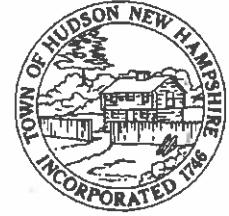




TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING 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. **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]

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



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

CJS
11/15/24

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

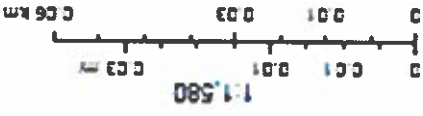
- Staff and local boards do not have the authority to supersede state or federal requirements and this practice is in line with how we handle other disciplines in Town, such as water, sewer, bridges, septic, and the list goes on and on.
- The applicant should seek relief from the state, not ZBA or staff.

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

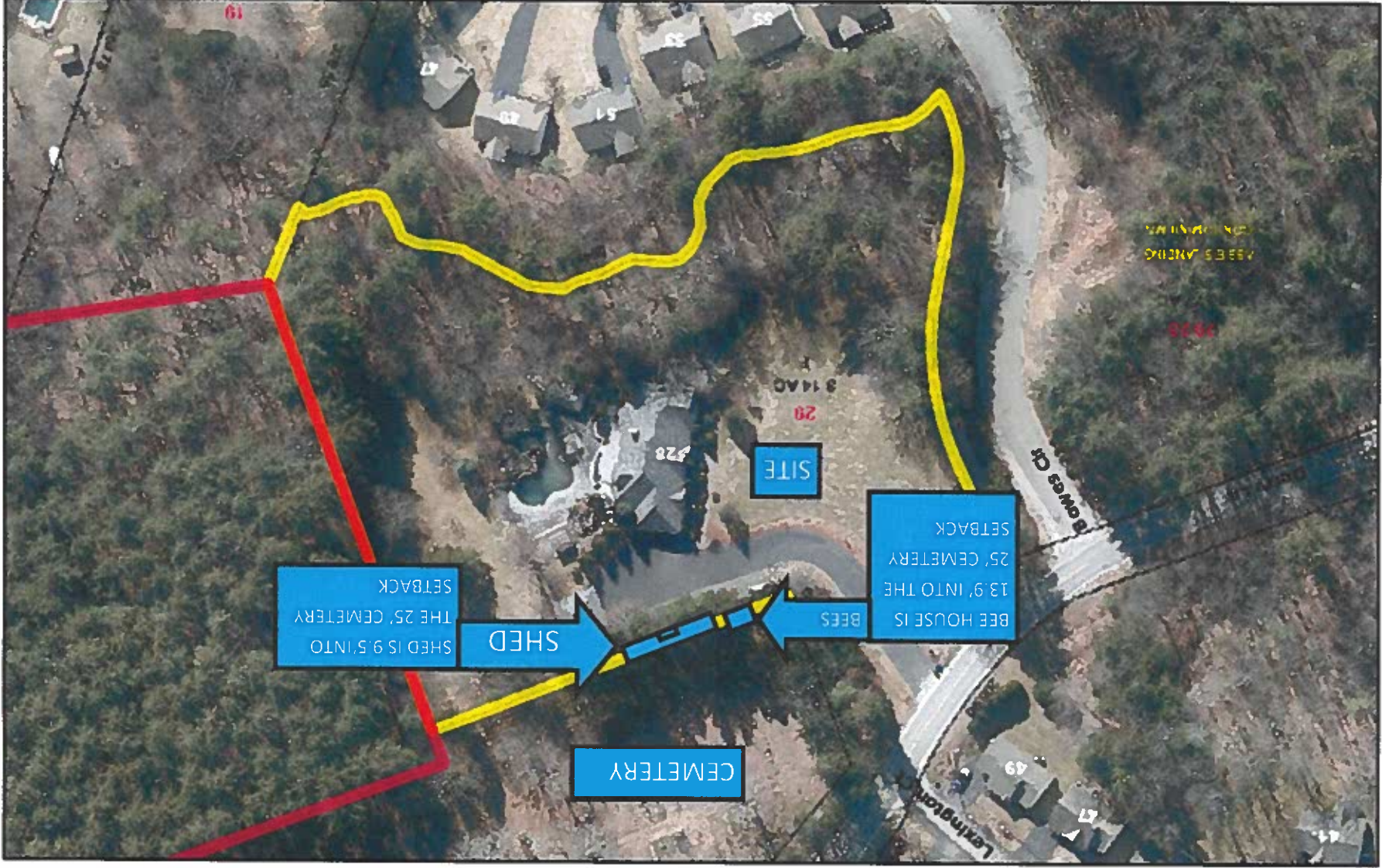
- Building permit required
- Electrical permit required
- Inspections required

K: Associate Planner: 11-4-24

No Comment



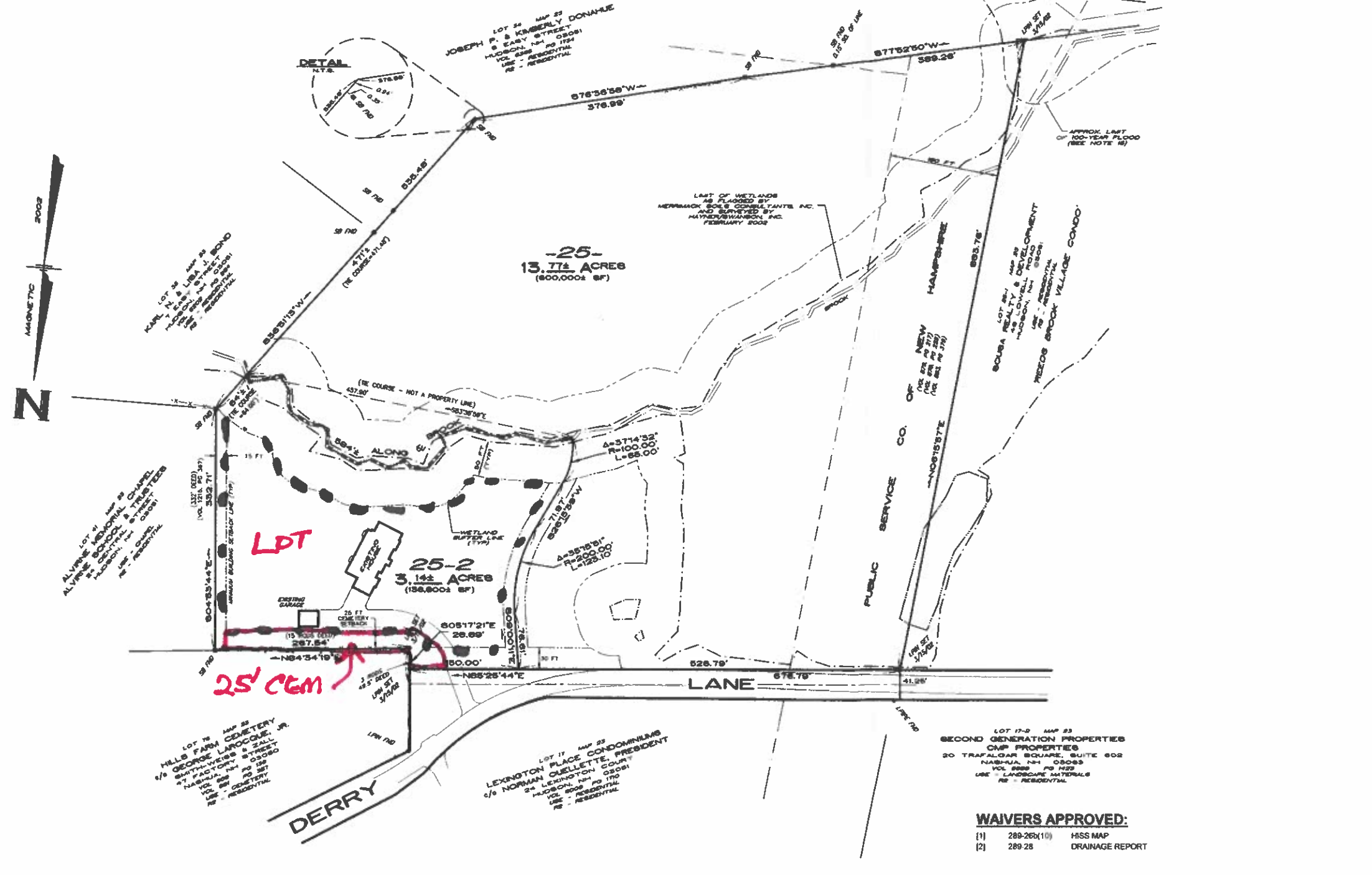
11/5/2024



28 Derry Lane

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- LEGEND**
- N.H. HIGHWAY BOUND
 - STONE BOUND
 - IRON PIN
 - IRON PIPE
 - IRON PIPE
 - DRILL HOLE & STONE WALL
 - WETLAND FLAGGING LIMIT
 - BUILDING SETBACK LINE
 - WIRE FENCE
 - CHAINLINK FENCE



APPROVED BY THE HUDSON, NH PLANNING BOARD
 DATE OF MEETING: APRIL 9, 2003

[Signature] SIGNATURE DATE 8/7/03
[Signature] SIGNATURE DATE 8/6/03

SUBDIVISION IS VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:36.

PLAN REFERENCES:

1. SUBDIVISION PLAN (LOT 25, MAP 23), WEBSTER STREET/DERRY LANE, HUDSON, NEW HAMPSHIRE, PREPARED FOR/OWNED BY: GERARD BOWES, SCALE: 1"=100', DATED: 8 MARCH 2002, WITH REVISIONS THRU 04/11/02, AND PREPARED BY THIS OFFICE. RECORDED: HCRD - PLAN No. 3173

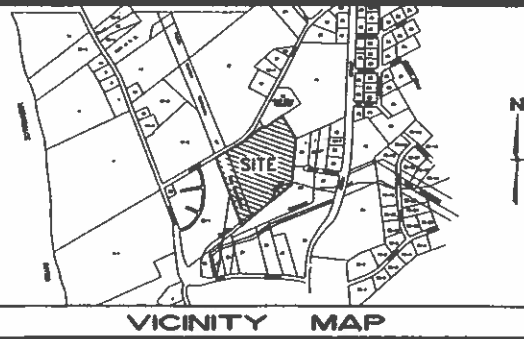
[Signature] 3503
 GERARD BOWES DATE

WAIVERS APPROVED:

(1) 289-265(10) HISS MAP
 (2) 289-28 DRAINAGE REPORT

THIS PLAN AND THE SURVEY UPON WHICH IT IS BASED WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION IN FEBRUARY 2002 IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF NEW HAMPSHIRE AND THE CITY/TOWN WITHIN WHICH IT IS LOCATED. THE SURVEY WAS PERFORMED AS AN URBAN STANDARD PROPERTY SURVEY, AS DEFINED IN THE NH CODE OF ADMINISTRATIVE RULES (CATEGORY 1 - CONDITION 1, N.H.S.A. STANDARDS) WITH A TRAVERSE ERROR OF CLOSURE BETTER THAN 1 PART IN 18,000.

7/25/03
 DATE



- NOTES:**
- TOTAL SITE AREA = 16.914 ACRES (736,776 SF)
 - PRESENT ZONING R-2; RESIDENTIAL
 MINIMUM LOT REQUIREMENTS:
 - LOT AREA 30,000 SF
 - LOT FRONTAGE 120 FT
 MINIMUM BUILDING SETBACKS:
 - FRONT (COLLECTOR ST) 50 FT
 - FRONT 30 FT
 - SIDE 15 FT
 - REAR 15 FT
 - PURPOSE OF PLAN
 (1) SUBDIVIDE LOT 25, MAP 23, INTO TWO (2) RESIDENTIAL LOTS, IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE TOWN OF HUDSON, NH
 - PROPOSED USE RESIDENTIAL
 - 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-WAY, 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 UNIT, SUBJECT TO ANNUAL INFLATION INDEXING, IS TO BE PAID PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY
 - IMPACT FEES
 SINGLE FAMILY AN IMPACT FEE IN THE AMOUNT OF \$3,578.00 (SCHOOLS) AND \$124.00 (LIBRARY) PER RESIDENTIAL UNIT, 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 SEDIMENT CONTROLS SHALL BE INSTALLED (e.g. HAY BALES, SILT FENCES, ETC.) PRIOR TO CLEARING AND EXCAVATION. THE CONTROLS SHALL BE MAINTAINED IN GOOD WORKING ORDER UNTIL COMPLETION OF CONSTRUCTION
 - NO NEW UTILITY 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 DETERMINED FROM THE "TOWN OF HUDSON, NH FLOOD INSURANCE STUDY", COMMUNITY PANEL No. 330092-001108, DATED FEBRUARY 1976
 - 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, NH PLANNING DEPT.
 - PRESENT OWNER OF RECORD
 LOT 25, MAP 23
 GERALD BOWES
 5 JULIE LANE
 HUDSON, NEW HAMPSHIRE 03051
 VOL. 6662 PG. 636

No.	DATE	REVISION	BY
2	07/24/03	CONDITIONS OF APPROVAL	AMB
1	03/21/03	ADDRESS TOWN COMMENTS	AMB

SUBDIVISION PLAN
 (LOT 25, MAP 23)

DERRY LANE

HUDSON, NEW HAMPSHIRE

PREPARED FOR/OWNED BY:
GERARD AND DONNA BOWES
 28 DERRY LANE HUDSON, NEW HAMPSHIRE 03051

SCALE: 1"=80 Feet
 1"=24.384 Meters

3 MARCH 2003

HSI Hayner/Swanson, Inc.
 Civil Engineers/Land Surveyors
 Three Congress Street Nashua, New Hampshire 03062-3301
 Tel (603) 883-3057 Fax (603) 883-3057
 www.hayner-swanson.com

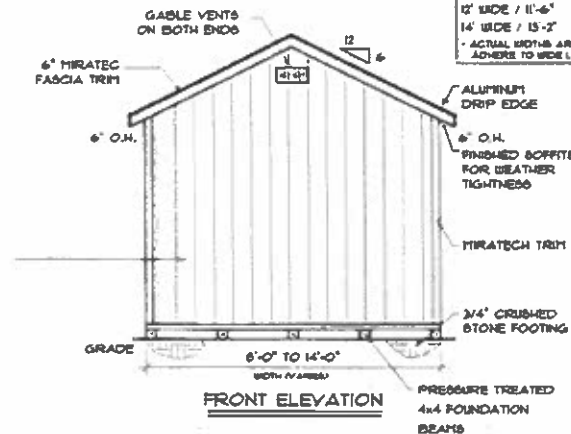
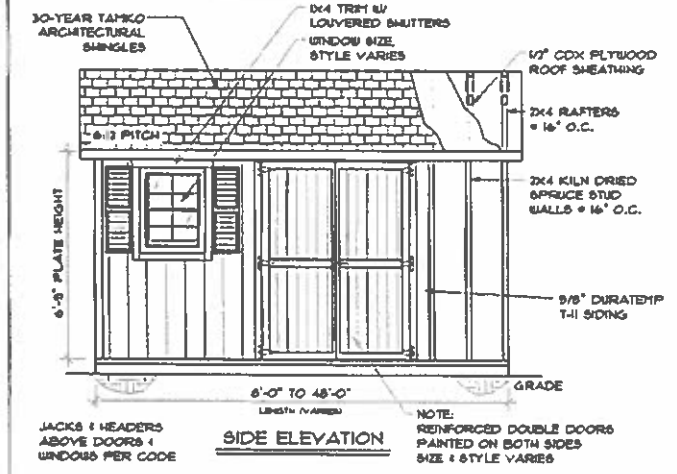
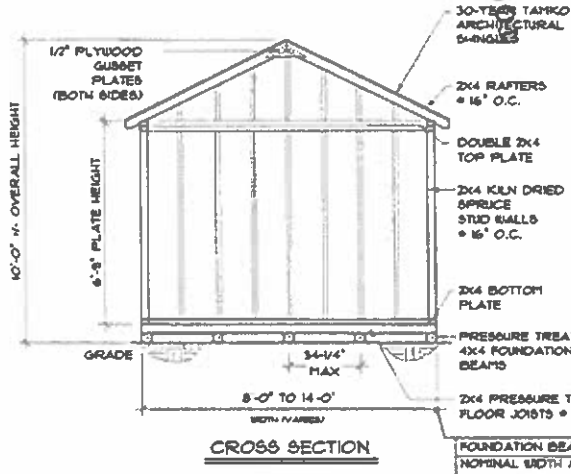
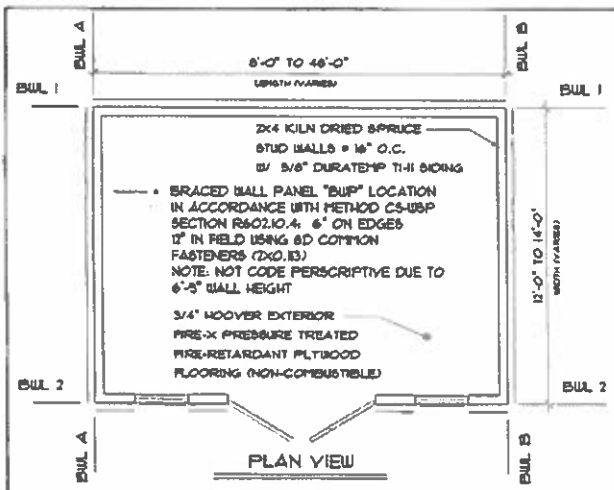
SHEET 1 OF 2 1034 4634-B F681

HCRD # 32629

Map 23, L25

6

W.N. OF HUDSON
 SEP 12 2023
 LAND USE DIVISION
 ZONING DEPT.



- STANDARD FEATURES:**
- BASE: 4x4 PRESSURE-TREATED BEAMS
 - FLOOR FRAMING: 2x4 PRESSURE-TREATED JOISTS 12" O.C.
 - FLOORING: 3/4" HOOVER EXTERIOR FIRE-X PRESSURE TREATED FIRE-RETARDANT PLYWOOD (NON-COMBUSTIBLE)
 - FRAMING: PREMIUM 2x4 KILN DRIED SPRUCE LUMBER @ 16" O.C.
- STANDARD FEATURES CONT.:**
- SIDING: 5/8" DURATEMP T-11 OR VINYL
 - ROOFING: 30-YEAR TAMKO SHINGLES
 - DOORS: HEAVY-DUTY, REINFORCED AND PAINTED ON BOTH SIDES
 - SIZES: 8'-5" TO 14'-8"

- STANDARD FEATURES CONT.:**
- FLOOR DESIGN MEETS REQUIREMENTS OF SECTION 9005 FLOOR SYSTEM WILL SUPPORT 2000 LB LOAD APPLIED OVER A 20 SQUARE INCH AREA
- THIS STORAGE BUILDING IS DESIGNED TO BE PLACED ON 6" DEEP 3/4" CRUSHED STONE BASE
- FROST PROTECTION NOT REQUIRED UP TO 600 SQUARE FEET PER IRC SECTION R405.1.4.1

Warning: It is a violation of the NYS Education Law Article 145 for any person, unless he is acting under the direction of a licensed Professional Engineer, to alter this form in any way.

CLASSIC CAPE STORAGE BUILDING

THE BARN YARD CONTRACTOR LICENSED
 (CT) #58916, (RI) #2305, (MA) #C 01550
 (NY) C.E. #3895, (NJ) WC-265-19H14 | PC-6146

The BARN YARD
 THE BARN YARD CONTRACTOR LICENSED
 MANASSAS, VA | 5700 NAVA ST
 BARNSTABLE, MA 01953
 508-861-1000
 BARNSTABLE, MA 01953
 508-861-1000

STATE OF CONNECTICUT
 EVERETT W. SKINNER IV
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL
 No. 11907

STATE OF MASSACHUSETTS
 EVERETT W. SKINNER IV
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

STATE OF VERMONT
 EVERETT W. SKINNER IV
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

STATE OF NEW HAMPSHIRE
 EVERETT W. SKINNER IV
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

STATE OF NEW YORK
 EVERETT W. SKINNER IV
 LICENSED PROFESSIONAL ENGINEER
 CIVIL

STATE OF MAINE
 EVERETT W. SKINNER IV
 LICENSED PROFESSIONAL ENGINEER
 CIVIL

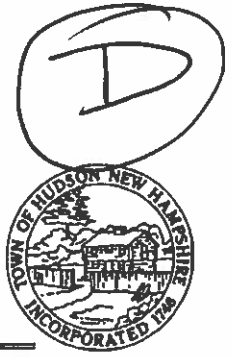
STATE OF NEW JERSEY
 EVERETT W. SKINNER IV
 LICENSED PROFESSIONAL ENGINEER
 CIVIL

CLASSIC CAPE STORAGE BUILDING
 PERMIT ISSUE SHOP DRAWING
 JRO BJS
 CONTRACT NO.:



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.*

①

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.

E



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

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



(G)

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



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

9





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

2

H

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.

4

H

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

Marika Labash 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>

6

(H)

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 stump 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

#A

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, eff. 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

Town of Hudson



12 School Street

Hudson, NH 03051

I

**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)

EZD Name: Elvis Dhima, P.E. Date: 10/31/2024
(Initials)

DEPT. Town Engineer Fire/Health Department Associate Town Planner

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.
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: 11/14/2024

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

No Comments

R

**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
(Initials)

DEPT. Town Engineer Fire/Health Department Associate Town Planner

[Empty box for comments]

**APPLICATION FOR APPEAL FROM AN
ADMINISTRATIVE DECISION**

OCT 25 2024
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: 029-000 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 Laurie Greer Date 10/25/2024

Signature of Property-Owner(s) Robert Greer Laurie Greer Date 10/25/2024

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 Land Use Division personnel

Date received: 10/25/24

COST:

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

Abutter Notice:

7 Direct Abutters x Certified postage rate \$ 5.58 = \$ 39.06

1 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 0.73

Total amount due: \$ 224.79

Amt. received: \$ 224.79

Receipt No.: 794, 456

Received by: (JSG)

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

Check # 2205

10/24/24
Laurie Greer
Robert Greer
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,



Laurie J. Greer











Robert H. Greer

TOWN OF HUDSON, NH

Application Checklist

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

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
_____	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	_____
	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u> N/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 (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u> pending labels Rcvd
	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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

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

see attached pics - current location
TB

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

Laura J. Green
Signature of Applicant(s)

10/25/24
Date

Robert Green Laura J. Green
Signature of Property Owner(s)

10/25/2024
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	029-000	*Include Applicant & Owner(s) ROBERT GREER AND LAURIE GREER 2020 REV. TRUST	28 DERRY LANE HUDSON, N.H 03051
147	028-000	HILLS FARM CEMETERY C/O GEORGE LAROCQUE JR.	20 DERRY LANE HUDSON, N.H 03051
147	027-000	ALVIRNE CHAPPEL C/O DONALD SHEPARD	8 WOODCREST DRIVE HUDSON, NH 03051
156	019-000	JOHN CHICOINE	7 EASY STREET HUDSON, NH 03051
147	029-023	ABBIE'S LANDING HOMEOWNERS ASSOC.	32 BOWES CIRCLE HUDSON, NH 03051
147	017-000	LEXINGTON PLACE C/O JACK JOYCE	24 LEXINGTON COURT HUDSON, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

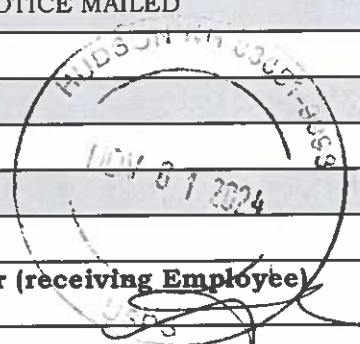
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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.

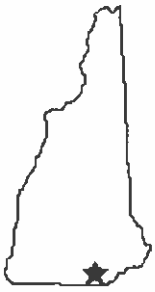
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
156	020-000	AMY SULLIVAN	5 EASY STREET HUDSON, NH 03051

USPS-Verified Mail

SENDER:		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	11/14/2024 ZBA Meeting
1	9589 0710 5270 2409 0632 49	Laurie & Rob Greer, Trustees 28 Derry Lane, Hudson, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 2409 0632 32	Lexington Place Condominiums; C/O Jack Joyce 24 Lexington Court, Hudson, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 2409 0632 18	Alvirne School (Chappel); C/O Donald Shepard	ABUTTER NOTICE MAILED
4	9589 0710 5270 2409 0632 56	8 Woodcrest Dr., Hudson, NH 03051 Hills Farm Cemetery; C/O George Larocque, Jr.	ABUTTER NOTICE MAILED
5	9589 0710 5270 2409 0632 01	Smith-Weiss & Zall, 47 Factory St., Nashua, NH 03061-0388	ABUTTER NOTICE MAILED
6	9589 0710 5270 2409 0631 95	John Chicoine 7 Easy St., Hudson, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 2409 0632 25	Abbie's Landing Homeowners Assoc. 32 Bowes Circle, Hudson, NH 03051 Prunier & Prolman; Andrew Prolman, Esq.	APPLICANT NOTICE MAILED (Legal Rep.)
8	Mailed First Class	20 Trafalgar Sq., Suite 100, Nashua, NH 03063 Amy Sullivan; Sean Towler	ABUTTER NOTICE MAILED
9		5 Easy St., Hudson, NH 03051	
10			
Total Number of pieces listed by sender 8		Total number of pieces rec'd at Post Office <u>8</u>	Postmaster (receiving Employee)





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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

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

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

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 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:

PLEASE SEE APPEAL DOC

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

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

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: **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.

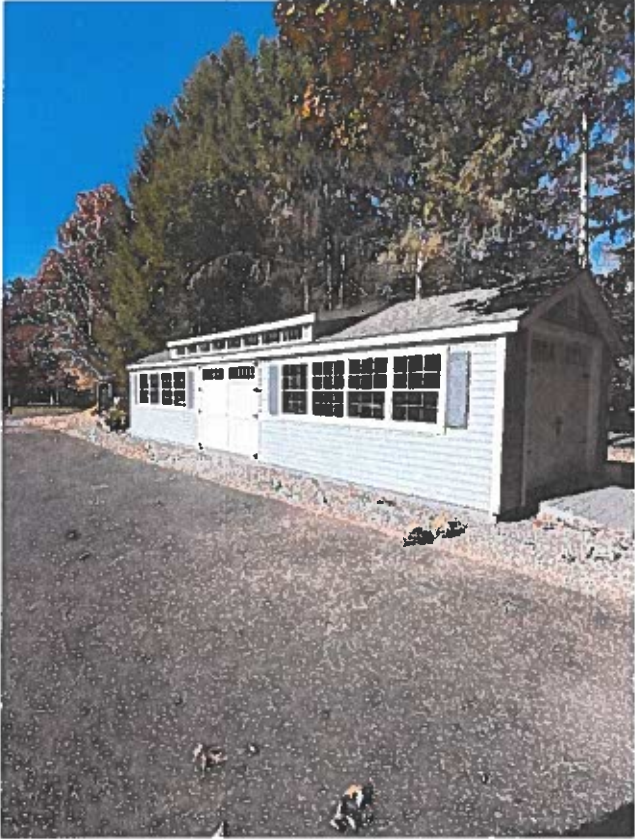
Mr. Sullivan is wrong because Hudson has regulations concerning cemeteries. RSA 289:3, III requires compliance with local zoning concerning cemeteries, and then states: “In absence of such regulations,” the setback is 25’. The 25’ does not apply because Hudson regulates cemeteries.

We reference HZO§334-21: Table of Permitted Principal Uses, C, 3: “Cemeteries, public/private.” 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 HZO§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.



Hill's Fam
Cemetery

SHED TO
PROPERTY LINE

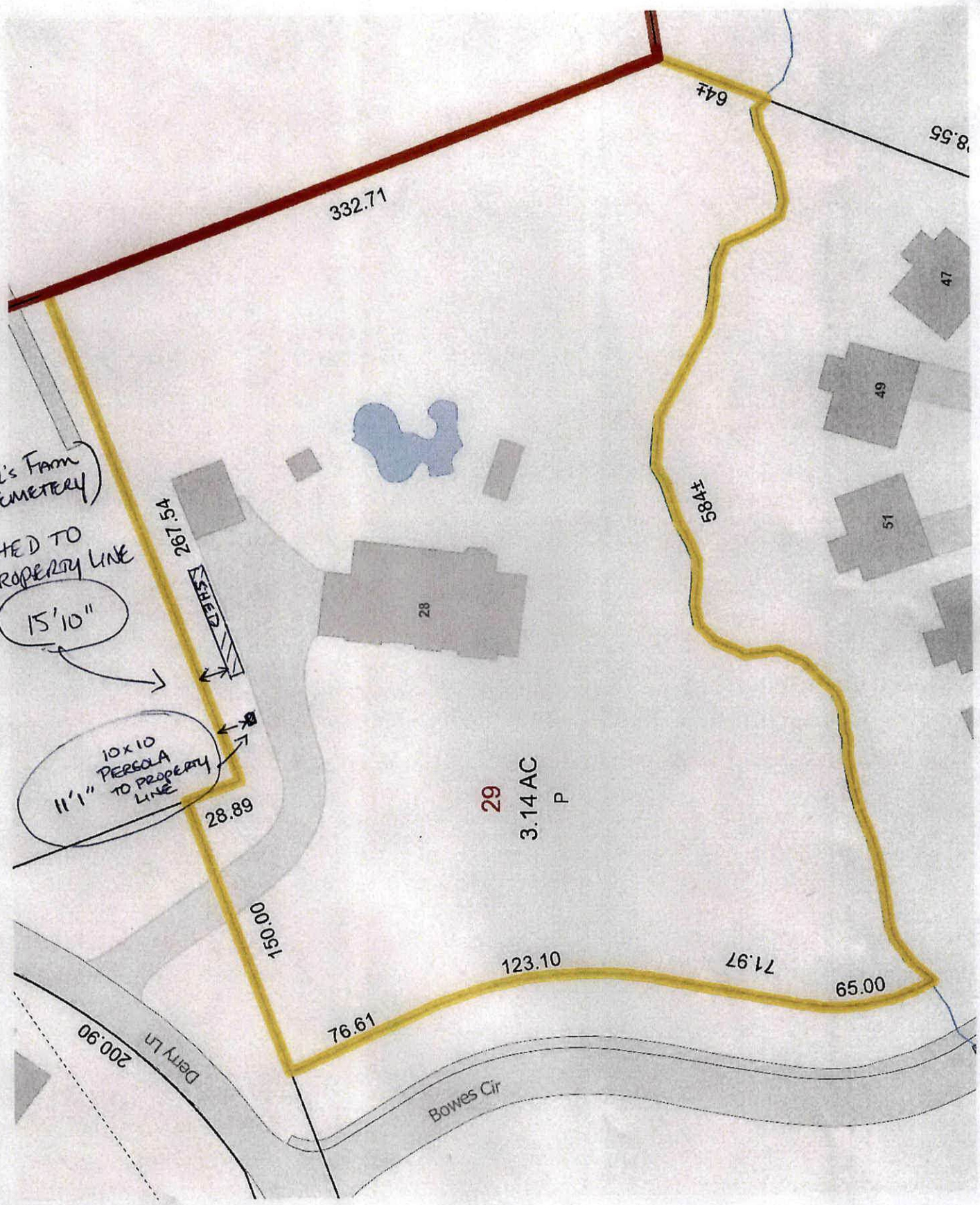
15'10"

10x10
PERGOLA
TO PROPERTY
LINE

11'1"

SHED

29
3.14 AC
P



332.71

64.4

8.55

267.54

28.89

150.00

76.61

123.10

71.97

65.00

584.4

28

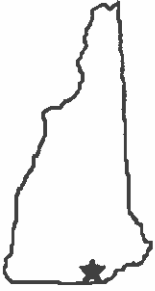
51

47

200.90

Derry Ln

Bowes Cir



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,

A handwritten signature in black ink, appearing to read "CSullivan", written in a cursive style.

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.



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,

A handwritten signature in black ink, appearing to read "CSullivan", written in a cursive style.

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.

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

Parcel ID: 147/ 029/ 000/ 1

Card Address: Card #: 1 of 1

LUC: 1010
 Print Date: 10/25/2024 11:15:16

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
GREER, ROBERT H., TR. GREER, LAURIE JEAN, TR. 28 DERRY LANE HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RG	Residential Very Good		2024	1010	584,500	2024	1010	584,500	2023	1010	584,500
		TOPO	UTILITIES			1010	201,100		1010	201,100		1010	201,100
		Level	Town Water			1010	93,400		1010	93,400		1010	93,400
			Town Sewer										
					Total	879,000	Total	879,000	Total	879,000	Total	879,000	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
GREER, ROBERT H., TR.		9338 1583	08-18-2020	U	I	0	44	Grantor: GREER, ROBERT H.	Appraised Bldg. Value (Card)			573,600
GREER, ROBERT H.		8118 1511	07-27-2009	Q	I	588,000	00	Grantor: BOWES, GERARD W., TR.	Appraised Xf (B) Value (Bldg)			10,900
BOWES, GERARD W., TR		7713 1249	07-19-2006	U	I	0	44	Grantor: BOWES, GERARD W., TR.	Appraised Ob (B) Value (Bldg)			93,400
BOWES, GERARD W.		6562 0636	01-10-2002	U	I	180,000	90	Grantor: BOWES, GERARD W., TR.	Appraised Land Value (Bldg)			201,100
ROWELL, FRED		2408 0277	07-23-1975	U	V		38	Grantor: ROWELL, FRED.	Special Land Value			0
									Total Appraised Parcel Value			879,000
									Valuation Method			C
									Total Appraised Parcel Value			879,000

SUPPLEMENTAL DATA			CURRENT ASSESSMENT			
Parcel ID	147-029-000		Descript	Code	Appraised	Assessed
Zoning	R2:Residential-2		BLDG	1010	584,500	584,500
Flood Hazard	C		LAND	1010	201,100	201,100
Neigh/Abut1			OB	1010	93,400	93,400
Neigh/Abut2						
Neigh/Abut3		PREV 0023-0025-0000				
GIS ID	147-029-000	Assoc Pid#				
			Total:		879,000	879,000

NOTES		VISIT / CHANGE HISTORY			
PSNH EASEMENT, NEAR CEMETERY 2003 = STR UCTURE 100% COMPLETED 2004 = REDUCE ACREAGE PER P LAN #32629 7/21 GL EXT=AVG FENCE=REAR ES T		Date	Id	Cd	Purpost/Result
		08-16-2022	26	18	Hearing - Change
		08-16-2022	30	18	Hearing - Change
		07-21-2022	28	45	Field Review
		07-22-2021	22	02	Measured
		12-28-2016	16	02	Measured
		12-28-2016	16	04	Info At Door
		04-03-2014	15	39	Check Bp Progress From Previous Y
04-15-2013	12	39	Check Bp Progress From Previous Y		

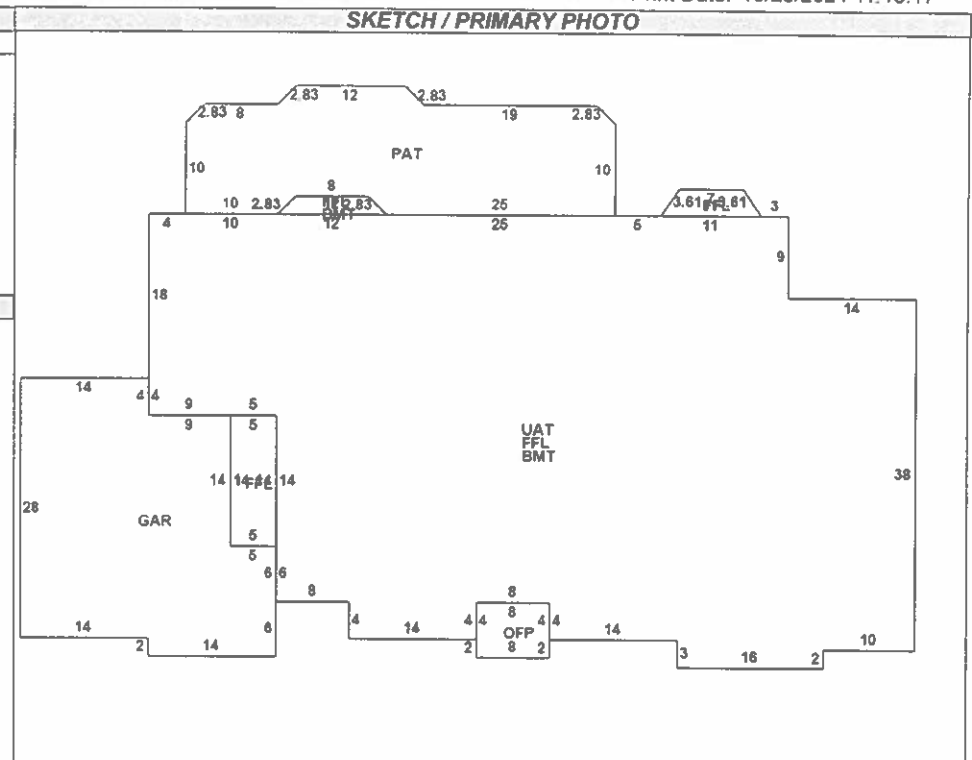
BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2011-508-1EL	11-10-2011	IP	In-Grnd Pool	2,500	C			Visit Notes: Install 25x50 lg Pool;
2002-326	03-07-2002	MN	Manual	200,000	C			Visit Notes: Fndtn;

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000		1.00	5	1.00	RG	1.10		187,000
1	1010	SINGLE FAMILY RES	Excess	2.140	AC	6,000		1.00	0	1.00	RG	1.10		14,100
Total Card Land Units:				3.140 AC		Parcel Total Land Area:				3.140 AC		Total Land Value:		201,100

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.25		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	A-	Vg/Good			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	02	Hip			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	11				
Bedrooms	3				
Full Baths	3				
3/4 Baths	0				
Half Baths	2				
Extra Fixtures	3				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	2				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	BLUE				
Avg Ht/FL	8				
Extra Kitchens	0				

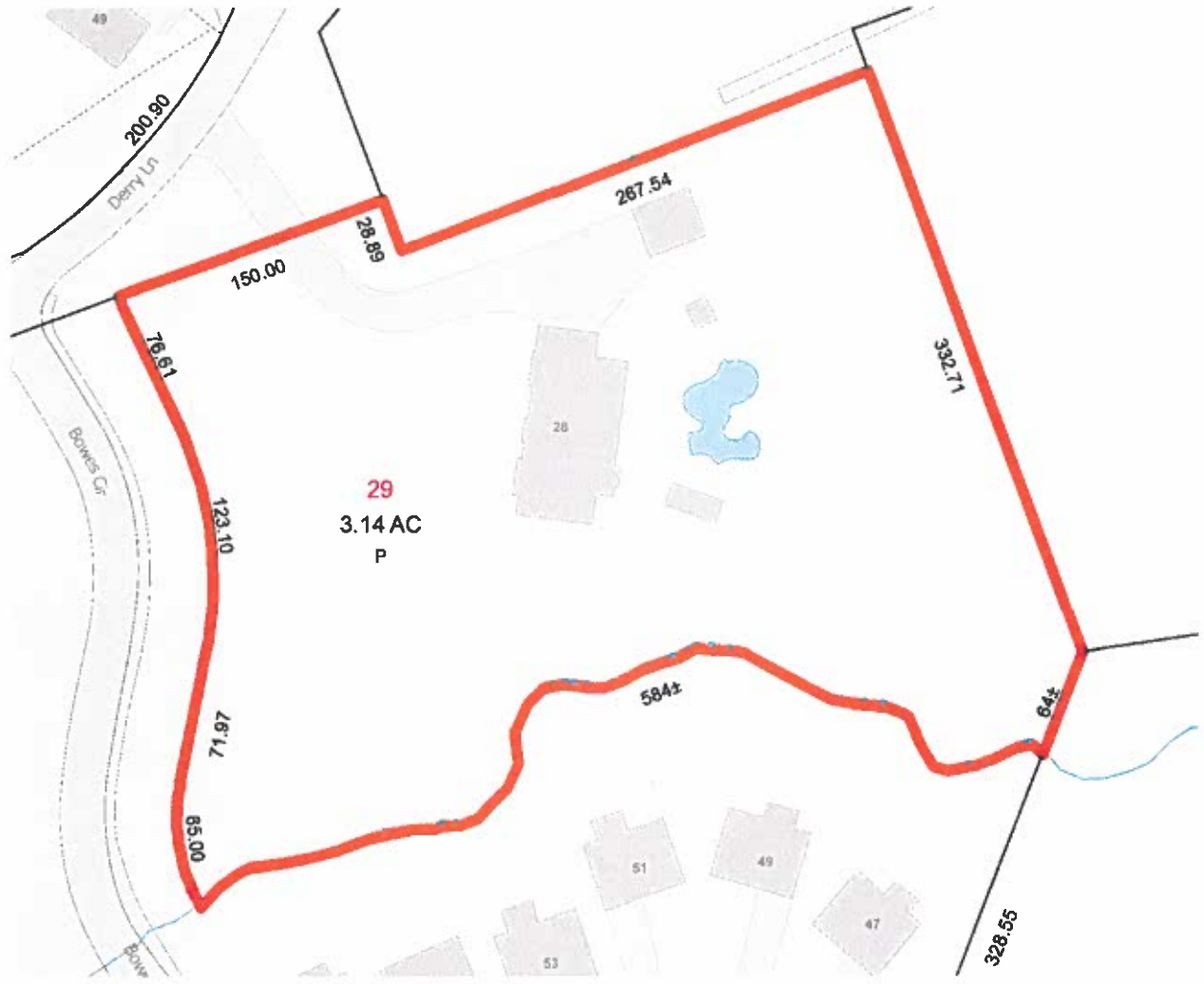
COST / MARKET VALUATION	
Building Value New	807,900
Year Built	2002
Effective Year Built	2013
Depreciation Code	AG
Remodel Rating	
Year Remodeled	
Depreciation %	9
Functional Obsol	20
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	71
RCNLD	573,600
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	U/B	Units	UOM	Unit Pri	Yr Bilt	Cnd.	% G	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
XFRM	Rec Room, Fin, BMT	B	342	SQ. FT	45.00	2002	AV	71	10,900

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	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
OFF	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
Total Liv Area/Gr. Area/Eff Are		3,513	11,627	5,523	Total Value	807,900





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

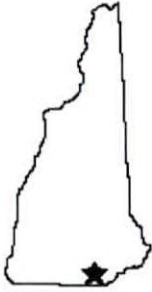
Transaction Receipt

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

Receipt# 794,456
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 11/14/2024 ZBA Mtg. 28 Derry Lane Map 147 Lot 029 Sublot 000 Zone R-2 Appeal Admin Decisio	0.00	224.7900	0.00
			Total:	224.79

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Robert Greer	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

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



Zoning Administrator Staff Report

Meeting Date: November 14, 2024

CJS
11-5-24

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]

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)

AERIAL / PHOTOS

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: 1
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: 71 FERRY ST

Owner Information:

Name: LK41 REAL ESTATE, LLC
Street: 0 PO BOX 414

Activities:

Date Entered	Entered By	Type	Due Date	Status
4/27/2022	AutoEntry	Initial entry Violation - Auto Activity	4/29/2022	O
		Initial Entry of Violation		
5/02/2022	tgoodwyn	Site visit	4/29/2022	C
		4/29/22- CEO BButtrick and DHebert did site visit from 2:00-2:30 PM		
5/02/2022	tgoodwyn	Complaint case closed	5/02/2022	C
		Case Closed- Not a Land Use issue. Inspectional Services working with Property Management to clean up the brush/debris.		

Reported By Information:

Name	Title	Phone
Leo N McClure 58 School Street	neighbor	6039435766



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-076

June 13, 2022

Joseph Roberts
54 Tinker Rd
Merrimack, NH 03054

Re: 71 Ferry St Map 174 Lot 216-000
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.

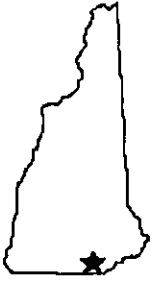
Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public File
B. Groth, Town Planner
File

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

C



TOWN OF HUDSON

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 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.

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.*

D

**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
(Initials)

DEPT:
 Town Engineer Fire/Health Department Associate Town Planner

[Empty rectangular box for 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)

DRH Name: David Hebert Date: 11/05/2024
(Initials)

DEPT:
 Town Engineer Fire/Health Department Associate Town Planner

Building permit required
Electrical permit required
Inspections required

(E)

**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
(Initials)

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 **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]

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
N
N/A

5. A. The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; **and**

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

OCT 25 2024
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 LK41 Real Estate, LLC Map: 174 Lot: 216 Zoning District: TR
Joseph F. Roberts, duly Authorized
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 Authorized

Location of Property 71 Ferry Street, Hudson, NH
(Street Address)

X Joseph F. Roberts X 10-24-24
Signature of Applicant Date

X Joseph F. Roberts X 10-24-24
Signature of Property-Owner(s) Date

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

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

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

Date received: 10/25/24

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
Abutter Notice:		
<u>16</u> Direct Abutters x Certified postage rate	\$	<u>5.58 = 89.28</u>
<u>15</u> Indirect Abutters x First Class postage rate	\$	<u>0.73 = 10.95</u>
Total amount due:	\$	<u>285.23</u>
Amt. received:	\$	<u>285.23</u>
Receipt No.:		<u>794,477</u>

Received by: (TSG)

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

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.

x Joseph F. Roberts x 10-24-24
Signature: Joseph Roberts, duly authorized for LK41 Real Estate 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.

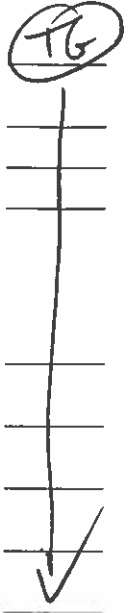
Applicant Initials		Staff Initials
x <u>J.R.</u>	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
x <u>J.R.</u> <u>Pending</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application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

CERTIFIED PLOT PLAN:

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

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

- x a) J.R. The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- x b) J.R. The plot plan shall be up-to date and dated, and shall be no more than three years old.
- x c) J.R. The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- x d) J.R. 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>)
- x e) J.R. The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- x f) J.R. 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.
- x g) J.R. The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- x h) J.R. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- x i) J.R. 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.

x Joseph F Roberts
Signature of Applicant(s)

x 10-24-24
Date

x Joseph F Roberts
Signature of Property Owner(s)

x 10-24-24
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
		PLEASE SEE ATTACHED	

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	

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
SUBJECT PROPRTIE(S)			
174	216	LK41 REAL ESTATE, LLC JOSEPH F. ROBERTS, DULY AUTHORIZ	PO BOX 414 NASHUA, NH 03061
DIRECT ABUTTERS			
174	178	DONOHUE, JOSEPH M., TR.; JOSEPH IRELAND 2016 FAM TRUST	70 FERRY STREET 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.; COOPER, JENNIFER	76 FERRY ST HUDSON, NH 03051
174	214	MULLIGAN, JAMES E. & AMANDA M.	7 THIRD STREET HUDSON, NH 03051
174	215	WOLLEN, DEBORAH G., TR.; WOLLEN REVOCABLE TRUST	1 THIRD ST. HUDSON, NH 03051
174	217	GOULET, DANNY P.	16 HEMLOCK ST HUDSON, NH 03051
174	218	FRAZIER, DERRICK; LIBBY, ALEXIS	6 SECOND ST HUDSON, NH 03051
174	219	FAUTEUX, BRYAN M.	8 SECOND ST. HUDSON, NH 03051
174	220	ACCARDI, ROBERT M. & JENNIFER M.	10 SECOND ST HUDSON, NH 03051
174	221	KING, RACHEL	276 OLD WESTFORD RD. CHELMSFORD, MA 01824-1046
174	222	BECKER, REINA; BECKER, CRAIG, JR	56 SCHOOL STREET HUDSON, NH 03051
174	223	MCCLURE, LEO N. & JOANNNE E.	58 SCHOOL STREET HUDSON, NH 03051
INDIRECT ABUTTERS			
174	155	ARNOLD, GABRIEL R.; ROGER, MARC D., TRSTS.; ARNOLD FAMILY TRUST	37 HIGHLAND STREET HUDSON, NH 03051
174	156	DIONNE, STEVEN R.	6 LEARY DR. LITCHFIELD , NH 03052
174	157	CHAMBERS, GERARD J., JR.; GINGRAS, DEBRA	31 HIGHLAND STREET HUDSON, NH 03051
174	176	FIGUEROA, LISANDRA	66 FERRY STREET HUDSON, NH 03051
174	177	GORA, BRENDA A., TR.; GORA, RUSSELL, TR.	68 FERRY STREET HUDSON, NH 03051
174	182	SHAUGHNESSY, RICKY	80 FERRY ST. HUDSON, NH 03051
174	198	SEVIGNY, MICHELLE R.	77 FERRY ST HUDSON, NH 03051
174	199	HOLMES, DONNA L.	6 THIRD STREET 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 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
ATTORNEY		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	

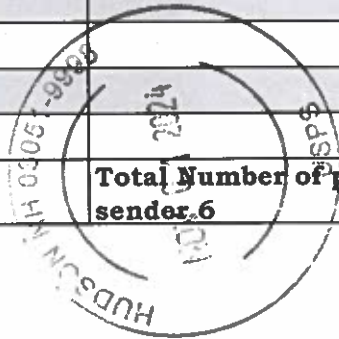
USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-216 VARIANCE 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (1 of 2)
ARTICLE NUMBER		Name of Addressee, Street, and post office address	11/14/2024 ZBA Meeting
1	9589 0710 5270 2409 0632 63	LK41 REAL ESTATE, LLC; JOSEPH F. ROBERTS, duly Authorized	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 2409 0632 70	PO BOX 414, NASHUA, NH 03061 DONOHUE, JOSEPH M., TR.; JOSEPH IRELAND 2016 FAM TRUST	ABUTTER NOTICE MAILED
3	9589 0710 5270 2409 0632 87	70 FERRY STREET, HUDSON, NH 03051 MORENCY, DANIEL E. & GALE R.	ABUTTER NOTICE MAILED
4	9589 0710 5270 2409 0632 94	72 FERRY ST., HUDSON, NH 03051 WOLLEN, KAREN	ABUTTER NOTICE MAILED
5	9589 0710 5270 2409 0633 00	74 FERRY ST., HUDSON, NH 03051 COOPER, RONALD R. JR.; COOPER, JENNIFER	ABUTTER NOTICE MAILED
6	9589 0710 5270 2409 0633 17	76 FERRY ST., HUDSON, NH 03051 MULLIGAN, JAMES E. & AMANDA M.	ABUTTER NOTICE MAILED
7	9589 0710 5270 2409 0633 24	7 THIRD ST., HUDSON, NH 03051 WOLLEN, DEBORAH G., TR.; WOLLEN REVOCABLE TRUST	ABUTTER NOTICE MAILED
8	9589 0710 5270 2409 0633 31	1 THIRD ST., HUDSON, NH 03051 GOULET, DANNY P.	ABUTTER NOTICE MAILED
9	9589 0710 5270 2409 0633 48	16 HEMLOCK ST., HUDSON, NH 03051 FRAZIER, DERRICK; LIBBY, ALEXIS	ABUTTER NOTICE MAILED
10	9589 0710 5270 2409 0633 55	6 SECOND ST., HUDSON, NH 03051 FAUTEUX, BRYAN M.	ABUTTER NOTICE MAILED
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) 



USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	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	9589 0710 5270 2409 0633 62	ACCARDI, ROBERT M. & JENNIFER M. 10 SECOND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 2409 0633 79	KING, RACHEL 276 OLD WESTFORD RD., CHELMSFORD, MA 01824-1046	ABUTTER NOTICE MAILED
3	9589 0710 5270 2409 0633 86	BECKER, REINA; BECKER, CRAIG, JR. 56 SCHOOL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 2409 0633 93	MCCLURE, LEO N. & JOANNNE E. 58 SCHOOL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 2409 0634 09	CRONIN, BISSON & ZALINSKY, P.C.; ATTN: CHRISTOPHER DRESCHER, ESQ. 722 CHESTNUT STREET MANCHESTER, NH 03104	APPLICANT/OWNER NOTICE MAILED (Legal Rep. copy)
6	9589 0710 5270 2409 0634 16	BENCHMARK ENGINEERING 1F COMMONS DR., UNIT 35 LONDONDERRY, NH 03053	APPLICANT/OWNER NOTICE MAILED (NH LLS copy)
7			
8			
9			
10			
Total Number of pieces listed by sender: 6		Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)



TOWN OF HUDSON
New Hampshire
03051

16 Mailed

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 174-216 71 Ferry Street, Hudson, NH 3051 Map 174, Lot 216, Sublot-000 (1 of 2)
	NOV 01 2024 LAND USE DIVISION ZONING DEPT	Name of Addressee, Street, and post office address	VARIANCE
	ARTICLE NUMBER		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
		66 FERRY STREET, HUDSON, NH 03051	
5	Mailed First Class	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)

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. 53 SCHOOL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	WOOLDRIDGE, DANIEL E. & BRENDA 12 SECOND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	ABBOTT, WILLIAM B. & DIANA C. 48 SCHOOL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	CAMPBELL, EDWARD 5 SECOND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	KELLEY, LOURDES T. 65 FERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			
9			
10			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

TOWN OF HUDSON
New Hampshire
03051

NOV 11 2024

LAND USE DIVISION
ZONING DEPT.

76 Mailed



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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

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

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII _____ of HZO Section(s) 334-27, 27.2 in order to permit the following:

70 feet of frontage where 90 feet of frontage is required, please see attached

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

Please see attached

- 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

- 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

LK41 Real Estate, LLC (“Applicant”)
Variance Narrative
71 Ferry Street, Map/Lot 174/216

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 negative. That is to say that it does not require the Applicant to prove that the proposed use is IN the public interest, but only to prove that it is NOT CONTRARY TO the public interest.

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. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 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. Malachy Glen Assocs. v. Town of Chichester, 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. If the variance were granted, the values of the surrounding properties would not be diminished because:

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 use 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



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

Zoning Determination #24-060

June 26, 2024

Sent Via Email and 1st 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 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.

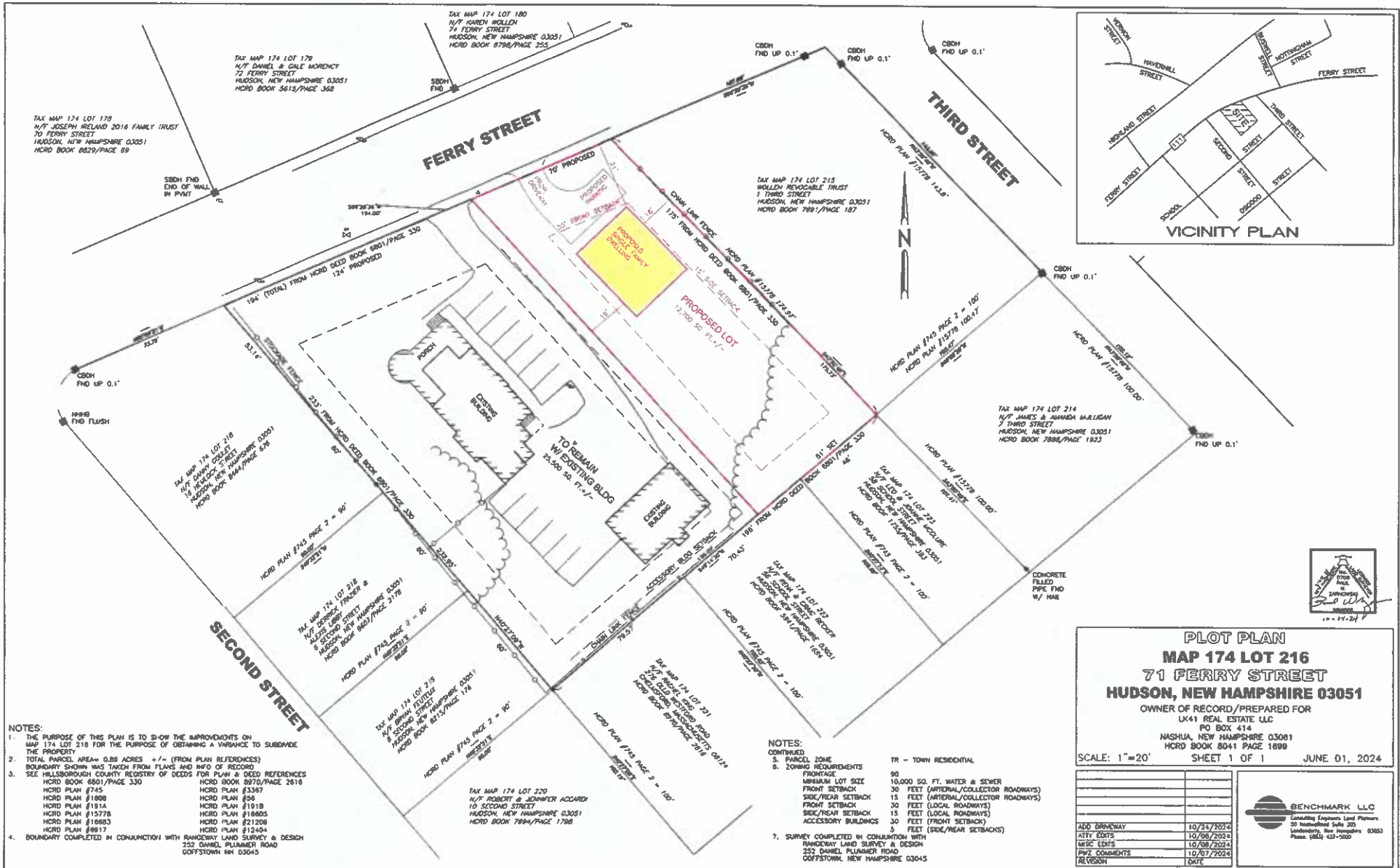
Sincerely,

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



PLOT PLAN
MAP 174 LOT 216
71 FERRY STREET
HUDSON, NEW HAMPSHIRE 03051
 OWNER OF RECORD/PREPARED FOR
 LX41 REAL ESTATE LLC
 PO BOX 414
 NASHUA, NEW HAMPSHIRE 03061
 HCRD BOOK 8041 PAGE 1899

SCALE: 1"=20' SHEET 1 OF 1 JUNE 01, 2024

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE IMPROVEMENTS ON MAP 174 LOT 216 FOR THE PURPOSE OF OBTAINING A VARIANCE TO SUBDIVIDE THE PROPERTY.
2. TOTAL PARCEL AREA= 0.88 ACRES +/- (FROM PLAN REFERENCES) BOUNDARY SHOWN WAS TAKEN FROM PLANS AND INFO OF RECORD
3. SEE HILLSBOROUGH COUNTY REGISTRY OF DEEDS FOR PLAN & DEED REFERENCES
 HCRD BOOK 8801/PAGE 330 HCRD BOOK 8970/PAGE 2818
 HCRD PLAN #745 HCRD PLAN #3367
 HCRD PLAN #1808 HCRD PLAN #58
 HCRD PLAN #191A HCRD PLAN #1018
 HCRD PLAN #1577B HCRD PLAN #18605
 HCRD PLAN #10683 HCRD PLAN #21208
 HCRD PLAN #8817 HCRD PLAN #12404
4. BOUNDARY COMPLETED IN CONJUNCTION WITH RAMSEY LAND SURVEY & DESIGN
 232 DANIEL PLUMMER ROAD
 GORFSTOWN NH 03045

NOTES:

1. CONTINUED
2. ZONING REQUIREMENTS
 TR - TOWN RESIDENTIAL
 MINIMUM LOT SIZE 90
 10,000 SQ. FT. WATER & SEWER
 FRONT SETBACK 30 FEET (NATURAL/COLLECTOR ROADWAYS)
 SIDE/REAR SETBACK 15 FEET (NATURAL/COLLECTOR ROADWAYS)
 FRONT SETBACK 30 FEET (LOCAL ROADWAYS)
 SIDE/REAR SETBACK 15 FEET (LOCAL ROADWAYS)
 ACCESSORY BUILDINGS 30 FEET (FRONT SETBACK)
 5 FEET (SIDE/REAR SETBACKS)
3. SURVEY COMPLETED IN CONJUNCTION WITH
 RAMSEY LAND SURVEY & DESIGN
 232 DANIEL PLUMMER ROAD
 GORFSTOWN, NEW HAMPSHIRE 03045

ADD DRIVEWAY	10/25/2024
UTILITY COSTS	10/08/2024
MISC CHG'S	10/08/2024
PLZ COMMENTS	10/07/2024
REVISION	DATE



F:\Benchmark\LLC\Benchmark\1103200-2399\1332 GRZ 71 Ferry St Hudson NH\2.09 GRZ 10/24/24 11:53am.dwg

EXHIBIT B

Property Location: 71 FERRY ST 1-7
 Vision ID: 7825 Account #: 2685

Parcel ID: 174/216/000/1
 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 PO BOX 414 NASHUA NH 03061		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed		
		RD		Residential Avg/Fair		2024	1010	57,900	2024	1010	57,900	2023	1010	57,900		
		TOPO					1120	218,100		1120	218,100		1120	218,100		
		01	Level		03	UTILITIES			1120	400,000		1120	400,000		1120	400,000
				02	Town Sewer											
						Total	676,000		Total	676,000		Total	676,000			

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
LK41 REAL ESTATE, LLC				8041	1699	12-23-2008	U	I	299,000	51	Grantor: AUSTIN JAMES PROPERTIES, LLC. Grantor: GALLANT / RIOUX / DUFOE,	Appraised Bldg. Value (Card)		276,000
AUSTIN JAMES PROPERTIES, LLC				6801	0330	12-27-2002	Q	I	448,000	00		Appraised Xf (B) Value (Bldg)		0
												Appraised Ob (B) Value (Bldg)		0
												Appraised Land Value (Bldg)		400,000
												Special Land Value		0
												Total Appraised Parcel Value		676,000
												Valuation Method		C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				Total		Total		
Parcel ID	174-216-000	Descrpt	Code	Appraised	Assessed							
Zoning	TR:Town Residential	BLDG	1010	57,900	57,900							
Flood Hazard	C	BLDG	1120	218,100	218,100							
Neigh/Abut1		LAND	1120	400,000	400,000							
Neigh/Abut2												
Neigh/Abut3												
GIS ID	174-216-000	PREV Assoc Pid# 0056-0113-0000										
				Total:	676,000	676,000						

NOTES						VISIT / CHANGE HISTORY					
9/19 OLD WINDOWS. DEFERRED MAINT. OFP NE EDS PAINT. N/C TO COND.						Date	Id	Type	Is	Cd	Purpost/Result
						05-03-2022	24			45	Field Review
						09-19-2019	18			02	Measured
						06-12-2017	09			45	Field Review
						02-24-2017	07			80	Income And Expense Requ
						08-24-2012	09			18	Hearing - Change
						05-10-2012	09			45	Field Review
						03-01-2012	01			80	Income And Expense Requ
						03-24-2011	14			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	0	C			Visit Notes: Fire Damage Repairs;	
2010-309-1EL	06-22-2010	ELEC	Electrical	2,000	C				

LAND LINE VALUATION SECTION															
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1120	APTS 8 + UNITS TOTAL	Site	0.887	AC	0	1.00	0	1.00	AP4	1.00			8 units;	0
1	1120	APTS 8 + UNITS TOTAL	Site	8.000	UT	50,000	1.00	1.00	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 warranted.

Property Location: 71 FERRY ST 1-7
 Vision ID: 7825 Account #: 2685

Parcel ID: 174/216/000/1
 Bldg #: 1

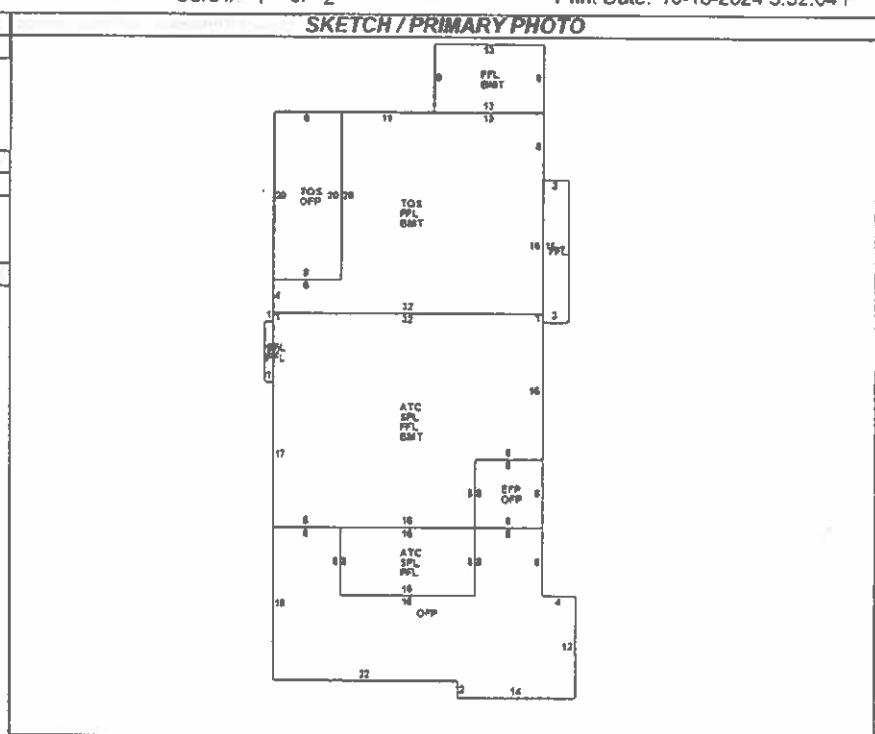
Bldg Name:
 Card # 1 of 2

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	01	
Style	14	Apartments	Foundation	03	
Grade	C-	Avg/Fair	Bsmt Garage	0	
Stories:	2.25				
# of Units	7				
Wall Height	8.00				
Exterior Wall 1	04	Vinyl			
Exterior Wall 2					
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Interior Wall 1	02	Plaster			
Interior Wall 2	01	Drywall			
Interior Floor 1	03	Hardwood			
Interior Floor 2					
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
2nd Heat Type					
AC Percent	0				
Heat/AC					
Full Baths	7				
3/4 Baths	0				
Half Baths	0				
Kitchens	7				
Baths/Plumbing	02	AVERAGE			
Bedrooms	9				
Ceiling/Wall					
Rooms/Partition	T	Typical			
% Comn Wall	0.00				
% Heated	100				
# Heat Systems	1				
% Sprinkler					
Frame	01	Wood			

MIXED USE		
Code	Description	Percentage
1120	APTS 8 + UNITS TOTAL	100
		0
		0

COST / MARKET VALUATION	
RCN	484,624
Year Built	1900
Effective Year Built	1972
Depreciation Code	FR
Remodel Rating	
Year Remodeled	
Depreciation %	50
Functional Obsol	5
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	45
RCNLD	218,100
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Price	Yr Bilt	Cond.	% Gd	Assd. Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
ATC	Attic, Finished	216	864	216	31.45	27,175
BMT	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: 174/216/000/1
 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 PO BOX 414 NASHUA NH 03061		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RD	Residential Avg/Fair		2024	1010	57,900	2024	1010	57,900	2023	1010	57,900
		TOPO	UTILITIES			1120	218,100		1120	218,100		1120	218,100
		Level	Town Water			1120	400,000		1120	400,000		1120	400,000
			Town Sewer										
					Total	676,000	Total	676,000	Total	676,000	Total	676,000	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
LK41 REAL ESTATE, LLC	8041	1699	12-23-2008	U	I	299,000	51	Grantor: AUSTIN JAMES PROPERTIES, LLC, Grantor: GALLANT / RIOUX / DUFOE,	Appraised Bldg. Value (Card)	276,000	
AUSTIN JAMES PROPERTIES, LLC	6801	0330	12-27-2002	Q	I	448,000	00		Appraised Xf (B) Value (Bldg)	0	
									Appraised Ob (B) Value (Bldg)	0	
									Appraised Land Value (Bldg)	400,000	
									Special Land Value	0	
									Total Appraised Parcel Value	676,000	
									Valuation Method	C	
									Total Appraised Parcel Value	676,000	

SUPPLEMENTAL DATA				CURRENT ASSESSMENT							
Parcel ID	174-216-000	Descript	Code	Appraised	Assessed						
Zoning	TR:Town Residential	BLDG	1010	57,900	57,900						
Flood Hazard	C	BLDG	1120	218,100	218,100						
Neigh/Abut1		LAND	1120	400,000	400,000						
Neigh/Abut2											
Neigh/Abut3											
GIS ID	174-216-000										
		PREV	0056-0113-0000								
		Assoc Pid#									
				Total:	676,000	676,000					676,000

NOTES				VISIT / CHANGE HISTORY			
PALE YLW, INT FAIR COND, ACCESS TO BTHRM THRU ONE BEDRM/Func=unf TQS and layout9 /19 WINDOWS REPLACED. SIDING/ROOF=G COND =AVG				Date	Id	Cd	Purpost/Result
				09-19-2019	18	02	Measured
				06-12-2017	09	45	Field Review
				08-24-2012	09	18	Hearing - Change
				05-10-2012	09	45	Field Review
				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 Code	Description	Land Type	Land Units	Unit Price	Acrege Disc	Size Adj.	Site Index	Cond	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
2	1010	SINGLE FAMILY RES	Site	0.000	AC	0	1.00	0	1.00	RD	0.95			0

Total Card Land Units: 0.000 AC Parcel Total Land Area: 0.887 AC Total Land Value: 0

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

Property Location: 71 A FERRY ST
 Vision ID: 7825 Account #: 2685

Parcel ID: 174/ 216/ 000/ 1
 Bldg #: 2

Card Address:
 Card #: 2 of 2

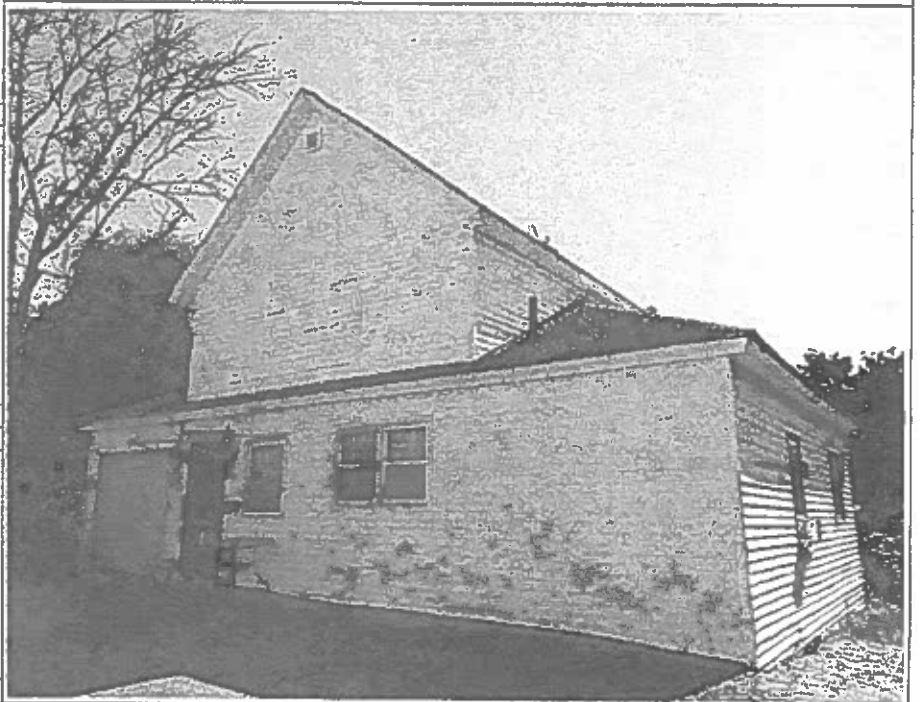
LUC: 1120
 Print Date: 10-18-2024 3 32:06 P

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.75		Extra Kitchens	0	
Style:	113	NEW ENGLANDR	Add Kitchen Ra		
Grade:	D+	Fair/Avg			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	0				
Total Rooms	5				
Bedrooms	2				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	0				
Kitchen Rating					
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	WHITE				
Avg Ht/FL	8				
Extra Kitchens	0				
			COST / MARKET VALUATION		
			Building Value New		193,143
			Year Built		1900
			Effective Year Built		1977
			Depreciation Code		FR
			Remodel Rating		
			Year Remodeled		
			Depreciation %		45
			Functional Obsol		25
			External Obsol		
			Trend Factor		1.000
			Condition		
			Condition %		
			Percent Good		30
			RCNLD		57,900
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		

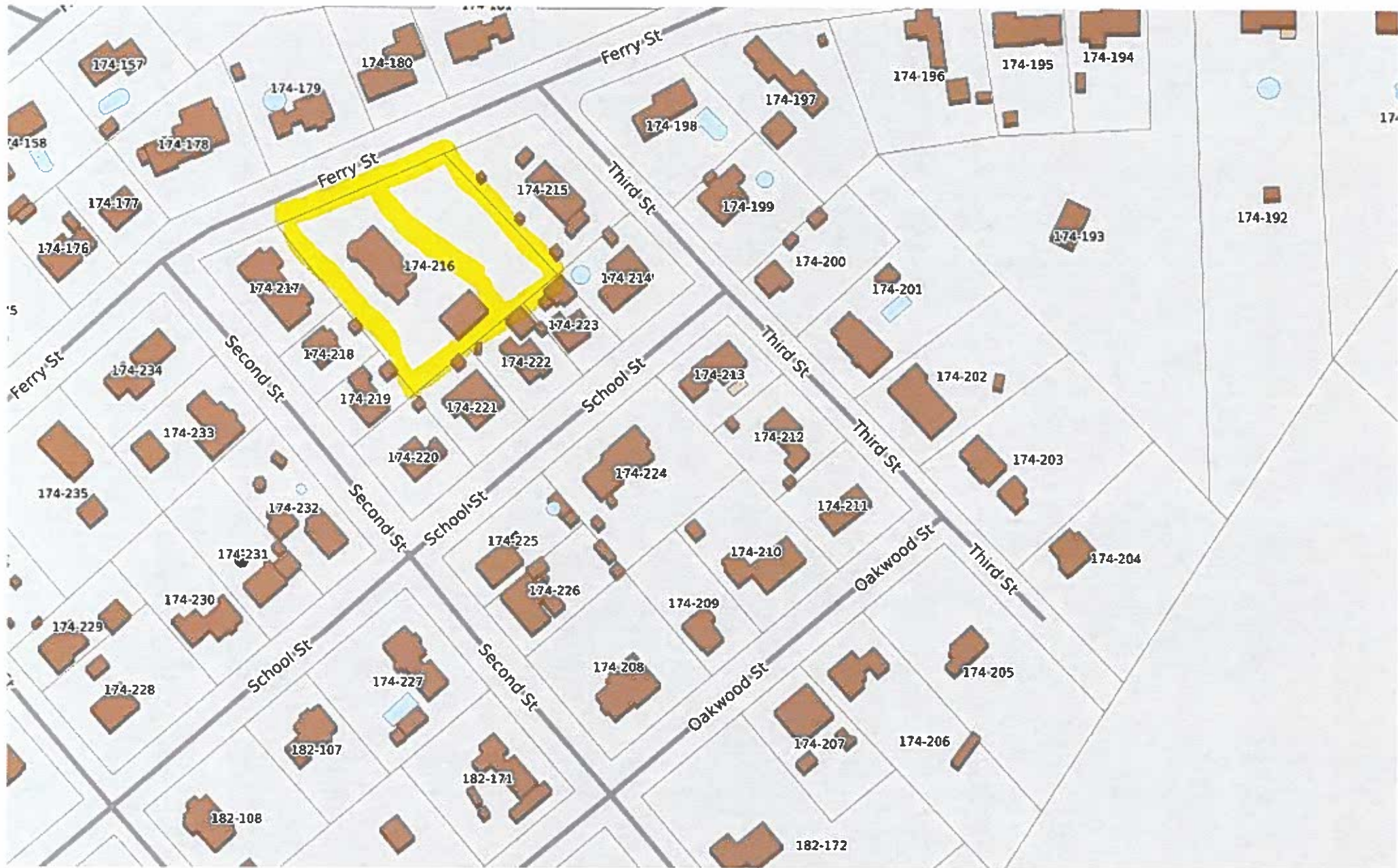
SKETCH / PRIMARY PHOTO					
10		20		11	
17	FFL	17	17		
				TQU	
				FFL	
				BMT	
10		27	27	FFL	27
10	STG	10	10		
10		20		11	

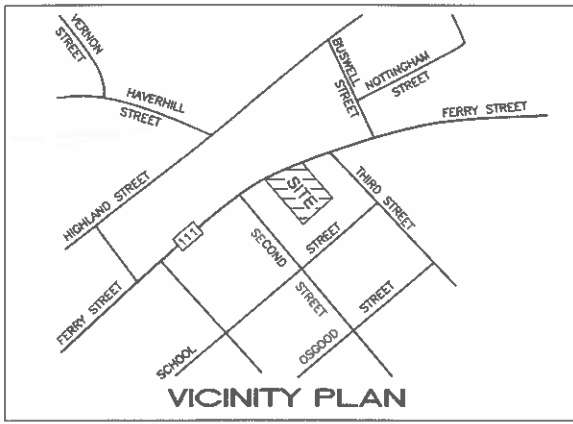
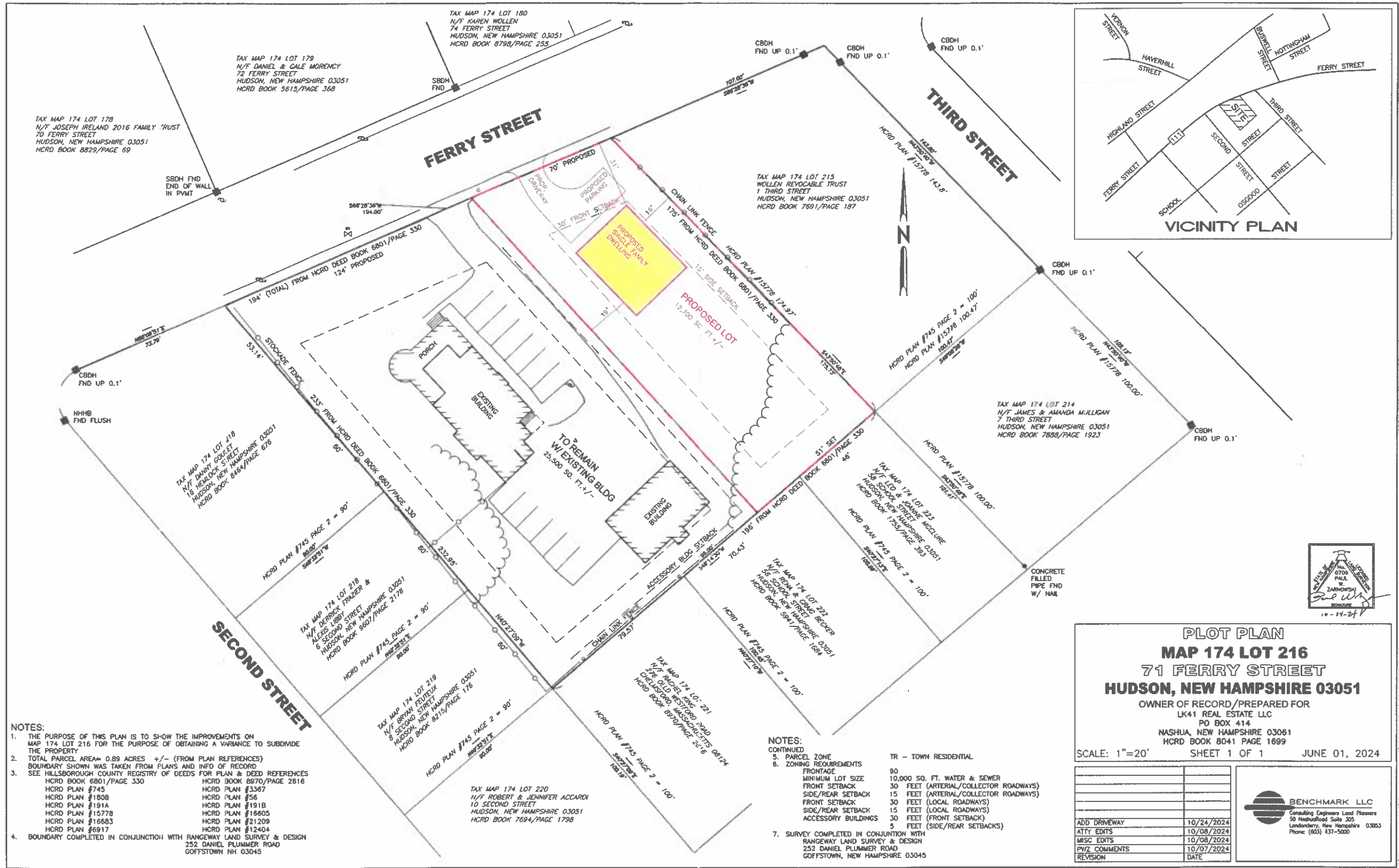
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UQM	Unit Pri	Yr Bit	Cnd	% G	Assd Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	540	135	33.49	18,082
FFL	First Floor, Finished	1,007	1,007	1,007	133.94	134,879
STG	Storage, Unfinished	0	100	30	40.18	4,018
TQU	3/4 Story, Unfinished	0	540	270	66.97	36,164
Total Liv Area/Gr. Area/Eff Are		1,007	2,187	1,442	Total Value	193,143









- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO SHOW THE IMPROVEMENTS ON MAP 174 LOT 216 FOR THE PURPOSE OF OBTAINING A VARIANCE TO SUBDIVIDE THE PROPERTY
 - TOTAL PARCEL AREA= 0.89 ACRES +/- (FROM PLAN REFERENCES) BOUNDARY SHOWN WAS TAKEN FROM PLANS AND INFO OF RECORD
 - SEE HILLSBOROUGH COUNTY REGISTRY OF DEEDS FOR PLAN & DEED REFERENCES

HCRD BOOK 6801/PAGE 330	HCRD BOOK 8970/PAGE 2616
HCRD PLAN #745	HCRD PLAN #3367
HCRD PLAN #1808	HCRD PLAN #55
HCRD PLAN #191A	HCRD PLAN #191B
HCRD PLAN #15778	HCRD PLAN #16605
HCRD PLAN #16683	HCRD PLAN #21209
HCRD PLAN #6917	HCRD PLAN #12404
 - BOUNDARY COMPLETED IN CONJUNCTION WITH RANGWAY LAND SURVEY & DESIGN 252 DANIEL PLUMMER ROAD GOFFSTOWN NH 03045

- NOTES:**
- CONTINUED
 - PARCEL ZONE TR - TOWN RESIDENTIAL
 - ZONING REQUIREMENTS

FRONTAGE	80
MINIMUM LOT SIZE	10,000 SQ. FT. WATER & SEWER
FRONT SETBACK	30 FEET (ARTERIAL/COLLECTOR ROADWAYS)
SIDE/REAR SETBACK	15 FEET (ARTERIAL/COLLECTOR ROADWAYS)
FRONT SETBACK	30 FEET (LOCAL ROADWAYS)
SIDE/REAR SETBACK	15 FEET (LOCAL ROADWAYS)
ACCESSORY BUILDINGS	30 FEET (FRONT SETBACK)
	5 FEET (SIDE/REAR SETBACKS)
 - SURVEY COMPLETED IN CONJUNCTION WITH RANGWAY LAND SURVEY & DESIGN 252 DANIEL PLUMMER ROAD GOFFSTOWN, NEW HAMPSHIRE 03045

PLOT PLAN
MAP 174 LOT 216
71 FERRY STREET
HUDSON, NEW HAMPSHIRE 03051
 OWNER OF RECORD/PREPARED FOR
 LK41 REAL ESTATE LLC
 PO BOX 414
 NASHUA, NEW HAMPSHIRE 03061
 HCRD BOOK 8041 PAGE 1699
 SCALE: 1"=20' SHEET 1 OF 1 JUNE 01, 2024

REVISION	DATE
ADD DRIVEWAY	10/24/2024
ATTY EDITS	10/08/2024
MISC EDITS	10/08/2024
PWZ COMMENTS	10/07/2024
REVISION	DATE



TOWN OF HUDSON
 New Hampshire
 03051
OCT 25 2024
 LAND USE DIVISION
 ZONING DEPT.

F:\Benchmark LLC\Benchmark LLC\3300-2389\3322 CBZ 71 Ferry St Hudson NH\2322 CBZ 71 Ferry St Hudson NH-2.dwg CBZ 10/24/24 11:35am Owner

Printed
10/25/2024
4:18PM
Created
10/25/2024
4:15 PM

Transaction Receipt

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

Receipt# 794,477
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-11/14/24 ZBA Mtg. 71 Ferry Street Map 174 Lot 216 Sublot 000 Zone-TR Variance	0.00	285.2300	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
Town of Hudson

10/22/2024
Roberts Variance Application - 71 Ferry Street

6420

285.23

BNE/Operations Acct Variance Application - 71 Ferry Street

285.23