREA

* 16 914 ACRES (738,778 SF) R-2; RESIDENTIA

PRESENT ZONING MINIMUM LOT REQUIR

- LOT AREA

- LOT FRONTAGE

MINMAUM BUILDING SETBACKS - FRONT (COLLECTOR ST) - FRONT - SDE - REAR

SITE TO BE SERVICED BY MUNICIPAL SEWER AND WATER

LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSORS MAP 23 STREET ADDRESSES TO BE ACQUIRED FROM THE HUDSON FIRE DEPARTMENT PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT

IRON PIPES TO BE SET AT ALL LOT CORNERS AND STONE BOUNDS TO BE SET ALL POINTS OF TANGENCY AND CURVATURE ON THE RIGHT-OF-MAY. BY A LICENSED LAND SURVEYOR PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY

A CAP FEE IN THE AMOUNT OF § 1.032.45 PER RESIDENTIAL LINIT. SUBJECT TO ANNUMINATION INDEXING. IS TO BE PAID PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY.

AMPACT FEES

AN IMPACT FEE IN THE AMOUNT OF \$3.578 00 (SCHOOUS) AND \$124 09 (LIBRARY) PER RESIDENTIAL LIMIT, SUBJECT TO ANNUAL INFLATION INDEXING, IS TO BE PAID PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

A RECREATION CONTRIBUTION IN THE AMOUNT OF \$400,00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

PROPER EROSION AND SECRMENT CONTROLS SHALL BE INSTALLED (II) HAY BALES, SRLT FENCES, ETC.) PRIOR TO CLEARING AND EXCAVATION THE CONTROLS SHALL BE MAINTAINED IN GOOD WORKING ORDER INTIN. COMPLETION OF CONSTRUCTION

NO NEW LITILITY POLES SHALL BE INSTALLED WITHIN THE TOWN RIGHTS OF WAY

A PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD BOUNDARY AS DETERBRING FROM THE "TOWN OF HUDSON, MIN FLOOD INSURANCE STUDY", COMMUNITY PANEL NO 30002-200108. DATED FEBRURAY 1978

THIS PLAN SET CONTAINS TWO (2) SHEETS. SHEET 1 OF 2 SHALL BE RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. THE REMAINING SHEET WILL BE ON FILE AT THE TOWN OF HUDSON, HE PLANNING DETAILS.

PRESENT OWNER OF RECORD

LOT 28, MAP 23

GERALD BOWES

S.RUE LANE

HUBSON, NEW HAMPSHIRE (2005)

VOL. 6662 PG 538

2 07/24/83 CONDITIONS OF APPR 1 03/21/05 ADDRESS TOWN COM

SUBDIVISION PLAN

DERRY LANE

HUDSON, NEW HAMPSHIRE PREPARED FOR/OWNED BY:

GERARD AND DONNA BOWES

B DERRY LANE HUDSON, NEW HAMPSHIRE 03051

320 FEET Lux vid 0 40 SCALE: 1"=80 Feet 1"=24.384 Meters

3 MARCH 2003



Civil Engineers/Land Surveyors
Three Congress Street Nachua, New Hampshire 03062-3301
Tel (603) 883-2057 Fax (603) 883-5057

SHEET 1 OF 2

1034 4634-B F881



And stone On 30-YESTS TANKO ARCHITECTURAL SHINGLES 10 The ă BARN YARD 8'-0" TO 46'-0" 1/2" PLYWOOD GUSSET PLATES BWL I IBUIL I THE BARN TARD 2X4 RAFTERS (BOTH 6IDES) 4 16' O.C. 2X4 KILN DRIED SPRUCE STUD MALLS . IS" O.C. DOMESTIC THE B/ 5/6" DURATEMP THI SIDING TOP PLATE HEIGHT SRACED MALL PANEL "BUP" LOCATION MET CONNECTED MADE BALONG COST - 329 HORNAGO IN ACCORDANCE WITH METHOD CS-USP 2014 KILN DRIED PRODUCTION OF THE PROPERTY OF 16.00 SECTION R602.10.4: 6" ON EDGES SPRUCE HACA EDRON - 276 NETWANDONE, MINERALE, CODE. NA MENDONAL CODE FOR DIE AND ROTALE DIRECTOR OF NE BLAZE OF MEXIMPPIANT I 220 NESMANDONE, MENDONA STUD WALLS IT IN FIELD USING 8D COTTON * 16" O.C. 2 2 FASTENERS (2x0 E3) NOTE: NOT CODE PERSCRIPTIVE DUE TO 0 8 6"-5" DIALL HERGHT A THE MENTAL COST OF HE TORK STATE I DO 2X4 BOTTOM 3/4" HOOVER EXTERIOR PLATE The Mark Town of the State of the PRE-X PRESSURE TREATED Ben (TOTE) OF THE RESIDENT HOUSE STOLE OF THE PROPERTY OF THE PRESSURE TREATED PIRE-RETARDANT PLTIMOOD 4X4 FOUNDATION FLOORING (NON-COMBUSTIBLE) GRADE 34-0/4 DEAMS BUL 2 BUL 2 MAX EVERETT W. SKINNER IV 8-0" 10 14-0" 2K4 PRESSURE TREATED LE OF VEAL PLOOR JOISTS . IZ" O.C. METH MARKET 10 PLAN YIEW 뒭 CROSS SECTION FOUNDATION BEAM CONSTRUCTION 13907 NOMINAL WIDTH / ACTUAL WIDTH 8" MIDE / 8"-0" 30-YEAR TANKO-ARCHITECTURAL LOUYERED BHUTTERS REGISTERED 10" UNDE / 5"-5 1/2" UTNECOW SIZE ROFESSIONAL ENGINEES SHINGLES 12" MIDE / 11"-6" WE COX PLYWOOD GABLE VENTS STYLE VARIES CIVIL ROOF SHEATHING ON BOTH ENDS 14" MIDE / 15-2" ACTUAL MOTHS ARE LESS THAN NOTHAL TO ACHERE TO WIDE LOAD PERFIT RESULATIONS 6" MIRATEC 2X4 RAFTERS OF HEW A की क्षेत्र FASCIA TRIM . IS O.C. 6-12 PITCH DRIP EDGE EVERETT 6" O.H. OH. 2X4 KILN DRIED SPRUCE STUD PINIBUED SOFFITS WALLS . IL' O.C. FOR WEATHER TIGHTNESS PLATE TE OF Mala HIRATECH TRIH 9 9/8" DURATEMP T-II SIDING EVERETT W. 3/4" CRUSHED SKINDKRUL STONE FOOTING BASE TUNA214 GRADE GRADE 6'-0" 10 48'-0" S !/CENSEO 6'-0" TO 14'-0" NOTE: SSIGNALE JACKS I HEADERS REINFORCED DOUBLE DOORS PRESSURE TREATED SIDE ELEVATION FRONT ELEVATION ABOVE DOORS 4 PAINTED ON BOTH SIDES Margaret Wall 4x4 FOUNDATION WINDOWS FER CODE SIZE & STYLE VARIES BEARS OF NEW ER STANDARD FEATURES STANDARD PEATURES CONT.: STANDARD FEATURES CONT. CLASSIC CAPE STORAGE BUILDING 4X4 PRESSURE-TREATED BEAMS AKDBAS 5/6" DURATERP THE OR VINTE Warning: It is a violation of the HYS Education Law FLOOR DESIGN MEETS REQUIREMENTS OF SECTION ROOLS PLOOR SYSTEM MILL PERMIT ISSUE SHOP DRAWING FLOOR FRAMES, 214 PRESSURE-TREATED JOISTS, UT O.C. ROOFING SO-YEAR TANKO SHINGLES SUPPORT 2000 LB LOAD APPLIED OVER A 20 SQUARE INCH AREA FLOORING: Article 145 for any person, unless he is acting under the direction of a licensed 3/40/OVER EXTERIOR PRE-X PREMIRE HEAVY-DUTY, RESPONCED AND PARTED THIS STORAGE BULDING IS DESIGNED TO BE PLACED ON 6" PREP 3/4" ORIGINED STONE BASE FROST PROTECTION NOT REGISTED UP TO 600 SQUARE FEET PER IRC SECTION R403.14.1 TREATED PIRE-RETARDANT PLYBOOD ON BOTH BOES Professional Engineer, to ANON-COMBUSTBLE) SIONAL ENGINEE SIZES: 8'48' 10 14'448' after this Item in any way PRAINING. PREMIUM 164 KEN DRIED THE BARN YARD CONTRACTOR LICENSES (CT) 356916, (RI) 73105, (MA) H.C 917550 (MA) C.6 93936, (NT) LIC-26549HI4 I PC-6146 SPRUCE LIMBER 46" O.C. CLASSIC CAPE STORAGE BUILDING DESCRIPTION OF PERSONS ASSESSED.



TOWN OF HUDSON







Notice of Violation

August 6, 2024

Sent 1St Class Mail

Mr. and Mrs. Greer 28 Derry Lane Hudson, NH 03051

Re:

28 Derry Lane Map 147 Lot 029-000

District: Residential Two (R-2)

Dear Mr. and Mrs. Green

Complaint: You have constructed a 14x40' shed and a pergola in a 25' cemetery setback.

Violation: The shed and pergola both are violating the following:

- 1) RSA 289:3, III, states that, "In Jew construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees."
- 2) The shed requires a building permit per §334-16 (B) Building Permits:

 Unoccupied public utility structures. Unoccupied structures up to 200 square feet erected by public utilities which are necessary for the furnishing of adequate service for the public health, safety or general welfare are permitted in all zones and are not subject to the building setback, lot size or frontage requirements of this chapter. Prior to the issuance of a building permit, such structures and their sites shall be approved by the Planning Board in order to ensure they present a reasonable appearance and do not create a hazard to the public or interfere with the surrounding area.



Abatement Order:

The shed and pergola are required to relocate outside of the 25' cemetery setback immediately. Please call me let me know when the shed and pergola will be moved. No later than August 19, 2024.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder Brooke Dubowik Inspectional Services

File





TOWN OF HUDSON



Land Use Division

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

Notice of Violation

September 27, 2024

Sent 1St Class Mail, Email

Robert Greer and Laurie Greer 2020 Revocable Trust Attn: Andrew A. Prolman, Esq. 20 Trafalgar Square, Suite 626 Nashua, NH 03063

Re:

28 Derry Lane Map 147 Lot 029-000

District: Residential Two (R-2)

Dear Attorney Prolman:

I am in receipt of your letter dated September 26, 2024.

Please be advised the shed/structure is in violation of the State Building Code and Hudson Zoning Ordinance § 334-16, because it was constructed without a building permit.

No building permit can be issued for the accessory structure because it is located within 25 feet of a cemetery, contrary to RSA § 289:3, III.

It is my zoning determination that the general setback requirements of the Hudson Zoning Ordinance do not apply to cemeteries. The Hudson Zoning Ordinance does not contain any specific "local zoning regulations concerning burial sites" such as is contemplated by RSA § 289:3. You may appeal this zoning determination to the Hudson Zoning Board of Adjustment.

In the absence of specific local regulations, the accessory structure must comply with the 25' setback requirement under RSA § 289:3 before any building permit can be issued.

In the absence of a building permit, you are hereby ordered to remove the accessory structure by October 28, 2024.



Please be advised that in accordance with the Hudson Zoning Ordinance §334-79 Violations and Penalties, and RSA § 676:17, you are subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that your property is found to continue in violation of the Hudson Zoning Ordinance 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

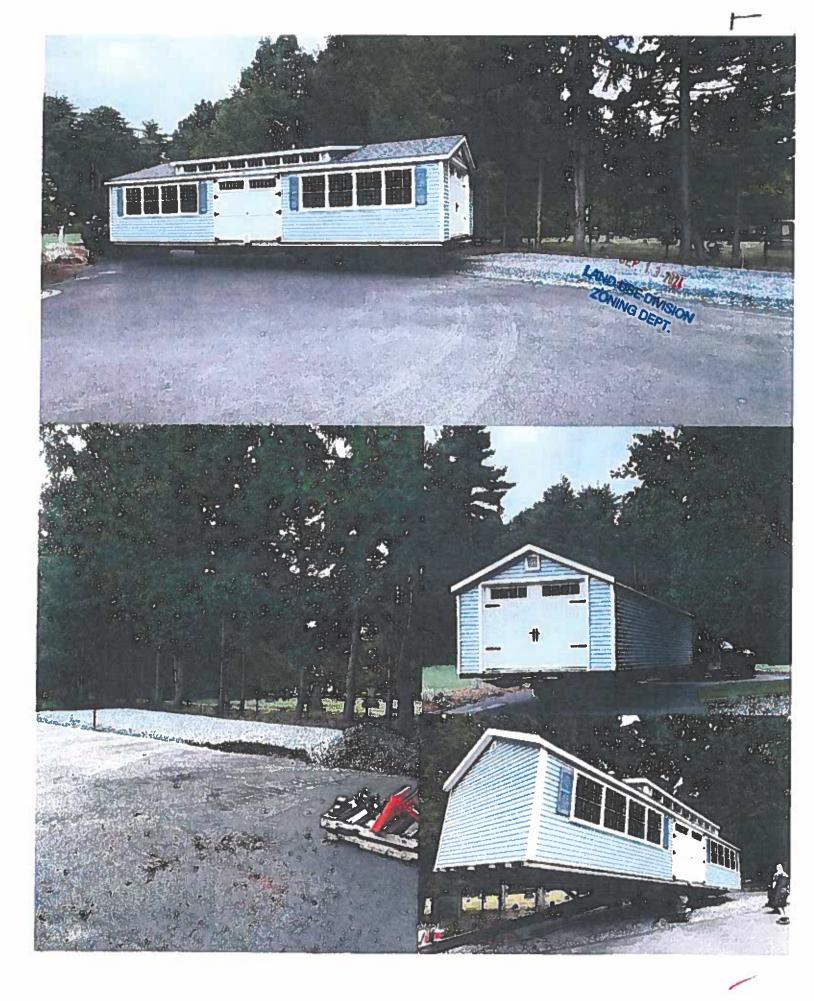
Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder Brooke Dubowik Inspectional Services File





28 Derry Land Shed in the 25' Cemetery Setback 7-31-24







28 Derry Land Shed in the 25' Cemetery Setback 7-31-24









Sullivan, Christopher

From:

Labash, Marika < marika.s.labash@dncr.nh.gov>

Sent:

Thursday, October 10, 2024 10:25 AM

To:

Sullivan, Christopher

Subject:

FW: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

I think this covers all of it?

From: Sullivan, Christopher <csullivan@hudsonnh.gov>

Sent: Friday, September 27, 2024 3:43 PM

To: Labash, Marika <marika.s.labash@dncr.nh.gov>

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you for all your help sorry for all the questions. Have a great weekend

1

Chris

From: Labash, Marika <marika.s.labash@dncr.nh.gov>

Sent: Friday, September 27, 2024 3:33 PM

To: Sullivan, Christopher < csullivan@hudsonnh.gov>

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Yep, the pre-built shed is considered "new construction".

From: Sullivan, Christopher < csullivan@hudsonnh.gov>

Sent: Friday, September 27, 2024 1:30 PM

To: Labash, Marika <marika.s.labash@dncr.nh.gov>

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Only other question was is a pre-built shed delivered shed new construction

From: Labash, Marika <marika.s.labash@dncr.nh.gov>

Sent: Friday, September 27, 2024 1:27 PM

To: Sullivan, Christopher < csullivan@hudsonnh.gov>

Subject: RE: 25' Cemetery Setback



EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Hi Chris,

I confirmed with my colleagues that per the RSA, no ground disturbing activities or new construction are permitted within 25' of any cemetery or burial ground unless the property owner is granted permission by the municipality. In this case, no permission was granted and therefore the town has the right to enforce the RSA. Individual citizens do not have rights to burial grounds or cemeteries on their private property unless they are the immediate family or descendants of those buried in the cemetery. Does this answer all of your questions?

Marika

From: Sullivan, Christopher <csullivan@hudsonnh.gov>

Sent: Friday, September 27, 2024 12:51 PM

To: Labash, Marika < marika.s.labash@dncr.nh.gov >

Subject: RE: 25' Cemetery Setback

3

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you I really appreciate it have a great weekend

From: Labash, Marika <marika.s.labash@dncr.nh.gov>

Sent: Friday, September 27, 2024 12:48 PM

To: Sullivan, Christopher < csullivan@hudsonnh.gov>

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Let me run this by my colleagues and make sure I have all of the information for you.

Marika

From: Sullivan, Christopher < csullivan@hudsonnh.gov>

Sent: Friday, September 27, 2024 11:02 AM

To: Labash, Marika < marika.s.labash@dncr.nh.gov>

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

A)

The no ground disturbance how do historic resource handle this, and If set backs are the towns setback is lest restive how is that dealt with. I wondering if you can help with this, Or let me know who can.

Thank you for all your help just trying to understand the regulation.

Chris

From: Labash, Marika <marika.s.labash@dncr.nh.gov>

Sent: Friday, September 27, 2024 9:13 AM

To: Sullivan, Christopher < csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@hudsonnh.gov csullivan@gmail.com <a href="mailto:csullivan@gm

Subject: RE: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Chris,

The NH Division of Historical Resources maintains a policy of no *excavation* within 25' of a cemetery, however the RSA states that no new construction shall be permitted. I believe the municipality is responsible for enforcing the RSA regarding the new construction and excavation. Is the shed on the abutter's private property? The stumping of trees would certainly be considered ground disturbance and therefore would not be permitted by the NHDHR.

5

MALKA AMASH MS/RPA
REVIEW & COMPLIANCE ARCHAEOLOGIST
NH DIVISION OF HISTORICAL RESOURCES
NH DEPT OF NATURAL & CULTURAL RESOURCES
172 PEMBROKE ROAD, CONCORD, NH 03301
marika.s.labash@dncr.nh.gov



----- Forwarded message -----

From: Sullivan, Christopher < csullivan@hudsonnh.gov>

Date: Thu, Sep 26, 2024 at 9:56 PM Subject: RE: 25' Cemetery Setback

To: NH Cemetery Assoc < nhcemetery@gmail.com>

I have a shed that was dropped off and it is 16 x 40 it is like a Mobile Home. And she to dead trees down and stumb them. I just trying to find out a ruling on these things. Thank you for your help

Chris

From: NH Cemetery Assoc < nhcemetery@gmail.com >

Sent: Thursday, September 26, 2024 8:34 PM

To: Sullivan, Christopher < csullivan@hudsonnh.gov > Cc: Marika Labash < marika.s.labash@dncr.nh.gov >

Subject: Re: 25' Cemetery Setback

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Chris,

7

I'm guessing that the local municipality monitors the encroachment of cemeteries and burial grounds.

I copied one of our members, Marika, who works for the NH Division of Historical Resources who might know if the State helps enforce the setbacks.

Mike Horne

NHCA secretary/treasurer

289:3 Location. – All cemeteries and burial grounds shall be laid out in accordance with the following requirements:

I. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the

property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

Source.	1994,	318:2,	eII.	Aug.	7,	1994.

On Thu, Sep 26, 2024 at 6:42 PM Sullivan, Christopher < csullivan@hudsonnh.gov > wrote:

9

Good Evening Mike my name is Chris Sullivan I am the Zoning Admin and Code Enforcement Officer for Hudson. I am trying to find out who is responsible for the 25' cemetery setback. I have an owner of a property who has had a large shed delivered and placed in the 25' Setback. I'm trying to find out if this is ok or not.

Thank you

Chris Sullivan

Zoning Administrator/Code Enforcement Officer



12 School Street

Hudson, NH 03051



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

REQUEST FOR REVIEW/COMMENTS:

Case: 147-029 (11-14-24) (Appeal from an

Property Location: 28 Derry Lane Administrative Decision)

	D 00101
For Town Use	
Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14	4/2024
I have no comments I have comments (see below)	
EZD Name: Elvis Dhima, P.E. Date: 10/31/2024	
(Initials)	
DEPT: Town Engineer Fire/Health Department Associate Town Plann	ner
Staff and local boards do not have authority to supersede state or federal requirements and this practice is in line with how we handle other disciplines in Town, such as water, sewer, bridges, septics and the list goes on and on.	1
The applicant should seek relief from the state, not ZBA or staff.	



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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-216 (11-14-24) (VARIANCE)
Property Location: 71 Ferry Street

For Town Use	
Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14/202	<u>'4</u>
I have no comments I have comments (see below)	
DRH Name: David Hebert Date: 11/05/2024	
(Initials)	
DEDT. Town Engineer Fire/Health Department Associate Town Planner	
No Comments	



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

REQUEST FOR REVIEW/COMMENTS:

Case: 147-029 (11-14-24) (Appeal from an

Property Location: 28 Derry Lane Administrative Decision)

For Town Use
Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14/2024
I have no comments I have comments (see below)
BWG Name:Benjamin Witham-Gradert Date: 11/04/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT

APPEAL OF ADMINISTRATIVE DECISION WORKSHEET

On 11/14/2024, the Hudson Zoning Board of Adjustment heard Case 147-029, pertaining to a request by Laurie & Robert Greer, 28 Derry Lane, Hudson, NH for an Appeal from an Administrative Decision of a Notice of Violation letter dated September 27, 2024 citing the current placement of an un-permitted 14 ft. x 40 ft. shed and pergola structure in a 25 ft. cemetery setback which are in violation of a NH State Regulation and also Hudson Zoning Ordinance for building permits. [Map 147, Lot 029, Sublot-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-16, Building permits; NH RSA Title XXVI: Cemeteries; Burials; Dead Bodies; §289:3, III., Location]

Members sitting on the Zoning Board of Adjustment for this hearing are to vote to determine if they would make the same decision as the Zoning Administrator.

Y	N		
		I would have made the same decision interpretation based on the evidence	
Signe	-		
	Sitting	Member of the Hudson ZBA	Date
Print	Name:		_

New Hampshire ON

APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

OCT 25 2021 LAND USE DIVISION ZONING DEPT.

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-029 (11-14-24)

Date Filed 10/25/24

Name of Applicant LAURIE + Robert GREER Map: 147 Lot: 029 Zoning District: R-2
Telephone Number (Home) 603-387-4619 (Work) 603-305-0001
Mailing Address 28 DERRY LANE, HUDSON, NH 03051
OWNER ROBERT GREER AND LAURIE GREER 2020 REVOCABLE TRUST
Location of Property 28 DERRY LANE, HUDSON, NH 03051 (Street Address) Signature of Applicant Signature of Applicant Date 10/25/2024
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 Appeal From An Administrative Decision.

Items in this box are to be filled out by L	and Use Division p Date receive	ersonnel ed: 10/25/24	
Application fee (processing, advertising & recording Abutter Notice: Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate	<u> 5,58</u> =	\$ 185.00 \$ 39.06 \$ 0.73	12:
Total amount due		\$ 224.79	
	Amt. received:	\$ 224.79	2205
Received by:	Receipt No.:	794, 456	8203
By determination of the Zoning Administrator, the foll Engineering Fire Dept Health Officer	owing Departmental		

10/24/24 Laurie Greer Robert Green 28 Derry Lane Hudson, NH 03051

To: The Clerk of the ZBA and Hudson, NH ZBA

We have appointed Andrew Prolman of Prunier and Prolman, PLLC to represent us regarding this matter with the zoning board and code enforcement division.

Sincerely,

Sincerely,

James Laurie Greer

Robert Streen

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		Staff
hritials	Please review the application with the Zoning Administrator or staff.	Initials
	rease review the application with the Zohing Administrator of start.	7.6
	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)	
0	single-sided copies of the assembled application packet. (Paper clips, no staples)	
av.	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.	76
Che C	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.)	76 N/A.
(A)	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	Richd
	(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.)	
6	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.	76
	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)	76
	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u> 76-</u>
Æ_	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.	NA

CERTIFIED PLOT PLAN:

Signature of Property Owner(s)

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). The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North a) 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) 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 other wetland bodies, and any easements (drainage, utility, etc.) 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. 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.

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
147	029-	*Include Applicant & Owner(s) ROBERT GREER, AND LAURIE GREER 2020 REV. TRUST	28 DERRY LANE HUDSON, N.H 03051
147	028-	HILLS FARM CEMETERY C/O GEORGE LAROCQUE JR.	20 DERRY LANE HUDSON, N.H 03051
147	000	ALVIRNE CHAPPEL C/O DONALD SHEPARD	8 WOODCREST DRIVE HUDSON, NH. 03051
156	019-	JOHN CHICOINE	7 EASY STREET HUDSON, NH 03051
147	029-	ABBIE'S LANDING HOMEOWNERS ASSOC	32 BOWES CIRCLE HUDSON, NH 03051
147	017-	LEXINGTON PLACE C/O Jack Joyce	24 LEXINGTON COURT HUDSON, NH 03051
		,	
	L	<u> </u>	

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
156	020-	AMY SULLIVAN	5 EASY STREET HUDSON, NH 03051
		1.00/00-000	

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-029 APPEAL ADMINISTRATIVE DECISION 28 Derry Lane, Hudson, NH 03051 Map 147, Lot 029, Sublot-000 (1 of 1)
· ,	ARTICLE NUMBER	Name of Addressee, Street, and post office address	1 / 4/2024 ZBA Meeting
1 9589 07	10 5270 2409 0632 49	LAURIE & ROB GREER, TRUSTEES	APPLICANT/OWNER NOTICE MAILED
2 9589 07	710 5270 2409 0632 32	28 DERRY LANE, HUDSON, NH 03051 LEXINGTON PLACE CONDOMINIUMS; C/O JACK JOYCE	ABUTTER NOTICE MAILED
3 9589 0	710 5270 2409 0632 18	24 LEXINGTON COURT, HUDSON, NH 03051 ALVIRNE SCHOOL (CHAPPEL); C/O DONALD SHEPARD	ABUTTER NOTICE MAILED
4 9589 07	710 5270 2409 0632 56	8 WOODCREST DR., HUDSON, NH 03051 HILLS FARM CEMETERY; C/O GEORGE LAROCQUE, JR. SMITH-WEISS & ZALL, 47 FACTORY ST., NASHUA, NH 03061-0388	ABUTTER NOTICE MAILED
	710 5270 2409 0632 01	JOHN CHICOINE	ABUTTER NOTICE MAILED
6 9589 07	710 5270 2409 0631 95	7 EASY ST., HUDSON, NH 03051 ABBIE'S LANDING HOMEOWNERS ASSOC. 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7 9589 07	710 5270 2409 0632 25	PRUNIER & PROLMAN; ANDREW PROLMAN, ESQ. 20 TRAFALGAR SQ., SUITE 100, NASHUA, NH 03063	APPLICANT NOTICE MAILED (Legal Rep.)
8	Mailed First Class	AMY SULLIVAN; SEAN TOWLER	ABUTTER NOTICE MAILED
		5 EASY ST., HUDSON, NH 03051	Noson who course
9			1000
10			(1204 8 1 2024
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

November 1, 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, November 14, 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 147-029 (11-14-24): Laurie & Robert Greer, 28 Derry Lane, Hudson, NH requests an Appeal from an Administrative Decision of a Notice of Violation letter dated September 27, 2024 citing the current placement of an un-permitted 14 ft. x 40 ft. shed and pergola structure in a 25 ft. cemetery setback which are in violation of a NH State Regulation and also Hudson Zoning Ordinance for building permits. [Map 147, Lot 029, Sublot-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-16, Building permits; NH RSA Title XXVI: Cemeteries; Burials; Dead Bodies; §289:3, III., Location]

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

November 1, 2024

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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

APPEAL FROM AN ADMINISTRATIVE DECISION

Per Hudson Zoning Ordinance, Article XV, Enforcement and Miscellaneous Provisions; Section 334-81, Appeals: Any person aggrieved by a decision of the Zoning Administrator or other officer of the Town charged with administering this chapter may appeal to the ZBA. Such an appeal must be made within 30 days from the date of the order or decision complained of, in writing addressed to the Clerk of the ZBA.

DATE:	10/25/24	ARTICLE: VII	SECTION: 334-27	
of the Z	oning Ordinance in qu	estion.		
Please i Zoning	ndicate the Zoning De Administrator to be re	termination Decision or C viewed:	ovisions of the Zoning Ordinance, ode Enforcement Violation of the	
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Please e	xplain why you are ap	pealing the Zoning Admi	nistrator's Decision.	
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Rev. July 22, 2021

must be attached to your application.

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed

APPEAL FROM AN ADMINISTRATIVE DECISION

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DATE: October 25, 2024 ARTICLE: VII SECTION: 334-27; Table of Minimum Dimensional Requirements of the Zoning Ordinance in question.

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance, Please indicate the Zoning Determination Decision or Code Enforcement Violation of the Zoning Administrator to be reviewed:

Letters from Zoning Administrator Chris Sullivan dated August 6 and September 27, 2024.

Please explain why you are appealing the Zoning Administrator's Decision.

We are appealing because the shed in question complies with Hudson's 15' side yard setback requirement in the R-2 District. This appeal presents an unusual conflict between Hudson's setback ordinance and State law.

In late April or early May, 2024, Laurie Greer called the Planning Department at Town Hall and asked about the setback for a shed. She was properly advised that the side yard setback is 15'. On June 22, the Greers ordered a shed which was made in Pennsylvania. They were advised that there would be an 8 to 10 week delivery time.

The Greers then cleared brush and established a crushed stone pad for the shed 15' from their property line. The shed unexpectedly arrived on July 30, 2024, before the Greers had a chance to obtain a building permit for the shed. The shed was delivered as a finished product, that is, there was no assembly or construction on site. The shed was removed from the delivery truck and placed onto the pad set by the Greers, 15' from the side yard property line.

Laurie Greer: "I called town early am of 7/31 to ask about getting a building permit and told them my shed arrived early. I was initially told by Ray [Abair] that it wasn't a problem and that the fee was \$30. He then asked me the measurements and was calculating cost. He then said it could cost up to \$75-ish. due to size. Ray then asked if I met the 15' setback and I said yes. Then I was asked my address and I told them I would be down. I was then put on hold and passed to Tracy [Goodwin] and then to Ben [Gradert]. Ben came on the phone after having me on hold for a period of time. Ben told me about the state RSA number for reference. I said I would look into it. Ben said 'no problem' and that they would not bother me for a bit."

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed must be attached to your application.

The Greers then received Mr. Sullivan's letter dated August 6, 2024, which stated that because the Greer's lot abuts Hills Farm Cemetery, the required setback is 25' pursuant to RSA 289:3, III. We respectfully disagree with Mr. Sullivan's zoning determination.

Mr. Sullivan is wrong because Hudson has regulations concerning cemeteries. RSA 289:3, III requires compliance with local zoning concerning cemeteries, and then states: "In absence of such regulations," the setback is 25'. The 25' does not apply because Hudson regulates cemeteries.

We reference HZO§334-21: Table of Permitted Principal Uses, C, 3: "Cemeteries, public/<u>private</u>." Cemeteries are only permitted by Special Exception in the R-1, R-2, G, and G-1 Districts. Cemeteries are prohibited by the Town's regulations in the TR, B, and I Districts. Further, Hudson further regulates cemeteries by requiring compliance with the five criteria of the General Requirements for Special Exceptions identified in HZ0§334-23.

Hudson has detailed "local zoning regulations concerning ... cemeteries." We do not have an "absence of such regulations." As a result, the second sentence of RSA 289:3, III establishing a 25' setback does not apply. That Hudson deliberately chose not to include setback requirements in the cemetery ordinances does not mean Hudson does not have regulations concerning cemeteries. The Greer's shed complies with BOTH RSA 289:3, III and HZO § 337-27, Table.

We respectfully request that the August 6 and September 27, 2024 determinations of Mr. Sullivan be reversed.

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed must be attached to your application.







TOWN OF HUDSON



Land Use Division

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

Notice of Violation

September 27, 2024

Sent 1St Class Mail, Email

Robert Greer and Laurie Greer 2020 Revocable Trust Attn: Andrew A. Prolman, Esq. 20 Trafalgar Square, Suite 626 Nashua, NH 03063

Re:

28 Derry Lane Map 147 Lot 029-000

District: Residential Two (R-2)

Dear Attorney Prolman:

I am in receipt of your letter dated September 26, 2024.

Please be advised the shed/structure is in violation of the State Building Code and Hudson Zoning Ordinance § 334-16, because it was constructed without a building permit.

No building permit can be issued for the accessory structure because it is located within 25 feet of a cemetery, contrary to RSA § 289:3, III.

It is my zoning determination that the general setback requirements of the Hudson Zoning Ordinance do not apply to cemeteries. The Hudson Zoning Ordinance does not contain any specific "local zoning regulations concerning burial sites" such as is contemplated by RSA § 289:3. You may appeal this zoning determination to the Hudson Zoning Board of Adjustment.

In the absence of specific local regulations, the accessory structure must comply with the 25' setback requirement under RSA § 289:3 before any building permit can be issued.

In the absence of a building permit, you are hereby ordered to remove the accessory structure by October 28, 2024.

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

Please be advised that in accordance with the Hudson Zoning Ordinance §334-79 Violations and Penalties, and RSA § 676:17, you are subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that your property is found to continue in violation of the Hudson Zoning Ordinance 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

Brooke Dubowik
Inspectional Services

File



TOWN OF HUDSON



Land Use Division

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

Notice of Violation

August 6, 2024

Sent 1St Class Mail

Mr. and Mrs. Greer 28 Derry Lane Hudson, NH 03051

Re:

28 Derry Lane Map 147 Lot 029-000

District: Residential Two (R-2)

Dear Mr. and Mrs. Greer

Complaint: You have constructed a 14x40' shed and a pergola in a 25' cemetery setback.

Violation: The shed and pergola both are violating the following:

- 1) RSA 289:3, III, states that, "[n]ew construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees."
- 2) The shed requires a building permit per §334-16 (B) Building Permits:

 Unoccupied public utility structures. Unoccupied structures up to 200 square feet erected by public utilities which are necessary for the furnishing of adequate service for the public health, safety or general welfare are permitted in all zones and are not subject to the building setback, lot size or frontage requirements of this chapter. Prior to the issuance of a building permit, such structures and their sites shall be approved by the Planning Board in order to ensure they present a reasonable appearance and do not create a hazard to the public or interfere with the surrounding area.

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

Abatement Order:

The shed and pergola are required to relocate outside of the 25' cemetery setback immediately. Please call me let me know when the shed and pergola will be moved. No later than August 19, 2024.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public Folder Brooke Dubowik 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.

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Property Location: 28 DERRY LN Vision ID: 2617 Account #: 5658

Parcel ID: 147/ 029/ 000//

Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1010

3.61 7,2.61 3

Print Date: 10/25/2024 11:15:17 SKETCH / PRIMARY PHOTO

		ONSTRUCTION			791140	CONSTRUCTION DETAIL (CONTINUED)						
Eleme	nt	Cd		escript)	ion	Elem	ent	Cd			cription	
Model		01	Reside	ential		Avg Ht/Fl	-	8				
Stories:		1.25	3			Extra Kito	hens	0	-			
Style:		01	Ranch		Add Kitchen Ra							
Grade: A-			Vg/Go	od								
(Liv) Units		1	1									
Exterior W	all 1	04	Vinyl									
Roof Struc	ture	02	Hip									
Roof Cove	r	01	Aspha	lt Shing	ale							
Frame		01	Wood	_	,							
Foundation	n i	01	Concre	ete					_1			
Interior Wa	all 1	01	Drywa	II		10	COST/	MARKI	ET VA	LUAT	ION	121
Interior Flo	or 1	03	Hardw									
Heat Fuel		02	Gas			Building \	/alue Ne	W		807,9	00	
Heat Type		01	Forced	Air								
# Heat Sys	stems	1	1									
AC Percent 100		1			Year Built				2002			
Total Roon	ns	11	1			Effective '	Year Bui	ilt		2013		
Bedrooms		3				Depreciat	ion Code	е		AG		
Full Baths		3				Remodel	Rating					
3/4 Baths		ō				Year Remodeled			[
Half Baths		2				Depreciation %				9		
Extra Fixtu		3				Functional Obsol				20		
Kitchens		1				External (
Kitchen Ra	tina	ĠD =	Good			Trend Fac				1.000		
Bath Ratin		GD	Good			Condition						
Half Bath F		GD	Good			Condition						
Bsmt Gara		0	0000			Percent G	Good			71		
Fireplace(s	~	2				RCNLD				573,6	00	
Fireplace F		ĞD	Good			Dep % Ov						
WS Flues 0		Good			Dep Ovr (ıt					
Color BLUE					Misc Imp Ovr							
Avg Ht/FL 8				Misc Imp Ovr Comment								
Extra Kitchens 0					Cost to Cure Ovr							
LAUG FILLI		*	0.1445	6 ITE-	20 (1 L 1 L	Cost to C	ure Ovr	Comme	nt			
Code	OB -	OUTBUILDING	& YAR	UIIE	15(L) / X					RES(E)	-1
SHEDWD	Shod 1	Description		L/B	Units		Unit Pri				Assd. Va	
GAR1		vvood e 1 storv		-	168 672	- 1		2012	GD	80		,200

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A VENT	OB - OUTBUILDING & YAF	RD ITE	MS(L)/X	F - BUILL	DING EX	TRA FI	EATU	RES(B)
Code	Description	L/B	Units	UOM					Assd. Value
SHEDWD	Shed-Wood	L	168	UNITS	31.02	2012	GD	80	4,200
GAR1	Garage 1 story	L	672	SQ. FT	33.70	2002	GD	80	18,100
GENR	Residential Generator	L	20	UNITS	500.00	2021	AV	60	6,000
HTUB	Hot Tub	L	4	UNITS	500.00	2012	AV	60	1,200
PATIO	Patio	L	300	UNITS	7.30	2012	GD	80	1,800
POOLIG	Pool - Gunite In Ground Pool	L	1.250	UNITS	57.47	2012	GD	80	57,500
PORSCR	Screen Porch	L	168	SQ. FT	34.54	2012	GD	80	4,600
XFRRM	Rec Room,Fin,BMT	В	342	SQ. FT	45.00	2002	AV	71	10,900
	,	-					' ' '	' '	

THE REAL	BUILDING	SUB-AREA	SUMMARY	SECTION	THE STREET	than Samuel and St
Code	Description		Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	3,416	854	36.57	124,922
FFL	First Floor, Finished	3,513	3,513	3,513	146.28	513,879
GAR	Garage	0	686	240	51.18	35,107
OFP	Open Frame Porch	0	48	10	30.47	1,463
PAT	Patio	0	568	57	14.68	8,338
UAT	Attic, Unfinished	0	3,396	849	36.57	124,191
				THE STATE OF THE S		
	Total Liv Area/Gr. Area/Eff Are	3,513	11,627	5,523	TotalValue	807,900





Printed 10/25/2024 2:28PM Created 10/25/2024 2:18 PM

Transaction Receipt

Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt# 794,456 tgoodwyn

	<u>Description</u>		Current Invoice	<u>Payment</u>	<u>Balar</u>	nce Due
1.00	Zoning Application- 11/1 28 Derry Lane Map 147 Lot 029 Sublot Zone R-2		. Mtg.			
	Appeal Admin Decisio		0.00	224.7900		0.00
				Total:		224.79
Remitter		Рау Туре	Reference	Tendered	Change	Net Paid
Robert Gre	eer	CHECK	CHECK # 2205	224.79	0.00	224.79
			_	Total Due:		224.79
				Total Tendered:		224.79
				Total Change:		0.00
				Net Paid:		224.79

TOWN OF HUDSON



Land Use Division



Zoning Administrator Staff Report (2)5

Meeting Date: November 14, 2024

Case 174-216 (11-14-24): Joseph F. Roberts, duly Authorized for LK41 Real Estate, LLC, requests a <u>Variance</u> for 71 Ferry Street, Hudson, NH for a proposed two-lot subdivision with the newly created lot containing 70 feet of frontage where 90 feet is required in the TR zone. [Map 174, Lot 216, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and §334-27.2, Lot requirements for subdivision of land]

ADDRESS: 71 Ferry Street Map 174 Lot 206-000

Relief Requested:

Proposed two-lot subdivision with the newly created lot containing 70 feet of frontage where 90 feet is required

ZONING DISTRICT: Town Residence (TR)

PROPERTY DESCRIPTION:

The town records indicate that the lot is an existing lot of record. The lot is 38,768 sq. ft. where 10,000 sq. ft is required 43,560 sq. ft. is required. The record shows that there is a Multifamily Building that was constructed in the 1900s and a second structure that was also constructed in the 1900s.

History/Attachments:

Plans

See the Subdivision Plan in your packet.

BUILDING PERMITS

None

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

- A) Code Enforcement Detail (4-29-22)
- **B) Zoning Determination 22-076** (6-13-22)
- **C) Zoning Determination 24-R076** (6-26-22)

<u>AERIAL / PHOTOS</u> Aerials (2024) 71 Ferry St



IN-HOUSE COMMENTS:

D: Town Engineer: 10-31-24

No Comment

E: Inspectional Services/Fire Dept.: 11-5-25

No Comment

F: Associate Town Planner: 11-4-24

Pending a granted variance, the applicant shall submit a Subdivision plan to the Planning Board for approval. Run: 5/02/22 1:19PM

Code Enforcement Violation Detail Town of Hudson, NH

Page:

tgoodwyn ReportViolationDetail

Number:

V2022-00030

Type:

Other

Status: Closed

Permit Number:

Business License:

Reported: 4/27/2022 Issued:

Resolved: 4/29/2022

Description: 4/27/22-Received a complaint letter dated 4/13/2022 and 5 pictures. Summary:Complaint of fire hazard (brush and junk pile) a few feet away from complainant's

garage. Rotten willow tree sheds and thrown into pile.

- Site Information:

Name:

LK41 REAL ESTATE, LLC

Map Lot: 174-216-000

Street:

FERRY ST 71

Owner Information: -

Name:

LK41 REAL ESTATE, LLC

Street:

PO BOX 414

Activities:

Date Entered 4/27/2022	AutoEntry	Type Initial entry Violation - Auto Activity	Due Date 4/29/2022	Status O
5/02/2022	ntry of Violation	Site visit	4/29/2022	С
5/02/2022	taoodwyn	k and DHebert did site visit from 2:00-2:30 PM Complaint case closed and Use issue. Inspectional Services working with Prope	5/02/2022 rty Managment to	С

Reported By Information:

clean up the brush/debris.

Name Email Leo N McClure

58 School Street

Title

Phone

neighbor

6039435766

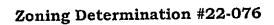




TOWN OF HUDSON



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



June 13, 2022

Joseph Roberts 54 Tinker Rd Merrimack, NH 03054

Re:

Map 174 Lot 216-000 71 Ferry St

District: Town Residence (TR)

Dear Mr Roberts,

Your request: Can you subdivide this lot for a new single-family house lot?

Zoning Review / Determination:

This is an existing non-conforming lot due to the current use (as a multi-family), as single family uses are only permitted in this zoning district.

The resultant (parent) lot (after proposed subdivision) would need a variance to §334-27 Table of Minimum Dimensional Requirements, for the new lot dimensions (with existing structure/use). The proposed new lot would need to satisfy §334-27.2 Lot requirements for subdivision of land.

If successful with the Variance requests, a subdivision approval from the Planning Board would be required.

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc:

Public File

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

Zoning Determination R1#24-060

June 26, 2024

Sent Via Email and 1st Class Mail

Christopher B. Drescher Esq. 722 Chestnut St. Manchester, NH 03104

Re:

71 Ferry St Map 174 Lot 216-000

District: Town Residence (TR)

Dear Mr. Drescher,

Your request: Can you subdivide this lot for a new single-family house lot?

Zoning Review / Determination:

This is an existing non-conforming lot due to its current use (as a multi-family), as single-family uses are only permitted in this zoning district.

The resultant (parent) lot (after the proposed subdivision) would need a variance to §334-27 <u>Table of Minimum Dimensional Requirements</u>, for the new lot dimensions (with existing structure/use). The proposed new lot would need to satisfy §334-27.2 <u>Lot requirements for subdivision of land</u>.

If successful with the Variance requests, a subdivision approval from the Planning Board would be required.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public File

Brooke Dubowik (Planning Admin.)

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: 174-216 (11-14-24) (VARIANCE)

Property Location: 71 Ferry Street

For Town Use
Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14/2024
I have no comments I have comments (see below)
EZD Name: Elvis Dhima, P.E. Date: 10/31/2024
DEDT. 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: 147-029 (11-14-24) (Appeal from an Property Location: 28 Derry Lane Administrative Decision)

	For Town Use						
	Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14/2024						
	I have no comments I have comments (see below)						
	DRH Name: David Hebert Date: 11/05/2024						
	(Initials)						
	DEPT. Town Engineer Fire/Health Department Associate Town Planner						
ΕI	uilding permit required ectrical permit required spections required						
	·						
	·						
	•						
	•						



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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-216 (11-14-24) (VARIANCE)

Property Location: 71 Ferry Street

For Town Use
Plan Routing Date: 10/30/2024 Reply requested by: 11/04/2024 ZBA Hearing Date: 11/14/2024
I have no comments I have comments (see below)
BWG Name:Benjamin Witham-Gradert Date: 11/04/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner
Pending a granted variance, the applicant shall submit a Subdivision plan to the
Planning Board for approval.
·
·

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

On 11/14/2024, the Zoning Board of Adjustment heard Case 174-216, being a case brought by Joseph F. Roberts, duly Authorized for LK41 Real Estate, LLC, requests a <u>Variance</u> for 71 Ferry Street, Hudson, NH for a proposed two-lot subdivision with the newly created lot containing 70 feet of frontage where 90 feet is required in the TR zone. [Map 174, Lot 216, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and §334-27.2, Lot requirements for subdivision of land]

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

Y	N	1. Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	2. The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	3. Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.
Y	N	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

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 enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
	_	(2) The proposed use is a reasonable one.
Y N	В.	Alternatively, if the criteria above (5.A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
Signed:		
Sitt	ting 1	nember of the Hudson ZBA Date
Print name: _		
Stipulations: -		
-		
-		

OF HULLSON OCT 25 201 OCT 25 201 LAND USE DIVISION LAND USE DIVISION ZONING DEPT.

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment Town of Hudson Entries in this box are to be filled out by Land Use Division personnel

Case No. 174-216(11-14-24)Date Filed 10/25/24

Name of Applicant <u>LK41 Real Estate, LLC</u> Noseph F. Roberts, duly Authorized	Map: 174 Lot: 216 Zor	ning District: TR
Telephone Number (Home) 978-420-9535	(Work) Counsel: (603-624-4333
Mailing Address 325 Main Street, Nashua, NH 03060		
Owner LK41 Real Estate, LLC, Joseph F. Roberts, duly	y Authorized	
Location of Property 71 Ferry Street, Hudson, NH		
(Street Address)		244
toesey f. Kalits	X 6-0	74-24
Signature of Applicant	Date	
Signature of Applicant X Signature of Property-Owner(s)	X 10-	94-24 94-24
Signature of Property-Owner(s)	Date	
of this application during any public meeting conducted at t may be authorized by the ZBA, for the purpose of such examin be deemed appropriate by the ZBA. The owner(s) release(s) an hereafter possess against any of the above identified parties of meeting, examinations, surveys, tests and/or inspections condu- with this application.	nations, surveys, tests and ny claim to or right he/she or individuals as a result	inspections as may (they) may now or of any such public
If you are not the property owner, you must provide write owner(s) to confirm that the property owner(s) are allowing you or that you have permission to seek the described Variance.		
Items in this box are to be filled out by I		
	Date receive	d: 10/25/24
COST:		. ' [
Application fee (processing, advertising & recording	(non-refundable):	\$ 185.00
Abutter Notice:	558 =	\$ 89.28
Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate		\$ 10.00
Total amount due	= -	\$ 10,95 \$ 285,23
Total amount que		
	Amt. received:	\$ 285, 23
Received by:	Receipt No.:	794,477
By determination of the Zoning Administrator, the foll	owing Departmental r	eview is required:
Engineering Fire Dept. Health Officer	Manner / Oth	

LETTER OF AUTHORITY/PERMISSION

The undersigned, being the owner of the property known as 71 Ferry Street, Hudson, Map 174, Lot 216, hereby grants authority and consent to attorneys at Cronin, Bisson & Zalinsky, P.C. to sign and file ZBA and Planning Board applications and any related materials on my behalf and deliver the same to the Town of Hudson, represent me at any hearing(s) concerning these applications, and perform all other necessary actions in connection with such applications.

Signature: Joseph Roberts, duly authorized for LK41 Real Estate

x 10-24-24 Date

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.

A 1		G. CC
Applicant Initials		Staff Initials
X L.Z	Please review the completed application with the Zoning Administrator or staff before	16
0	making copies in next step.	
· A A	The conflict of the state of th	11-
Minding	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	16
	(13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	
10		1.
1.K.	A separate application shall be submitted for each request, with a separate	76
	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.	
11		TZ
J.K.	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	10
	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.)	
x A	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5)	11
0.1	prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty	-,0
	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.)	
× l.D	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks	16
	and use variances, the application must include a GIS location plan with dimensions	10
	pertaining to the subject for ZBA relief.	
	A copy of the GIS map can be obtained by visiting the town website:	
A A	https://www.hudsonnh.gov/community-development/page/gis-public-use	1
J.K	Provide a copy of all single sided pages of the assessor's card.	16
	(NOTE: these copies are available from the Assessor's Office)	
XJ.R	A copy of the Zoning Administrator's correspondence confirming either that the	Th
V	requested use is not permitted or that action by the Zoning Board of Adjustment is	
	required must be attached to your application.	
d. K	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may	N/A
V . "	be required. WCD Impact? Y or 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).

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.

The plot plan shall have the signature and the name of the preparer, with his/her/their seal.

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 other wetland bodies, and any easements (drainage, utility, etc.)

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 "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.

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.

 $\begin{array}{c} \times & 10 - \partial 4 - \partial 4 \\ \hline \text{Date} \\ \times & 10 - \partial 4 - \partial 4 \\ \hline \text{Date} \end{array}$

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)	
		PLEASE SEE ATTACHED	
	: 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
		PLEASE SEE ATTACHED	
	ĺ		

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
SUBJECT P	ROPERTIE(S		-
174	216	LK41 REAL ESTATE, LLC	PO BOX 414
		JOSEPH F. ROBERTS, DULY AUTHORIZ	NASHUA, NH 03061
DIRECT AE	BUTTERS		
174	178	DONOHUE, JOSEPH M., TR.;	70 FERRY STREET
		JOSEPH IRELAND 2016 FAM TRUST	HUDSON, NH 03051
174	179	MORENCY, DANIEL E. & GALE R	72 FERRY STREET
			HUDSON, NH 03051
174	180	WOLLEN, KAREN	74 FERRY ST.
			HUDSON, NH 03051
174	181	COOPER, RONALD R. JR.;	76 FERRY ST
		COOPER, JENNIFER	HUDSON, NH 03051
174	214	MULLIGAN, JAMES E. & AMANDA M.	7 THIRD STREET
		MOCCIONA, JAMES E. & AIVIANDA IVI.	HUDSON, NH 03051
174	215	WOLLEN, DEBORAH G., TR.;	1 THIRD ST.
1 T	1213	WOLLEN, DEBORAH G., TR.,	HUDSON, NH 03051
174	217	GOULET, DANNY P.	16 HEMLOCK ST
. / 4	217	GOOLET, DANNY P.	
74	218	EDAZIED DEDDICK, LIBBY ALEVIC	HUDSON, NH 03051
. 74	210	FRAZIER, DERRICK; LIBBY, ALEXIS	6 SECOND ST
74	219	FAUTELIX DOVANIA	HUDSON, NH 03051
. /4	219	FAUTEUX, BRYAN M.	8 SECOND ST.
74	220	ACCADOL DODGOTAL O ISSURIGADA	HUDSON, NH 03051
74	220	ACCARDI, ROBERT M. & JENNIFER M.	10 SECOND ST
74	224		HUDSON, NH 03051
74	221	KING, RACHEL	276 OLD WESTFORD RD.
74	222		CHELMSFORD, MA 01824-1046
74	222	BECKER, REINA; BECKER, CRAIG, JR	56 SCHOOL STREET
7.4	-		HUDSON, NH 03051
74	223	MCCLURE, LEO N. & JOANNNE E.	58 SCHOOL STREET
	2		HUDSON, NH 03051
NIDID ECT	DUTTER	<u> </u>	
	ABUTTERS		
74	155	ARNOLD, GABRIEL R.; ROGER, MARC	37 HIGHLAND STREET
	100	D., TRSTS.; ARNOLD FAMILY TRUST	HUDSON, NH 03051
74	156	DIONNE, STEVEN R.	6 LEARY DR.
7.4			LITCHFIELD , NH 03052
74	157	CHAMBERS, GERARD J., JR.;	31 HIGHLAND STREET
	1-0	GINGRAS, DEBRA	HUDSON, NH 03051
74	176	FIGUEROA, LISANDRA	66 FERRY STREET
7.4	177		HUDSON, NH 03051
74	177	GORA, BRENDA A., TR.;	68 FERRY STREET
7.4	100	GORA, RUSSELL, TR.	HUDSON, NH 03051
74	182	SHAUGHNESSY, RICKY	80 FERRY ST.
	1		HUDSON, NH 03051
74	198	SEVIGNY, MICHELLE R.	77 FERRY ST
			HUDSON, NH 03051
74	199	HOLMES, DONNA L.	6 THIRD STREET
	1		HUDSON, NH 03051

174	200	MESSNER, KATHERINE M.	10 THIRD STREET
			HUDSON, NH 03051
174	213	GRUENFELDER, JAMES W	26 ROBINSON RD.
			HUDSON, NH 03051
174	224	DUBE, BRYAN M.	53 SCHOOL STREET
07			HUDSON, NH 03051
174	225	WOOLDRIDGE, DANIEL E. & BRENDA	12 SECOND STREET
			HUDSON, NH 03051
174	232	ABBOTT, WILLIAM B. & DIANA C	48 SCHOOL STREET
			HUDSON, NH 03051
174	233	CAMPBELL, EDWARD	5 SECOND STREET
			HUDSON, NH 03051
174	234	KELLEY, LOURDES T.	65 FERRY STREET
			HUDSON, NH 03051
ATTORN	EY	CRONIN, BISSON & ZALINSKY P.C.	
		ATTN: CHRISTOPHER DRESCHER, ESQ.	
		722 CHESTNUT STREET	
		MANCHESTER, NH 03104	
ENGINEER		BENCHMARK ENGINEERING	
		1F COMMONS DR UNIT 35	
		LONDONDERRY, NH 03053	

USPS-Verified Mail

12 SCH	OF HUDSON OOL STREET N, NH 03051	us postal service - <mark>certified mail</mark>	Case# 174-216 VARIANCE 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (1 of 2)	
ARTIC	LE NUMBER	Name of Addressee, Street, and post office address	11/14/2024 ZBA Meeting APPLICANT/OWNER NOTICE MAILED	
9589 0710 5270	2409 0632 63	LK41 REAL ESTATE, LLC; JOSEPH F. ROBERTS, duly Authorized		
9589 0710 527	0 2409 0632 70	PO BOX 414, NASHUA, NH 03061 DONOHUE, JOSEPH M., TR.; JOSEPH IRELAND 2016 FAM TRUST	ABUTTER NOTICE MAILED	
	<u> </u>	70 FERRY STREET, HUDSON, NH 03051		
9589 0710 527	0 2409 0632 87	MORENCY, DANIEL E. & GALE R.	ABUTTER NOTICE MAILED	
	er - Mer	72 FERRY ST., HUDSON, NH 03051		
9589 0710 527	0 2409 0632 94	WOLLEN, KAREN	ABUTTER NOTICE MAILED	
, 9589 0710 527	0 2409 0633 00	74 FERRY ST., HUDSON, NH 03051 COOPER, RONALD R. JR.; COOPER, JENNIFER	ABUTTER NOTICE MAILED	
9589 0710 527	0 2409 0633 17	76 FERRY ST., HUDSON, NH 03051 MULLIGAN, JAMES E. & AMANDA M.	ABUTTER NOTICE MAILED	
9589 0710 527	O 2400 0633 24	7 THIRD ST., HUDSON, NH 03051 WOLLEN, DEBORAH G., TR.; WOLLEN REVOCABLE TRUST	ABUTTER NOTICE MAILED	
9589 0710 527	0 2409 0633 31	1 THIRD ST., HUDSON, NH 03051 GOULET, DANNY P.	ABUTTER NOTICE MAILED	
	0 2409 0633 48	16 HEMLOCK ST., HUDSON, NH 03051 FRAZIER, DERRICK; LIBBY, ALEXIS	ABUTTER NOTICE MAILED	
	28	6 SECOND ST., HUDSON, NH 03051		
0 9589 0710 52	70 2409 0633 55	FAUTEUX, BRYAN M.	ABUTTER NOTICE MAILED	
	Number of pieces listed by	8 SECOND ST., HUDSON, NH 03051 Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)	

USPS-Verified Mail

ENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-216 VARIANC 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (2 of 2)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/2024 ZBA Meeting
9589 071	0 5270 2409 0633 62	ACCARDI, ROBERT M. & JENNIFER M.	ABUTTER NOTICE MAILED
		10 SECOND ST., HUDSON, NH 03051	
9589 071	LO 5270 2409 0633 79	KING, RACHEL 276 OLD WESTFORD RD., CHELMSFORD, MA 01824-1046	ABUTTER NOTICE MAILED
9589 071	.0 5270 2409 OL33 &L 🗍	BECKER, REINA; BECKER, CRAIG, JR.	ABUTTER NOTICE MAILED
		56 SCHOOL ST., HUDSON, NH 03051	
9589 071	0 5270 2409 0633 93	MCCLURE, LEO N. & JOANNNE E.	ABUTTER NOTICE MAILED
	10 5270 2409 0634 09 10 5270 2409 0634 16	58 SCHOOL ST., HUDSON, NH 03051 CRONIN, BISSON & ZALINSKY, P.C.; ATTN: CHRISTOPHER DRESCHER, ESQ. 722 CHESTNUT STREET MANCHESTER, NH 03104 BENCHMARK ENGINEERING	APPLICANT/OWNER NOTICE MAILED (Legal Rep. copy) APPLICANT/OWNER NOTICE MAILED (NH LLS copy)
		1F COMMONS DR., UNIT 35 LONDONDERRY, NH 03053	
0 900	Total Number of pieces listed		Postmaster (receiving Employee)
T	sender 6	Office &	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051 LAND USE DIV	SION	Case# 174-216 VARIANCE 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (1 of 2)
	ARTICLE NUMBER	Mame of Addressee, Street, and post office address	11/14/2024 ZBA Meeting
1	Mailed First Class	ARNOLD, GABRIEL R.; ROGER, MARC D., TRSTS.; ARNOLD FAMILY TRUST	ABUTTER NOTICE MAILED
		37 HIGHLAND STREET, HUDSON, NH 03051	
2	Mailed First Class	DIONNE, STEVEN R.	ABUTTER NOTICE MAILED
		6 LEARY DR., LITCHFIELD, NH 03052	
3	Mailed First Class	CHAMBERS, GERARD J., JR.; GINGRAS, DEBRA	ABUTTER NOTICE MAILED
		31 HIGHLAND STREET, HUDSON, NH 03051	
4	Mailed First Class	FIGUEROA, LISANDRA	ABUTTER NOTICE MAILED
5	Mailed First Class	66 FERRY STREET, HUDSON, NH 03051 GORA, BRENDA A., TR.; GORA, RUSSELL, TR.	ABUTTER NOTICE MAILED
-		68 FERRY STREET, HUDSON, NH 03051	
6	Mailed First Class	SHAUGHNESSY, RICKY	ABUTTER NOTICE MAILED
		80 FERRY ST., HUDSON, NH 03051	
7	Mailed First Class	SEVIGNY, MICHELLE R.	ABUTTER NOTICE MAILED
		77 FERRY ST., HUDSON, NH 03051	
8	Mailed First Class	HOLMES, DONNA L.	ABUTTER NOTICE MAILED
		6 THIRD STREET, HUDSON, NH 03051	
9	Mailed First Class	MESSNER, KATHERINE M.	ABUTTER NOTICE MAILED
		10 THIRD STREET, HUDSON, NH 03051	
10	Mailed First Class	GRUENFELDER, JAMES W.	ABUTTER NOTICE MAILED
		26 ROBINSON RD., HUDSON, NH 03051	
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

First Class Page 1

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 174-216 VARIANCE 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (2 of 2)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/2024 ZBA Meeting
1	Mailed First Class	DUBE, BRYAN M.	ABUTTER NOTICE MAILED
		53 SCHOOL STREET, HUDSON, NH 03051	
2	Mailed First Class	WOOLDRIDGE, DANIEL E. & BRENDA	ABUTTER NOTICE MAILED
		12 SECOND STREET, HUDSON, NH 03051	
3	Mailed First Class	ABBOTT, WILLIAM B. & DIANA C.	ABUTTER NOTICE MAILED
		48 SCHOOL STREET, HUDSON, NH 03051	
4	Mailed First Class	CAMPBELL, EDWARD	ABUTTER NOTICE MAILED
		5 SECOND STREET, HUDSON, NH 03051	
5	Mailed First Class	KELLEY, LOURDES T.	ABUTTER NOTICE MAILED
		65 FERRY STREET, HUDSON, NH 03051	
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TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

November 1, 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, November 14, 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 174-216 (11-14-24): Joseph F. Roberts, duly Authorized for LK41 Real Estate, LLC, requests a Variance for 71 Ferry Street, Hudson, NH for a proposed two-lot subdivision with the newly created lot containing 70 feet of frontage where 90 feet is required in the TR zone. [Map 174, Lot 216, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and §334-27.2, Lot requirements for subdivision of land]

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

November 1, 2024

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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

	r a variance from the literal provisions of the Hudson Zoning
in order to permit the following:	of HZO Section(s) <u>334-27, 27.2</u>
70 feet of frontage where 90 fee	et of frontage is required, please see attached
S	

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.	(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or
	otherwise injure "public rights.") Please see attached
2.	The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") Please see attached
3.	Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true—keeping in mind that the benefits to the applicant
	must not be outweighed by harm to the general public or to other individuals.) Please see attached
	Flease see attached
4.	The proposed use will not diminish the values of surrounding properties, because:
	(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)
	Please see attached

FACTS SUPPORTING THIS REQUEST: (Continued)

2) Explain how the special conditions of the property cause the proposed use to be reasonable. Please see attached 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. Please see attached	C	Explain why you believe this to be true—keeping in mind that you must establish that:) 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 <u>and</u>
2) Explain how the special conditions of the property cause the proposed use to be reasonable. Please see attached 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.	Ple	ease see attached
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5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary

Preliminary Statement

The Applicant requests a variance from Hudson Zoning Ordinance ("HZO") Section 334-27 and HZO Section 334-27.2 to allow for 70 feet of frontage where 90 feet of frontage is required for a residential lot in the TR Zone.

The Applicant is the owner of 71 and 71A Ferry Street in Hudson, which is sometimes referred to as Tax Map 174, Lot 216 (the "Property"). Currently, there is some multi-family housing between the existing two buildings that, according to tax records, was built in 1900 prior to the adoption of zoning. The Lot is .89 acres and a large section of it is currently used as a lawn.

The aforementioned lawn is rarely utilized by the tenants. As such, the Applicant desires to subdivide the lot into two lots and create another buildable lot intended for one modest single-family home. However, given the dimensional constraints of the Property, relief is needed relative to frontage. *See* Exhibit "A" (Plot Plan).

The new proposed lot would otherwise be zoning compliant with respect to all setbacks and square footage. The use is residential, which is allowed in the TR Zone. The Property is served by town water and sewer.

The only lingering issue is the new proposed lot would have 70 feet of frontage where 90 feet is required.

Despite the deficient frontage the proposed lot will be quite larger than many of the surrounding lots in the immediate area. See Exhibit "B" (tax map of immediate area w/highlights).

Variance Criteria

1. Granting the variance would not be contrary to the public interest because:

The standard for prongs one and two of the variance criteria is whether the requested relief, if granted, will alter the essential character of the neighborhood or negatively impact the health, welfare, and safety of the surrounding area and mere conflict with the terms of the ordinance is insufficient as all variance requests are somewhat averse to an ordinance, hence why the relief is sought in the first instance. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011).

Furthermore, it important to note that prong 1 is in the <u>negative</u>. That is to say that it does not require the Applicant to prove that the proposed use <u>is IN the public interest</u>, but only to prove that it is <u>NOT CONTRARY TO the public interest</u>.

Here, the immediate ask is for a reduction in frontage for the new proposed lot from the required 90 feet to 70 feet. Thus, a difference of a modest 20 feet.

The proposed use is allowed and will have town water and sewer so there is no concern relative to well water quantity or quality. The proposed new lot will still be larger than many in the surrounding area. The lot is dry – no wetland issues. Finally, the intention is to construct one single-family home on the lot.

Consequently, the ask for the reduction on frontage is only in mere conflict with the HZO as there is nothing in this proposal that would negatively impact the public's health, safety, and/or welfare, and, since the use is residential, it will not alter the *residential* character of the neighborhood.

2. If the variance were granted, the spirit of the ordinance would be observed because:

As a matter of law, the analysis for both prongs one and two of the Variance criteria are the same. As such, the Applicant incorporates and repeats the narrative of Prong 1 (above) and reiterates the same for Prong 2. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

3. Granting the variance would do substantial justice because:

Perhaps the only guiding rule [on this standard] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. <u>Malachy Glen Assocs. v. Town of Chichester</u>, 155 N.H. 102, 109 (2007).

Here, the loss to the Applicant in not approving this variance would far outweigh any benefit to the general public.

The ask here is fairly minimal – a 20-foot reduction in the frontage to allow for a single-family home at a time when the state, region, and, indeed, the country are dealing with a housing crisis in that there is no inventory. Moreover, the area at issue of the proposed new lot is currently a lawn that none of the tenants have been using.

As such, by granting the variance the Applicant can make the most of their investment and add much needed housing stock to the area (even if only one house).

If denied, the public gains nothing. This proposal is for one house – it is an allowed use – the frontage deficiency is minimal and should not have any sight line issues.

Finally, the one proposed single-family residence will not overcrowd the area as the proposal is otherwise zoning compliant.

4. <u>If the variance were granted, the values of the surrounding properties would not be diminished because:</u>

The area of the Property at issue is currently a relatively unused lawn. The area is residential.

All that is being requested is to allow a minor 20-foot reduction in frontage. The proposal is otherwise zoning compliant.

Very plainly, there is no evidence to suggest that the addition of one modest single-family house would negatively impact the surrounding property values especially in light of the fact that there is town water and sewer available.

5. Unnecessary Hardship:

"Hardship," under NH RSA 674:33, I (b) (1) (A) and (B) is a straight forward three step analyses;

- a. What are the special conditions of the property, if any;
- b. '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,' which can be said another way that if the variance is granted would it unreasonably frustrate the purpose ordinance; and,
- c. Is the proposed use reasonable?

First, the special conditions (a) are satisfied due to the preexisting nature of the Property.

The Property itself was part of a subdivision plan dated July of 1947 and can be found at *Plan*#745 at the Hillsborough County Registry of Deeds. Therefore, the Property predates, to the best

of our knowledge, Hudson's adoption of Zoning. Consequently, when the Lot was originally created there were no frontage requirements.

Second, the existing structures on the lot predate zoning and, moreover, predate the aforementioned plan on record.

Third, what is being proposed will have town water and sewer and, other than the frontage, the Property will be zoning compliant and will still be somewhat larger than the neighboring lots.

Finally, four, the ask is again a modest reduction of 20 feet and for one modest house.

Next is (b), whether "[n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property." See NH RSA 674:33, et seq. Or, again, if the variance is granted will it unreasonably frustrate the purpose of the HZO.

The purpose and goals of the frontage requirement for the HZO as applied to this Zone is to ensure that the neighborhood does not become overcrowded.

Here, despite the request in the reduction of the frontage the footage is minimal – 20 feet. There will still be a significant amount of frontage at 70 feet. The availability of town water and sewer alleviates any concerns normally associated with overcrowding (i.e., septic setbacks and water well setbacks). Finally, despite the reduction in frontage this Property will still be larger than many of surrounding properties including the many of the abutters.

Overall, we contend that what the Applicant is asking for with respect to this relief will not unreasonably frustrate the purpose of the HZO.

Lastly (c), the proposed <u>use</u> for the Property is residential and the TR Zone allows for residential use, thus, the proposed use is reasonable.



TOWN OF HUDSON

Land Use Division

Zoning Determination #24-060

June 26, 2024

Sent Via Email and Ist Class Mail

Christopher B. Drescher Esq. 72 Chestnut St. Manchester, NH 03104

Re:

71 Ferry St Map 174 Lot 216-000

District: Town Residence (TR)

Dear Mr. Drescher,

Your request: Can you subdivide this lot for a new single-family house lot?

Zoning Review / Determination:

This is an existing non-conforming lot due to its current use (as a multi-family), as single-family uses are only permitted in this zoning district.

The resultant (parent) lot (after the proposed subdivision) would need a variance to §334-27 <u>Table of Minimum Dimensional Requirements</u>, for the new lot dimensions (with existing structure/use). The proposed new lot would need to satisfy §334-27.2 <u>Lot requirements for subdivision of land</u>.

If successful with the Variance requests, a subdivision approval from the Planning Board would be required.

Sincerely,

Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc:

Public File

Brooke Dubowik (Planning Admin.)

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.

EXHIBIT A

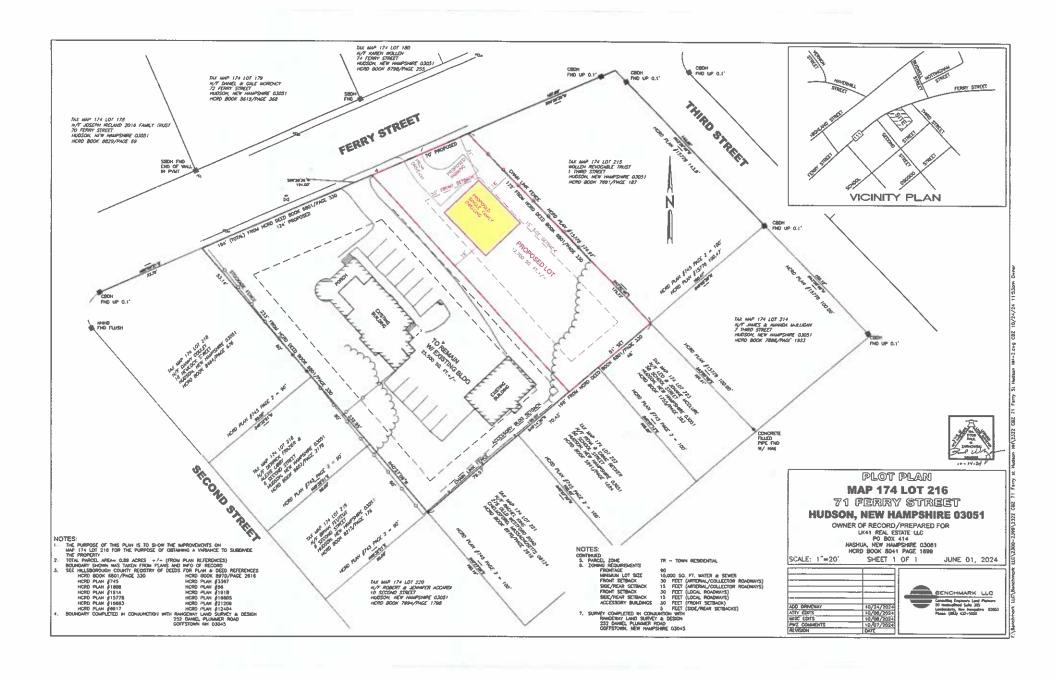


EXHIBIT B

Property Location: 71 FERRY ST 1-7

Vision ID: 7825

RY ST 1-7 Account #: 2685 Parcel ID: 174/216/000//

Bldg #: 1

Bldg Name:

Card #: 1 of 2

LUC: 1120 Print Date: 10-18-2024 3:32:04 P

CURRENT OWNER ASSESSING NEIGHBORHOOD PREVIOUS ASSESSMENTS (HISTORY) LK41 REAL ESTATE, LLC Nbhd Year Code Assessed Year Code Assessed Year Code Assessed Nbhd Name 2024 RD 1010 57.900 2024 1010 57.900 2023 1010 57,900 Residential Avg/Fair 1120 218,100 1120 218,100 1120 218,100 TOPO PO BOX 414 UTILITIES 1120 400,000 1120 400,000 1120 400,000 01 Level 03 Town Water 02 Town Sewer **NASHUA** NH 03061 Total 676,000 Total 676,000 Total 676,000 RECORD OF OWNERSHIP BK-VOL/PAGE SALE DATE QU VI SALE PRICE VC SALE NOTES APPRAISED VALUE SUMMARY LK41 REAL ESTATE, LLC 8041 1699 12-23-2008 U 299.000 51 Grantor: AUSTIN Appraised Bldg. Value (Card) 276,000 **AUSTIN JAMES PROPERTIES, LLC** 6801 0330 12-27-2002 Q 448,000 00 JAMES PROPERTIES, 1 Appraised Xf (B) Value (Bldg) 0 LLC, Grantor, GALLANT / RIOUX / DUFOE, Appraised Ob (B) Value (Bldg) 0 Appraised Land Value (Bldg) 400,000 Special Land Value 0 SUPPLEMENTAL DATA CURRENT ASSESSMENT Total Appraised Parcel Value 676,000 Parcel ID 174-216-000 Descript Code Appraised Assessed Zoning TR:Town Residential Valuation Method BLDG 1010 57,900 57,900 Flood Hazar C BLDG 1120 218,100 218,100 Neigh/Abut1 LAND 400,000 1120 400,000 Neigh/Abut2 Neigh/Abut3 PREV 0055-0113-0000 GIS ID 174-216-000 Assoc Pid# Total: 676,000 676,000 Total Appraised Parcel Value 676,000 NOTES VISIT / CHANGE HISTORY 9/19 OLD WINDOWS. DEFERRED MAINT. OFP NE Date ld Type is Cd Purpost/Result 05-03-2022 45 Field Review 24 EDS PAINT, N/C TO COND. 09-19-2019 18 02 Measured 06-12-2017 09 45 Field Review 02-24-2017 07 Income And Expense Requ 08-24-2012 09 18 Hearing - Change 05-10-2012 09 Field Review 03-01-2012 01 Income And Expense Regu 03-24-2011 15 Permit Visit **BUILDING PERMIT RECORD** Permit Id Issue Date Permit Description Amount Status Applicant SQ ft Comments 2016-1031 10-11-2016 **MECH** Mechanical C 2010-309-1EL 06-22-2010 ELEC Electrical 2.000 C Visit Notes: Fire Damage Repairs; LAND LINE VALUATION SECTION B LandUse Size Site Description Land Type Acrege Nbhd **Land Units** Unit Price Code Cond. Nbhd. Land Adjustment Notes Land Value Disc. Adj. Index APTS 8 + UNITS TOTAL Site 0.887 AC 1.00 0 1.00 AP4 1.00 8 units: APTS 8 + UNITS TOTAL 1120 Site 8.000 UT 50,000 1.00 1.00 0 1.00 AP4 1.00 400,000 Total Card Land Units: 0.887 AC Parcel Total Land Area: 0.887 AC Total Land Value: 400,000 Disclaimer: This information is believed to be correct but is subject to change and is not warrantied.

Property Location: 71 FERRY ST 1-7 Vision ID: 7825 Account #:

Account #: 2685

Parcel ID: 174/216/000//

Bldg Name:

ame: LUC: 1120
Card #: 1 of 2 Print Date: 10-18-2024 3:32:04 P

Element	Cd	ICTION DETAIL	C	UNSTE	RUCTION	ETAI		
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Roof Cover	01	Asphalt Shingle		CO	ST/MARK	EI V	ALUATIC	N
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Interior Wall 2	01	Drywall	RON			4	484,624	
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Interior Floor 2			Year Bui	10.		- 1.		
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BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
ATC BMT	Attic, Finished	216	864	216	31.45	27,175				
	Basement, Unfinished	0	1,448	362	31.45	45,544				
EFP	Encl. Porch, Finished	0	64	45	88.46	5,661				
FFL	First Floor, Finished	1,634	1,634	1,634	125.81	205,575				
OFP	Open Frame Porch	0	740	148	25.16	18,620				
SFL	Second Floor, Finished	871	871	871	125.81	109,581				
TQS	3/4 Story, Finished	576	768	576	94.36	72,467				
_										
	Total SQFT / Sketched Area / Eff Area	3,297	6,389	3,852	Totl Value	484,623				



Property Location: 71 A FERRY ST

Vision ID: 7825

Account #: 2685

Parcel ID: 174/ 216/ 000//

Bldg #: 2

Card Address:

Card #: 2 of 2 LUC: 1120

Print Date: 10-18-2024 3:32:05 P CURRENT OWNER ASSESSING NEIGHBORHOOD PREVIOUS ASSESSMENTS (HISTORY) LK41 REAL ESTATE, LLC Nbhd **Nbhd Name** Year Code Assessed Year Code | Assessed Val Year Assessed Code RD Residential Avg/Fair 2024 1010 57,900 2024 1010 57.900 2023 1010 57,900 TOPO 1120 UTILITIES 218,100 1120 218,100 1120 218,100 PO BOX 414 Level Town Water 1120 400,000 1120 400,000 1120 400,000 Town Sewer NASHUA 03061 Total 676,000 Total 676,000 Total 676,000 RECORD OF OWNERSHIP BK-VOL/PAGE SALE DATE Q/U VII SALE PRICE VC SALE NOTES APPRAISED VALUE SUMMARY LK41 REAL ESTATE, LLC 8041 1699 12-23-2008 u 299,000 Grantor: AUSTIN 51 Appraised Bldg, Value (Card) 276,000 JAMES **AUSTIN JAMES PROPERTIES, LLC** 6801 0330 12-27-2002 Q 448,000 -1 00 PROPERTIES, LLC. Grantor: GALLANT / Appraised Xf (B) Value (Bldg) Λ RIOUX / DUFOE Appraised Ob (B) Value (Bldg) Appraised Land Value (Bldg) 400,000 SUPPLEMENTAL DATA **CURRENT ASSESSMENT** Special Land Value Parcel ID 174-216-000 Descript Code Appraised Assessed Total Appraised Parcel Value 676,000 BLDG 1010 Zoning TR:Town Residential 57,900 57,900 BLDG 1120 218,100 Flood Hazard C 218,100 Valuation Method C LAND 1120 400,000 400,000 Neigh/Abut1 Neigh/Abut2 Neigh/Abut3 PREV 0056-0113-0000 GIS ID 174-216-000 Assoc Pid# Total: 676,000 676,000 Total Appraised Parcel Value 676,000 NOTES **VISIT / CHANGE HISTORY** PALE YLW, INT FAIR COND, ACCESS TO BTHRM Date Cd Purpost/Result ld 09-19-2019 18 02 Measured THRU ONE BEDRM/Func=unf TQS and layout9 06-12-2017 09 45 Field Review /19 WINDOWS REPLACED. SIDING/ROOF=G COND 08-24-2012 09 18 Hearing - Change 05-10-2012 09 45 Field Review =AVG 03-23-2007 10 02 Measured 02-21-1991 02 14 Inspected **BUILDING PERMIT RECORD** Permit Id Issue Date Permit C Description Amount Status **Applicant** SQ ft Comments LAND LINE VALUATION SECTION B LandUse Acrege Size Site Land Type Description Land Units Nbhd Unit Price Cond: Nbhd. Code Land Adjustment Notes Land Value Adj. Index 1010 SINGLE FAMILY RES Site 0.000 AC 0 1.00 0 1.00 RD 0.95 Total Card Land Units: 0.000 AC Parcel Total Land Area: 0.887 AC Total Land Value: Disclaimer. This information is believed to be correct but is subject to change and is not warrantied.

Property Location: 71 A FERRY ST Vision ID: 7825

Parcel ID: 174/ 216/ 000/ /

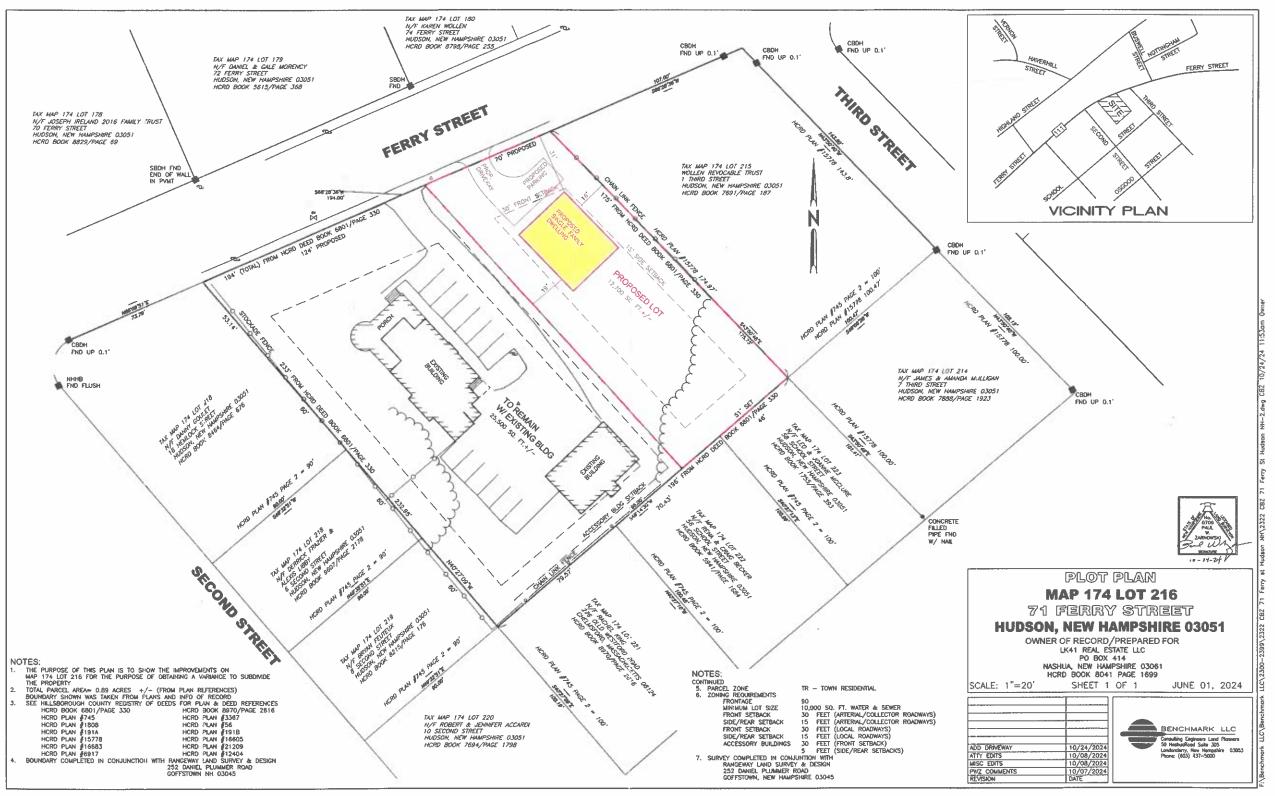
Card Address: Card #: 2 of 2

LUC: 1120

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ON HEMPSHIRE OF HUDGO

OCT 2 5 1021 LAND USE DIVISION ZONING DEPT. Printed 10/25/2024 4:18PM Created 10/25/2024 4:15 PM

Transaction Receipt Town of Hudson, NH 12 School Street

Receipt#

Balance Due

794,477 tgoodwyn

Hudson, NH 03051-4249

Description Current Invoice

Zoning Application-11/14/24 ZBA Mtg.71 Ferry Street

Map 174 Lot 216 Sublot 000

Zone-TR Variance

one-TR

0.00

285.2300

<u>Payment</u>

0.00

Total:

285.23

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Cronin Bisson & Zalinsky, P.C.	CHECK	CHECK# 6420	285.23	0.00	285.23
			Total Due:		285.23
			Total Tendered:		285.23
			Total Change:		0.00
			Net Paid:		285.23

CRONIN BISSON & ZALINSKY, P.C. / OPERATING ACCOUNT

6420

Town of Hudson

10/22/2024

Roberts Variance Application - 71 Ferry Street

285.23