

# 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 – January 23, 2025

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, January 23, 2025, 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 245-012 (01-23-2025):** Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

#### VI. REQUESTS FOR REHEARING: None

#### VII. REVIEW OF MINUTES:

12/12/2024 edited draft Meeting Minutes

#### VIII. OTHER BUSINESS:

Election of Zoning Board of Adjustment Officers

#### IX. ADJOURNMENT:

Chris Sullivan, Zoning Administrator

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Christopher Foss, Nicole Foss** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Network, Inc., dated October 6, 2021 and recorded in the Rockingham County Registry of Deeds in Book 6339, Page 1898, (the "Mortgage"), which mortgage is held by PennyMac Loan Services, LLC, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on  
March 7, 2025  
at  
12:00 PM

Said sale being located on the mortgaged premises and having a present address of 62 Maple Ridge Road, Nottingham, Rockingham County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Rockingham County Registry of Deeds in Book 5909, Page 163.

#### NOTICE

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

The address of the mortgagee for service of process is 2 1/2 Beacon Street, Concord, NH 03301 and the name of the mortgagee's agent for service of process is CT Corporation System.

You can contact the New Hampshire Banking Department by e-mail at [nhbd@banking.nh.gov](mailto:nhbd@banking.nh.gov). For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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

#### TERMS OF SALE

A deposit of Ten Thousand (\$10,000.00) Dollars in the form of a certified check or bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Dated at Newton, Massachusetts, on January 6, 2025.

PennyMac Loan Services, LLC  
By its Attorney,  
Autumn Sarzana  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
27029

(UL - Jan. 15, 22, 29)

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

## Legal Notice

### THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT

Stratford Superior Court  
259 County Farm Road, Suite 301  
Dover NH 03820

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

### TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearing THURSDAY, JANUARY 23, 2025

The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, January 23, 2025 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).

**PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:**

**Case 245-012 (01-23-2025):** Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an **Equitable Waiver of Dimensional Requirement** to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.1.]

Chris Sullivan, Zoning Administrator

### CITATION FOR PUBLICATION COMPLAINT TO QUIET TITLE Superior Court Rule 4(d)

Case Name: **John Fritz, and Jean Marie Fritz, Trustees of the Fritz Family Revocable Trust of 2015 v Jean E Barden, Brenda Brown, Linda Neinhouse, Ramona Cook, Cheryl Lee Patten, Beverly Wood, Nancy S. Luchauer, Ralph M. Swain, Laura Lukan and Unknown Heirs of W. Sherburne Swain**

Case Number: **219-2024-CV-00584**  
Date Complaint Filed: December 26, 2024

A Complaint to Quiet Title to a certain tract of land with any attached buildings located in Barrington, in the State of New Hampshire has been filed with this court. The property is described as follows: **1044 Franklin Pierce Highway**

#### The Court ORDERS:

Jean Marie Fritz, Trustee of the Fritz Family Revocable Trust of 2015; John Fritz, Trustee of the Fritz Family Revocable Trust of 2015 shall give notice to Unknown Heirs of W. Sherburne Swain of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before February 17, 2025.

#### Also, ON OR BEFORE 30 days after the last publication

- Unknown Heirs of W. Sherburne Swain shall electronically file an Appearance and Answer or responsive pleading with this court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**March 10, 2025** - Jean Marie Fritz, Trustee of the Fritz Family Revocable Trust of 2015; John Fritz, Trustee of the Fritz Family Revocable Trust of 2015 shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.

**Notice to Unknown Heirs of W. Sherburne Swain:** If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.

Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to <https://odypa.nhccourts.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

**If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.**

Send copies to:  
Christopher P. Mulligan, ESQ., Donahue Tucker & Ciandella, 111 Maplewood Ave, Ste D, Portsmouth, NH 03801

Molly C. Ferrara, ESQ., Donahue Tucker & Ciandella PLLC, 111 Maplewood Ave, Ste D, Portsmouth, NH 03801

BY ORDER OF THE COURT

January 03, 2025

Kimberly T. Myers

Clerk of Court

(126987)

(UL - Jan. 15, 22, 29)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Ronald A. Kelly, Joel A. Goyette** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Rocket Mortgage, LLC, FKA Quick-En Loans, LLC, dated March 16, 2022 and recorded in the Grafton County Registry of Deeds in Book 4714, Page 964, (the "Mortgage"), which mortgage is held by Federal Home Loan Mortgage Corporation, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on  
February 20, 2025  
at  
12:00 PM

Said sale being located on the mortgaged premises and having a present address of 692 Foster Hill Road, Littleton, Grafton County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Grafton County Registry of Deeds in Book 2549, Page 991.

#### NOTICE

PURSUANT TO NEW HAMPSHIRE RSA 479:25, YOU ARE

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

The address of the mortgagee for service of process is 2 1/2 Beacon Street Merrimack County, Concord, NH 03301 and the name of the mortgagee's agent for service of process is CT Corporation System.

You can contact the New Hampshire Banking Department by e-mail at [nhbd@banking.nh.gov](mailto:nhbd@banking.nh.gov). For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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

#### TERMS OF SALE

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

Dated at Newton, Massachusetts, on December 30, 2024.

Federal Home Loan Mortgage Corporation  
By its Attorney,  
Francis J Nolan  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
25266

(UL - Jan. 8, 15, 22)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Jesse Levesque** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, dated November 5, 2021 and recorded in the Grafton County Registry of Deeds in Book 4682, Page 519, (the "Mortgage"), which mortgage is held by PennyMac Loan Services, LLC, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on  
March 6, 2025  
at  
12:00 PM

Said sale being located on the mortgaged premises and having a present address of 33 Brummer Road, Lisbon, Grafton County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Grafton County Registry of Deeds in Book 4682, Page 517.

#### NOTICE

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

### STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION BUREAU OF TURNPIKES INVITATION TO BID RFB TPK 2025-01

The Department of Transportation, Bureau of Turnpikes is soliciting bids for the acceptance of rubbish, including but not limited to creosote posts and pressure treated lumber, air conditioners, and whole/partial tires, at the vendor's facility, for the period July 1, 2025 through June 30, 2027.

Proposals must be completed in both words and numerals on regular bid forms. Each bid shall specify the rate of compensation per ton for accepting the above described rubbish at the vendor's facility.

Specifications and bid forms are also available on these websites (RFB TPK 2025-01):

<https://apps.das.nh.gov/bidscontracts/bids.aspx>

<https://www.nh.gov/dot/org/operations/turnpikes/documents.htm>

Specifications and bid forms may also be obtained from the Business Manager of the Bureau of Turnpikes by calling 603-485-3806 or emailing [Patricia.A.Levy@dot.nh.gov](mailto:Patricia.A.Levy@dot.nh.gov).

Proposals shall be placed in two envelopes, with the inner envelope sealed and plainly marked: "Bid for Rubbish Acceptance Contract, NHDOT, Bureau of Turnpikes" and addressed to Bureau of Turnpikes, Turnpikes Administration Building, P.O. Box 2950, Concord, NH 03302-2950.

Sealed bids shall be received and deposited at the P.O. Box and delivered to the Bureau of Turnpike's office at 36 Hackett Hill Road, Hooksett, NH where they will be deposited in the bid box prior to 2PM on Monday, February 10, 2025; at which time they will be opened and read aloud. Bid Results will be posted to the above websites when the contract is awarded.

The right is reserved to waive any informalities in or to reject any or all proposals.

REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The address of the mortgagee for service of process is 2 1/2 Beacon Street, Concord, NH 03301 and the name of the mortgagee's agent for service of process is CT Corporation System.

You can contact the New Hampshire Banking Department by e-mail at [nhbd@banking.nh.gov](mailto:nhbd@banking.nh.gov). For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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

#### TERMS OF SALE

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

Dated at Newton, Massachusetts, on January 8, 2025.

PennyMac Loan Services, LLC  
By its Attorney,  
Autumn Sarzana  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
27082

(UL - Jan. 15, 22, 29)

## Legal Notice

### County Sheriff

The Hillsborough County Convention is seeking applicants interested in serving out the vacancy for the remaining term of Hillsborough County Sheriff. The term runs January 2025 through early January 2027. Applicants must be 18 years old but under age 70 and a registered voter domiciled in Hillsborough County. Law enforcement and civil process experience helpful. Please submit a letter of intent and a resume, along with a Declaration of Candidacy to Hillsborough County Delegation, c/o Delegation Coordinator Theresa Courchesne, 329 Mast Road, Suite 104, Goffstown, NH 03045. Deadline for application is January 23, 2025 by 5 p.m.

(UL - Jan. 13, 14, 15)

## Legal Notice

### Town of Derry, NH NOTICE OF SEALED BIDS FOR THE SALE OF EMERGENCY STANDBY GENERATORS & OTHER SURPLUS EQUIPMENT B25-101

The Town of Derry is accepting sealed bids until **2 PM Thursday January 30, 2025**, for the sale of three (3) 1991 35 kW Generac Diesel standby generators and other surplus materials and equipment as specified herein.

The sale of each specified item may be awarded separately to the highest respective responsible bid. All items are sold "as is". The Town makes no representations as to their functionality or condition. All items were replaced and were operational at the time they were removed from service. Items may be viewed at the Town of Derry Department of Public Works Water & Wastewater Operations Building, Transfer Lane, Derry, NH by appointment only by calling Will Petersen or Alan Coddens at 603-432-6149 or by email.

[willpetersen@derrynh.org](mailto:willpetersen@derrynh.org) or [alancoddens@derrynh.org](mailto:alancoddens@derrynh.org). Please direct any questions in writing by email.

Bids shall be delivered in writing on the bid proposal form provided by the Town of Derry signed by the bidder or authorized representative and enclosed in a separate sealed envelope marked **Derry B25-101, Surplus Generators & Equipment**, to the Town of Derry Department of Public Works, 14 Manning Street, Derry, NH 03038.  
(UL - Jan. 15)

## Legal Notice

### Town of Litchfield NOTICE OF PUBLIC HEARING Issuance of Bonds or Notes in excess of \$100,000 New Police Station

Pursuant to the provisions of the Municipal Finance Act (RSA 33), the Litchfield Board of Selectmen hereby gives notice that it will hold a public hearing on January 21, 2025 at 7 pm at the Campbell High School Auditorium, 1 Highlander Court, Litchfield, NH to discuss the proposed issuance of a bond or note that will exceed \$100,000. The proposed bond or note is for constructing and equipping a new Police Station building, and all related activities necessary for said construction, and to borrow, in the name of the municipality, by issuance of serial notes or bonds, a sum not to exceed \$6,500,000. Residents wishing to speak on this matter are invited to attend.  
(UL - Jan. 15)

## Legal Notice

### NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on March 29, 2011, a certain Mortgage was executed by **Markus Konig**, as mortgagor in favor of One Reverse Mortgage, LLC, as mortgagee, and was recorded on April 13, 2011 in Book 2688, Page 610 in the Cheshire County Registry of Deeds, Keene, New Hampshire; and

WHEREAS, the Mortgage was insured by the United States Secretary of Housing and Urban Development (the Secretary) pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS, the Mortgage is now owned by the Secretary, pursuant to an assignment dated November 20, 2018, and recorded on January 30, 2019, in Book 3053, Page 1223, in the Cheshire County Registry of Deeds, Keene, New Hampshire; and

WHEREAS, a default has been made in the covenants and conditions of the Mortgage because of the violation of Paragraph 9 Grounds for Acceleration of Debt: (a)(f) A Borrower dies and the Property is not the principal residence of at least one surviving Borrower; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Mortgage to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, recorded on November 26, 2024 in Book 3295, Page 554 in the Cheshire County Registry of Deeds, Keene, New Hampshire, notice is hereby given that on February 6, 2025 at 11:00 AM local time, all real and personal property, if applicable, at or used in connection with the property located at 515 Forest Lake Road, Winchester, New Hampshire as more particularly described in said Mortgage ("Property") will be sold at public auction to the highest bidder, subject to any and all outstanding real estate taxes and municipal charges.

The auction will be held at 515 Forest Lake Road, Winchester, New Hampshire

The auction will be held subject to the right of redemption in favor of the Internal Revenue Service by virtue of the recorded Notice of Federal Tax Lien in Said Registry of Deeds in Book 2953, Page 231, in Book 2953, Page 232 and in Book 3023, Page 867.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his/her prorata share of any real estate taxes that have been paid by the Secretary past

the date of the foreclosure auction.

When making their bids, all bidders except the Secretary, must submit a deposit in the amount of \$5,000.00 in the form of a certified check or cashier's check payable to the Secretary of HUD. The deposit of the successful bidder is nonrefundable and will be applied to the purchase price. The remainder of the purchase price must be delivered within thirty (30) days of the auction or at such other time as the Secretary may determine for good cause shown, time being of the essence. The remainder of the purchase price must be delivered in the form of a certified or cashier's check made payable to the Secretary of HUD within thirty (30) days of the auction or at such other time as the Secretary may determine for good cause shown. **TIME BEING OF THE ESSENCE.** If the Secretary is the highest bidder, he/she need not pay the bid amount in cash. The successful bidder will pay all conveyance fees, all outstanding real estate taxes, municipal charges, condominium charges, if any, and all other costs associated with the transfer of title. At the conclusion of the auction, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to close. All extensions will be for 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall be paid in the form of a certified or cashier's check made payable to the Secretary of HUD and delivered to the Foreclosure Commissioner. If the successful bidder closes prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due at closing.

If the successful bidder is unable to close within the required period, or within any extensions of time granted by the Secretary, the deposit will be forfeited. At the election of the Foreclosure Commissioner after consultation with the HUD representative, the successful high bidder will be liable to HUD for any costs incurred as a result of such failure. The Foreclosure Commissioner may offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder. All other terms of the auction would remain the same. If the second highest bidder accepts the Foreclosure Commissioner's offer, the second highest bidder must remit a deposit in the form of a certified or cashier's check made payable to the Secretary of HUD within twenty four (24) hours. If the second highest bidder rejects the Foreclosure Commissioner's offer, no further offers will be made and the auction will be canceled.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the foreclosure auction as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled auction shall be canceled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than three (3) days before the date of the auction, or otherwise, that the default or defaults upon which the foreclosure is/are based did not exist at the time of service of this Notice of Default and Foreclosure Sale, or all amounts due under the Mortgage are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before the public auction of the property is completed.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure auction shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: December 16, 2024

Susan W. Cody, Attorney & Foreclosure Commissioner  
KORDE & ASSOCIATES, P.C.  
900 Chelmsford Street, Suite 3102  
Lowell, MA 01851  
Tel. (978) 256-1500

## Legal Notice

A **2024 financial statement of the Annard Foundation** is available on request by calling B. Geaghan at 603 247 4640.  
(UL - Jan. 15)

### STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION BUREAU OF TURNPIKES INVITATION TO BID RFB TPK 2025-03

The Department of Transportation, Bureau of Turnpikes is soliciting proposals for providing HVAC energy management and control system, inspection, preventive maintenance, training and emergency repair service at each of eleven (11) sites for the period July 1, 2025 through June 30, 2027.

Proposals must be completed in both words and numerals on regular bid forms. The proposal shall specify the rate of compensation for providing these services at Turnpike maintenance, Welcome Center, and toll facilities.

Specifications and bid forms are also available on these websites (RFB TPK 2025-03):

<https://apps.das.nh.gov/bidscontracts/bids.aspx>

<https://www.nh.gov/dot/org/operations/turnpikes/documents.htm>

Specifications and bid forms may also be obtained from the Business Administrator of the Bureau of Turnpikes by calling 603-485-3806 or emailing [Patricia.A.Levy@dot.nh.gov](mailto:Patricia.A.Levy@dot.nh.gov).

Proposals shall be placed in two envelopes, with the inner envelope sealed and plainly marked: "Bid for Annual HVAC Controls Contract, NHDOT, Bureau of Turnpikes" and addressed to Bureau of Turnpikes, Turnpikes Administration Building, P.O. Box 2950, Concord, NH 03302-2950.

Sealed proposals shall be received and deposited at the P.O. Box and delivered to the Bureau of Turnpike's office at 36 Hackett Hill Road, Hooksett, NH where they will be deposited in the bid box prior to 2PM on Tuesday, March 11, 2025; at which time they will be opened and read aloud. Bid Results will be posted to the above websites when the contract is awarded.

The right is reserved to waive any informalities in or to reject any or all proposals.

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Option 1- (Per RSA 674:33-a, I)

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

On 01-23-2025, the Hudson Zoning Board of Adjustment heard Case 245-012, being a request by Bradford Baker Sr., 23 Fairway Drive, Hudson, NH for an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Y N DISCOVERED TOO LATE. The applicant has demonstrated that the violation was not noticed or discovered by any owner, former owner, owner’s agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

Y N INNOCENT MISTAKE. The applicant has successfully demonstrated that the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner’s agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner’s agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

Y N NO NUISANCE: The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

Y N HIGH CORRECTION COST: The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
Sitting Member of the Hudson ZBA

Print name: \_\_\_\_\_

**APPLICATION FOR AN EQUITABLE WAIVER**

DEC 31 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. 245-012 (01-23-25)

Date Filed 12/31/24

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

Telephone Number (Home) 6178956144 (Work) 6178956144

Mailing Address 23 Fairway Drive, Hudson, NH 03051

Owner Bradford Baker Sr.

Location of Property 23 Fairway Drive, Hudson, NH 03051  
(Street Address)

Signature of Applicant [Signature] Date 11-25-24

Signature of Property-Owner(s) [Signature] Date 11-25-24

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 Equitable Waiver.

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

Date received: 12/31/24

**COST:**

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

5 Abutter Notice:  
Direct Abutters x Certified postage rate \$ 5.58 = \$ 27.90

2 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 1.46

**Total amount due:** \$ 214.36

Amt. received: \$ 214.36

Receipt No.: 803,212

Received by: [Signature]

check #  
606

By determination of the Zoning Administrator, the following Departmental review is required:

Engineering  Fire Dept.  Health Officer  Assoc. Planner  Other

# 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
<u>SB</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>SB</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 <b>10 (ten) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>N/A</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>SB</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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>N/A</u>	<b>GIS LOCATION PLAN:</b> 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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>SB</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>SB</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</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:**

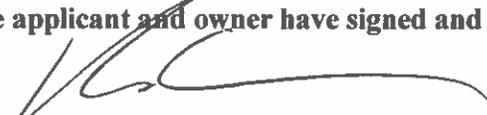
Requests **other than** above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(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) BB The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) BB The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) BB The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) BB 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) BB 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) BB 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) BB The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) BB The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) BB The plot plan shall indicate all parking spaces and lanes, with dimensions.



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

  
 \_\_\_\_\_  
 Signature of Applicant(s)

11-25-24  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature of Property Owner(s)

11-25-24  
 \_\_\_\_\_  
 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
245	012	*Include Applicant & Owner(s) Bradford Baker, Sr.	23 Fairway Drive Hudson, NH 03051
245	013	John & Samantha King	21 Fairway Drive Hudson, NH 03051
245	011	Charles W. & Lynn K. Ashworth	25 Fairway Drive Hudson, NH 03051
245	022	Richard D. & Maureen D. Speer, Tr.	22 Fairway Drive Hudson, NH 03051
239	011	Target Corporation	1000 Nicollet Mall, TPN 12H Minneapolis, MN 55403



**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 245-012 EQ WAIVER OF DIM. REQ. 23 Fairway Dr., Hudson, NH 03051 Map 245, Lot 012, Sublot-000 (1 of 1)
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>01/23/2025 ZBA Meeting</b>
1	9589 0710 5270 2409 0628 46	BAKER, BRADFORD SR. 23 FAIRWAY DRIVE, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 2409 0628 53	ASHWORTH, CHARLES W. JR, TR.; ASHWORTH, LYNN K., TR. 25 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 2409 0628 60	KING, JOHN; KING, SAMANTHA 21 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 2409 0628 77	SPEER, RICHARD D., TR; SPEER, MAUREEN D., TR 22 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 2409 0628 84	TARGET CORPORATION 1000 NICOLLET MALL, TPN 12H, MINNEAPOLIS, MN 55403	ABUTTER NOTICE MAILED
6	Mailed First Class	MCDOWELL, JAMES M., TR.; MCDOWELL, CHRISTINE L., TR. 27 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	LEONE, LEONARD J.; LEONE, JOHANNAH M. 19 FAIRWAY DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
	<b>Total Number of pieces listed by sender 7</b>	<b>Total number of pieces rec'vd at Post Office 7</b>	<b>Postmaster (receiving Employee) 7</b>





# 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

January 8, 2025

### APPLICANT NOTIFICATION

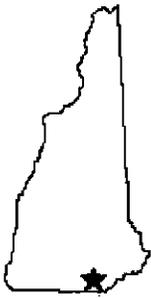
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, January 23, 2025 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

**Case 245-012 (01-23-2025): Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]**

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

January 8, 2025

### ABUTTER 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, January 23, 2025 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

**Case 245-012 (01-23-2025): Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]**

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](mailto: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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Chris Sullivan  
Zoning Administrator

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

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: (OPTION 1)

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

- (a) **DISCOVERED TOO LATE.** Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

The contractor placed the foundation forms in the spring and it looked correct based on the scaled plan drawings. The rebar and forms were inspected and we poured the foundation. Once the concrete cured we raised the kit for the roof supports in order to get the materials off the ground and the project started. I went to print a copy of the permit, checked with the town; and realized I needed an as built plan at that time.

I immediately hired the surveyors to come back out and do the as built which revealed the discrepancies. I immediately notified the town inspectors office and have been working closely with them

- (b) **INNOCENT MISTAKE.** Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

I believe the contractor misread the plot point that he measured from when making the initial calculations.

The outward appearance of the form placement appeared correct because it was so close, causing the mistake to go unnoticed. The intent was to follow the proposed design meeting setbacks.

- (c) **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

The building is only a few feet off from its intended location and the distance discrepancy wont change any aspects of the buildings appearance.

The building is still well within the subject property. There will be no vehicles pulling into the garage from the street. The front facing part of the garage will resemble a residential home and the garage door will face backwards towards the Target industrial property.

- (d) **HIGH CORRECTION COST.** Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

To relocate the garage would be a total loss of all materials used in the build, and all expenses up until this point. ~\$65K + demolition costs and

The exterior of the property would be improved by completing the project vs the negative impact a demolition of that nature could have.



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #24-100

November 24, 2024

Sent Via Email and 1<sup>st</sup> Class Mail

Bradford Baker  
23 Fairway Dr  
Hudson, NH 03051

Re: **23 Fairway Dr. Map 245 Lot 012-000**  
**District: Residential One (R-1)**

Dear Mr. Baker,

**Your request:** The Contractor doing the sitework misplaced the foundation of my Metal Garage. 2' into the side yard setback and eight 'into the front yard setback. (Certified Foundation Plan Provided). We also had a complaint the garage does not meet the criteria of the neighborhood.

**Zoning Review / Determination:**

After reviewing your certified foundation, the location of your proposed garage is encroaching into the side yard setback leaving thirteen' where fifteen' is required. The foundation is also encroaching in the front yard setback leaving twenty-two' where thirty' is required. To leave your garage in this location you will need an Equitable Waiver from the Zoning Board of Adjustment per **Article VII §334-27 - Table of Dimensional Requirements.**

**Violation:** We have received a complaint that your garage does not meet **Article III §334-16 – C (1) – Building Permits**

**Conditions of issuance.**

- (1) No permit, however, shall be issued unless the structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood as judged by the property values and neighborhood character.

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

**Order:** You will need to make changes to the design of your structure so that it fits into the appearance of the neighborhood or supply drawings that show it meets the ordinance or get a variance Zoning Board of Adjustment per **Article III §334-16 – C (1) – Building Permits.** Please call for an update on how you plan to correct the violation or apply for a variance. **no later than January 3, 2025**

Sincerely,



Chris Sullivan  
Zoning Administrator/Code Enforcement Officer  
(603) 886-6000 (ext. 1275)  
[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

cc: Public Folder  
Brooke Dubowik (Planning Admin Aide  
Inspection Services  
File

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

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
BAKER, BRADFORD SR.  23 FAIRWAY DRIVE  HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RG		Residential Very Good		2024	1010	481,000	2024	1010	481,000	2023	1010	481,000
		TOPO		UTILITIES			1010	186,100		1010	186,100		1010	186,100
		Rolling		Town Water			1010	41,400		1010	41,400		1010	41,400
		Septic												
						Total	708,500		Total	708,500		Total	708,500	

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
BAKER, BRADFORD SR.		9419	352	01-29-2021	Q	I	564,000	00	Grantor: LEBOURDAIS, RICHARD R.	Appraised Bldg. Value (Card)			423,400
LEBOURDAIS, RICHARD R.		8578	1327	05-16-2013	U	I	0	46	RICHARD R.	Appraised Xf (B) Value (Bldg)			57,600
LEBOURDAIS, RICHARD R.		7138	1450	12-16-2003	Q	I	379,900	00	Grantor: LEBOURDAIS, RICHARD R.	Appraised Ob (B) Value (Bldg)			41,400
VRABLIC, WALTER S., TR		7038	1225	02-12-2003	U	I	0	44	Grantor: VRABLIC, WALTER S., TR.	Appraised Land Value (Bldg)			186,100
VRABLIC, WALTER S.		2742	0121	12-14-1979	Q	V	0	00	Grantor: VRABLIC, WALTER S.	Special Land Value			0
										Total Appraised Parcel Value			708,500
										Valuation Method			C
										Total Appraised Parcel Value			708,500

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY			
Parcel ID	245-012-000			Descript	Code	Appraised	Assessed	Date	Id	Cd	Purpost/Result
Zoning	R1:Residential-1			BLDG	1010	481,000	481,000	05-03-2023	21	15	Permit Visit
Flood Hazard	AE			LAND	1010	186,100	186,100	07-15-2022	28	45	Field Review
Neigh/Abut1	GM			OB	1010	41,400	41,400	06-30-2021	21	30	Sales Data Verification
Neigh/Abut2								09-14-2018	19	02	Measured
Neigh/Abut3	HLC-D	PREV 0004-0004-0001						03-31-2011	14	15	Permit Visit
GIS ID	245-012-000	Assoc Pid#						03-02-2010	01	27	Abate Denied
				Total:		708,500	708,500	02-19-2010	12	03	Meas/Inspect
								06-08-2007	06	02	Measured

NOTES											
GARAGE HAS PULL DOWN ATTIC STAIRS. 4 ZON											
E SYSTEM 2000 FURNACE 2008.//good siding											
and roof											

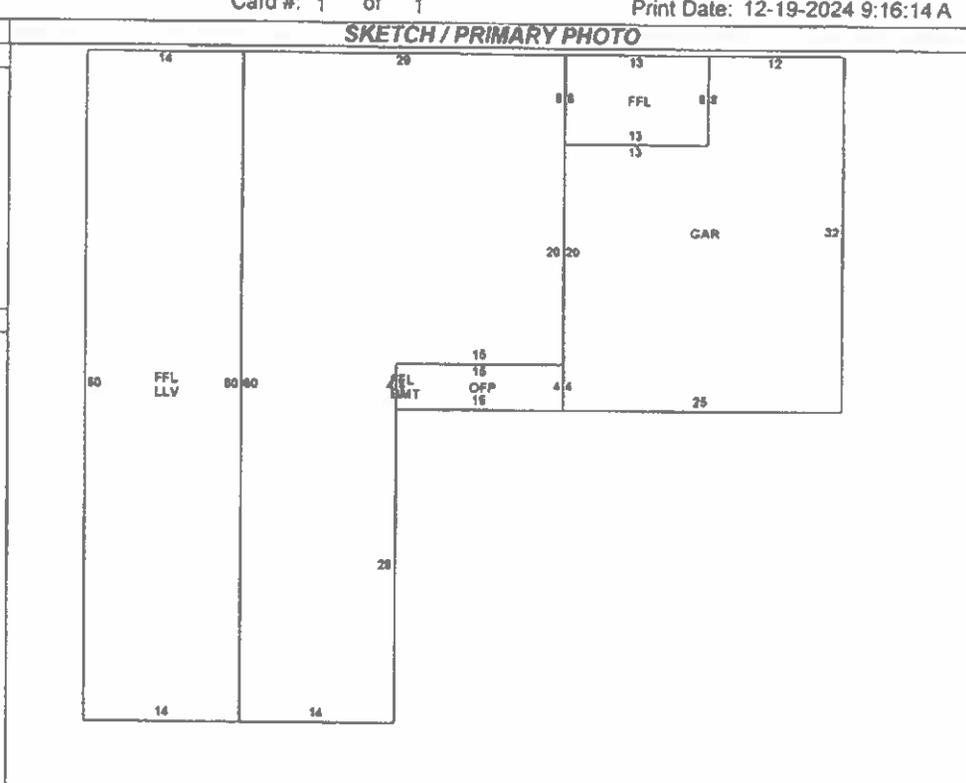
BUILDING PERMIT RECORD											
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments			
2023-00728-1-	03-19-2024	FD		85,000	O	BAKER, BRADFORD S		Construct 39 x 41 detached garage.			
2023-00728-2-	09-28-2023	DR		0	O	BAKER, BRADFORD S		Driveway Permit to expand existing driveway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

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

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

COST / MARKET VALUATION	
Building Value New	475,782
Year Built	1980
Effective Year Built	2011
Depreciation Code	GV
Remodel Rating	
Year Remodeled	
Depreciation %	11
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	89
RCNLD	423,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

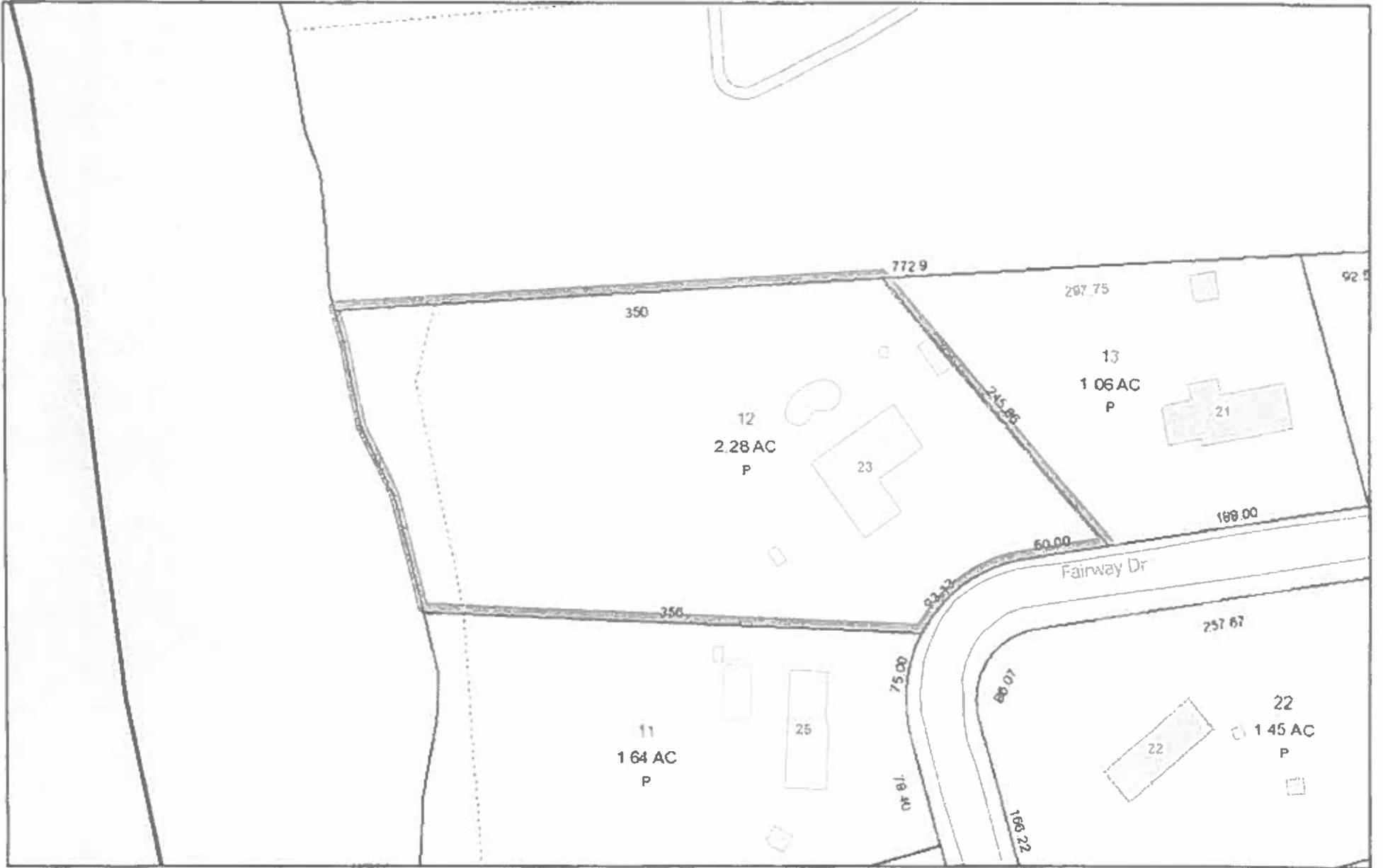


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	U/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
PATIO	Patio	L	502	UNITS	7.30	1980	AV	60	2,200
SHEDNV	Shed No Value - Less Than 1	L	96	UNITS	0.00	1980	AV	60	0
SHEDWD	Shed-Wood	L	336	UNITS	31.02	2018	VG	90	9,400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

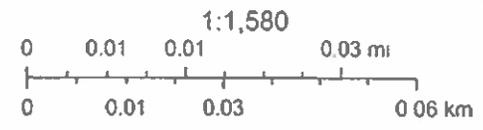
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,260	315	37.72	47,533
FFL	First Floor, Finished	2,204	2,204	2,204	150.90	332,580
GAR	Garage	0	696	244	52.90	36,819
LLV	Lower Level, Unfinished	0	840	378	67.90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



# 23 Fairway Dr

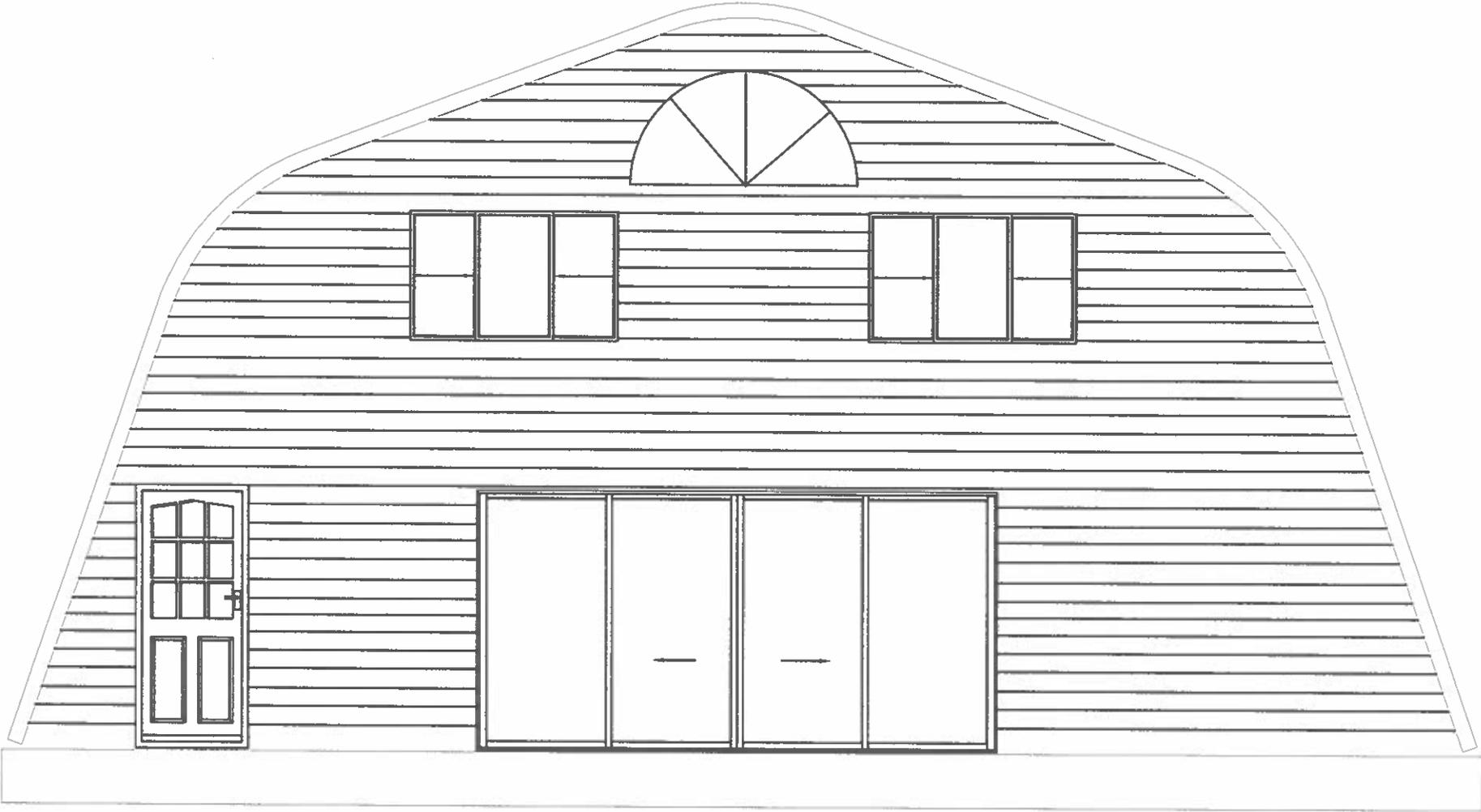


12/19/2024



40'-11"

ENTIRE ROOF TO BE PAINTED TO BLEND WITH EXISTING HOMES ROOFING.

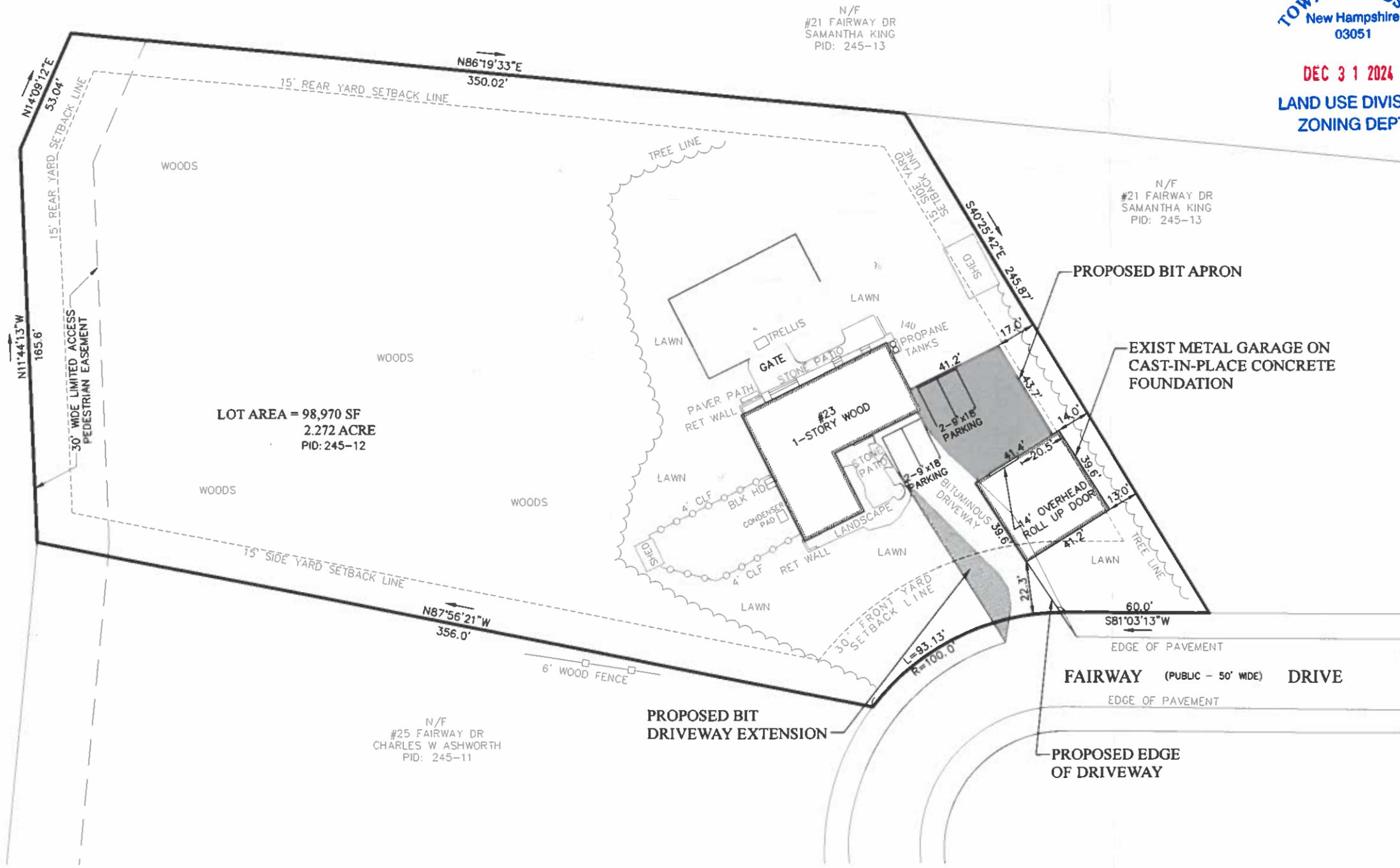


20'-10"

FRONT ELEVATION



MERRIMACK RIVER  
FLOW



LOT AREA = 98,970 SF  
2.272 ACRE  
PID: 245-12

N/F  
#25 FAIRWAY DR  
CHARLES W ASHWORTH  
PID: 245-11

N/F  
#21 FAIRWAY DR  
SAMANTHA KING  
PID: 245-13

N/F  
#21 FAIRWAY DR  
SAMANTHA KING  
PID: 245-13

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

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



JOB. NO: 22-106	FLD. BK: TAJ-22	<p><b>TAJ ENGINEERING, LLC</b> CIVIL &amp; STRUCTURAL ENGINEERS, LAND SURVEYORS PROJECT MANAGEMENT PERMITTING 225 STEDMAN ST, SUITE 36B, LOWELL, MA, 01851 PHONE: 978-250-8173 FAX: 978-770-0632 Info@tajengineering.net</p>	<p><b>PROPOSED BIT APRON, PARKING &amp; DRIVEWAY EXTENSION</b> 23 FAIRWAY DRIVE HUDSON, NH PREPARED FOR: BRADFORD BAKER</p>
DATE: 12/20/2024	CHECK: HSA		
SCALE: 1" = 30 FT.	SURVEY: DC		
SHEET: 1 OF 1	CALC: HSA		
	DRAFT: DC/AF		

Printed  
12/31/2024  
10:33AM  
Created  
12/31/2024  
10:27 AM

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

Receipt# 803,212  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-1/23/25 ZBA Mtg. 23 Fairway Drive Map 245 Lot 012 Zone R-1 EQ WVR of Dim Req.	0.00	214.3600	0.00
			<b>Total:</b>	<b>214.36</b>

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Astronaut Security Technologies LLC	CHECK	CHECK# 606	214.36	0.00	214.36
			<b>Total Due:</b>		<b>214.36</b>
			<b>Total Tendered:</b>		<b>214.36</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>214.36</b>

**PUBLIC COMMENTS**

**FROM**

**JAMES CROWLEY**

**4 FAIRWAY DRIVE**



# TOWN OF HUDSON

## FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-886-1942

TOWN OF HUDSON  
New Hampshire  
03051

DEC 31 2024

INSPECTIONAL SERVICES DIVISION  
ZONING DEPT.

### Complaint Investigation Form

Address in Question: 23 Fairway Drive

Business Name (if applicable): \_\_\_\_\_

Type of Complaint: Health  Safety / Fire  Inspectional Services

Type of Occupancy: Residential  Commercial  Industrial

Please write your question or concern below. Please be as specific as possible.

MY CONCERN is with RSA 674:33a Equible Waiver of Dimensional Requirements for this parcel.

All 4 criteria of RSA 674:33a CAN NOT be met for the ZBA to grant an equible waiver

I want my attached detailed conclusions included in ZBA packet materials for consideration.

Please see attached sheet of concerns and honor my ZBA case material inclusion request.

Also note I find it impossible to submit this form and my attachment electronically

This is additional information and my second submittal of a Complaint Investigation Form

---

Your Name: James Crowley Daytime Phone #: 603-886-3441

Address: 4 Fairway Drive, Hudson, NH 03051

Signature: *James Crowley* Date: December 31, 2024

---

For Office Use Only Date Filed: 12/31/24 Map: 245 Lot: 012

Pending Enforcement Issues:  N/A  Yes  No Date Forwarded to Zoning: \_\_\_\_\_

Environmental Issues:  N/A  Yes  No Date Forwarded to Engineering: \_\_\_\_\_

Possible Site Plan Infractions:  N/A  Yes  No Date Forwarded to Planning: \_\_\_\_\_

Other Department Notifications: Department: Inspectional Services Date Forwarded: 12/31/24

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attachment to:

TOWN of HUDSON

FIRE Department – Inspectional Services Division

**Complaint Inspection Form**

**DATED: December 31, 2024**

Address in question: **23 Fairway Drive**

I respectfully request the ZBA to examine in detail **RSA 674:33a Equitable Waiver of Dimensional Requirements for the Case for 23 Fairway Drive in their deliberations.**

**SUMMARY of RSA 674:33-a**

**N.H. Rev. Stat. § 674:33-a** (“the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the **board makes ALL of the following findings:**”)

N.H. Rev. Stat. § 674:33-a. **I(a)** Summarized: **“violation discovery was after structure substantially completed”**

N.H. Rev. Stat. § 674:33-a. **I(b)** Summarized: **“violation was NOT outcome of ignorance or bad faith of owner”**

N.H. Rev. Stat. § 674:33-a. **I(c)** Summarized: **“No nuisance or diminishment of other property values”**

N.H. Rev. Stat. § 674:33-a. **I(d)** Summarized: **“NOT monetarily equitable to require the violation to be corrected”**

The ZBA should also keep in mind: N.H. Rev. Stat. § 674:33-a **IV.** (“**This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements.** This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.”)

**My DETAIL of COMPLAINT INVESTIGATIONS associated with RSA 674:33-a requirements:**

- In general, upon close examination I don't see where the ZBA can conclude **all 4 criteria** to issue an **Equitable Waiver of Dimensional Requirements** has been met per **RSA 674:33a. I(a), I(b), I(c) & I(d)**. Additionally, note **674:33-a IV criteria**. The Town of Hudson upon submittal of a Hudson Building Permit application and the issued Foundation Permit properly informed without any question the owner of all applicable and legal requirements to construct the 39 x 41 detached garage.
- N.H. Rev. Stat. § 674:33-a. **I(a)** **“violation discovery was after structure substantially completed”**
  - Please note criteria in RSA 674:33-a.1.a. concerning ignorance and **timing** of discovery, A Building Permit application requiring a certified Plot Plan was submitted by the owner. After reviewing it a Foundation Permit 2023-00728-1-FD was issued 10/19/23 by the Town of Hudson. A specified condition of the issued Foundation Permit was **“ A certified Foundation Plan is required prior to issuance of a Framing Permit.”** A certified foundation plan by an LLS supplies

the exact built location of a foundation on a parcel of land with applicable boundary information. The homeowner was fully informed by the Town of Hudson a certified Foundation Plan was required **before any structure** could be built on it. The actual required certified Foundation Plan does show a building setback violation. So, the homeowner directly and knowingly knew the structure above the foundation could not be erected without another approved permit. **So how can it even be remotely maintained the violation was not noticed or discovered .... until after the structure had substantially been completed?** The owner was properly notified of the correct permitting criteria to erect the structure. The owner knew prior to even starting the structure a Framing Permit was required. So, the owner knew a certified foundation plan was needed to verify it had no location violations. Then to compound all that the owner knew it was a violation to erect a structure on it without another required permit. So how can it possibly be concluded by the board that any **violation discovery was after structure substantially completed?** All these applicable violations were known prior to even start of the above ground structure erection.

- N.H. Rev. Stat. § 674:33-a. **I(b) “violation was NOT outcome of ignorance or bad faith of owner”**
  - As seen earlier in RSA 674:33-a.1.a the owner without any doubt was informed and logically knew Town of Hudson requirements for a foundation was to determine a conformance of location (certified foundation plan) prior to erecting the structure on it. Then the owner **IGNORED** obtaining a required Framing Permit compounding the violation. How can the board possibly conclude any of that is even a Good Faith error and NOT done in Bad Faith by the owner? The violating foundation could and should been corrected when the owner obtained the required certified foundation plan. However, the homeowner outright chose to **IGNORE** his responsibilities in permitting requirements by adding a permanent metal structure. The test for determining it is NOT an outcome of ignorance or bad faith fails miserably.
- N.H. Rev. Stat. § 674:33-a. **I(c) “No nuisance or diminishment of other property values”**
  - The ZBA should not allow willful violations to keep proceeding (foundation and then unpermitted Framing of a structure) when a nuisance of any type is knowingly created and perpetuated to a more offensive degree by the violator. When the unpermitted structure was erected, it became an observable nuisance for the neighborhood. How can a majority of broad members conclude the current erected structure with permanent metal materials and its architectural design is compatible in a R-1 zoning district. It is a significant nuisance negatively effecting surround property value. At a minimum the owner should provide to the board a professionally prepared and certified report to prove no losses in surrounding property value. Importantly, per RSA the burden of proof is on the property owner not on the public to supply proof of no diminishment of property values.
- N.H. Rev. Stat. § 674:33-a. **I(d) Summary: “NOT monetarily equable to require the violation to be corrected”**
  - Please note the actual RSA wording carefully. "That due to the degree of past construction or investment made in **IGNORANCE** of the facts constituting the violation." How can an owner directly ignore several Hudson permitting requirements be in **IGNORANCE** in this case. Willful

noncompliance is not ignorance it is a direct attempt to not adhere to Hudson code and established permitting requirements. Any observer would easily conclude the owner deliberately and knowingly pursued a method of inappropriately increasing the cost to correct the dimensional violation. The owner outright chose the risk. If costs are going to be a board and RSA consideration, it should be based on ONLY correcting the foundation alignment. NOT to include the cost of removing the violating structure that was never permitted in the first place and rebuilding it on a corrected foundation. The board should NOT grant any compassion for cost to correct the total known violation when there is such an overwhelming knowledge that the RSAs and town of Hudson code are being gamed in hopes the corrective costs will outweigh the willful violation.

- Please keep in mind this is not just a case about a small shed with setback violation. I urge the board to vote to deny the 23 Fairway Drive 39 x 41 detached garage case. It does NOT meet RSA 674:33-a ALL 4 criteria required to grant an **Equitable Waiver of Dimensional Requirements**. I additionally request the board to request and stipulate corrective actions to be completed by a date certain or allowed legal penalties and expenses will be imposed on the owner.

Name: James Crowley

Day time phone: 603-886-3441

Address: 4 Fairway Drive, Hudson, NH 03051

Date: December 31, 2024

Signature:

A handwritten signature in black ink that reads "James Crowley". The signature is written in a cursive style with a large, prominent "J" and "C".



# TOWN OF HUDSON

## Zoning Board of Adjustment

Gary M. Daddario, Chairman      Dillon Dumont, Selectmen Liaison

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

### MEETING MINUTES – December 12, 2024 - DRAFT

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

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

Chairman Daddario called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of Allegiance and presented the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process for the meeting.

Clerk Dion called the attendance. Members present were Tristan Dion (Regular/Clerk), Gary Daddario (Regular/Chair), Tim Lanphear (Regular), Zachary McDonough (Alternate), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. All Regular Members voted, no Alternate was appointed to vote.

Mr. Daddario stated that the physical capacity for the room has been exceeded and asked members of the public who are not concerned with the first Case for 63B Wason Road to please step out of the room.

#### **V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. **Case 217-017-002 (12-12-24):** John D. Onoroski, **63B Wason Rd., Hudson, NH** requests a Home Occupation Special Exception to allow a home business to produce and sell first aid kits online in the basement of the home. [Map 217, Lot 017, Sublot-002; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 12/2/2024 and noted that no In-House Review comments have been received.

John Onoroski introduced himself as the Property Owner and Applicant and a Disabled Veteran who is seeking a Special Exception to operate his business from his home. Mr. Onoroski stated that he creates quality purpose built bags with a

48 sewing machine and plastic parts made from a desktop injection molder to create  
49 first aid kits that he fills with supplies he purchases in bulk to sell online. All of  
50 this is only conducted in his basement so there is no way for anyone to determine  
51 that he's running a business out of his home as there is nothing stored outside,  
52 there's no noticeable noise, vibrations, smoke, odors or glare produced and there is  
53 no customer traffic to his home as it is all online sales so no need for any customer  
54 parking and the only vehicle involved is his personal pickup truck. Mr. Onoroski  
55 displayed several types of kits – from the general Walmart variety, to specialty  
56 camping first aid bags that would contain tweezers and gauges to marine first aid  
57 kits. Mr. Onoroski stated that he has a Post Office Box in Nashua where he does all  
58 his shipping.

59  
60 Mr. Onoroski went through the criteria for the granting of a Special Exception Home  
61 Occupation.

62  
63 Mr. Martin asked and received confirmation that all shipments would be made from  
64 the PO Box and transported by the personal pickup truck and all supplies would be  
65 brought to the residence by the pickup truck. Mr. Martin asked about the hours of  
66 operation. Mr. Onoroski responded that it is dependent on when the orders are  
67 received, being an online business, and added that his goal is to complete an order  
68 for shipping the following day.

69  
70 Mr. Sakati asked to address the frequency and storage of the supplies to fill the first  
71 aid kits and Mr. Onoroski explained that he intends to operate like a redistributor,  
72 that orders would be placed based on need and confirmed that all would be stored  
73 in his basement. Mr. Dion asked if commercial contracts would be sought and Mr.  
74 Onoroski responded that he has no intention, especially considering he's a solo  
75 operator. Mr. Dion noted that there are two (2) categories of medical kits and each  
76 are subject to medical regulations.

77  
78 Public Testimony opened. No one addressed the Board. Mr. Dion read letter from  
79 Abutters of 65 Wason Road expressing support for their neighbor and his home  
80 based business. Public hearing portion closed at 7:22 PM.

81  
82 Mr. Lanphear made the motion to grant the Home Occupation Special Exception as  
83 requested. Mr. Sakati seconded the motion.

84  
85 Mr. Lanphear spoke to his motion stating that the business would be secondary to  
86 his home and conducted in the basement with no exterior sign or storage, no  
87 customers to site as it is all online sales, will have no customers to the site and will  
88 not produce any noise vibrations odors etc. Mr. Lanphear voted to grant.

89  
90 Mr. Sakati spoke to his second noting that every criteria has either been satisfied or  
91 simply does not apply, specifically that the business will be conducted in the  
92 basement, that it is secondary to the residential use of the property, that there will  
93 be no sign or exterior storage or noise, odors, heat or glare, that there will be no  
94 traffic to the site as it is all online sales and therefore has no need for any  
95 customers or parking required. Mr. Sakati voted to grant.

96  
97 Mr. Martin voted to grant and noted that every criteria has either been satisfied or  
98 does not apply. Mr. Dion voted to approve and grant the Home Office Special

99 Exception and noted that every criteria has either been satisfied or is not applicable.  
100 Mr. Daddario voted to grant and stated that the Applicant has made it clear that  
101 every criteria has been either satisfied or is not applicable.

102  
103 Vote was 5:0. Home Occupation Special Exception granted. The 30-day Appeal  
104 period was noted. Mr. Onoroski was thanked for his military service.

105  
106 The meeting room was reopened. Question raised if there were more people present  
107 that the meeting room has capacity for with regard to the third Case, how  
108 would/could the meeting proceed. Board took a recess to confer with HCTV to see if  
109 the possibility exists to broadcast the meeting in the overflow room. Meeting called  
110 back to order at 7:36 PM. Mr. Daddario stated that microphones have been set up  
111 in the overflow room so they will have the capacity to hear what is being said and  
112 when the meeting is opened for public input, the public can be rotated.

113  
114 2. **Case 157-059 (12-12-24):** Jeremy & Nicole Lyon, **28 Robin Dr., Hudson, NH**  
115 requests a Home Occupation Special Exception to operate a home office for the  
116 management and administrative needs of a handyman service business with all  
117 services performed off-site. [Map 157, Lot 059, Sublot-000; Zoned Residential-  
118 One (R-1); HZO Article VI: Special Exceptions; §334-24, Home Occupations]

119  
120 Mr. Sullivan read the Case into the record, noted that it is an existing non-  
121 conforming lot of record and that no in-house review comments have been received.

122  
123 Mr. Martin made the motion to defer the hearing to the January 9, 2025 meeting.  
124 Mr. Lanphear seconded the motion. Roll call vote was 5:0. Motion carried.

125  
126 3. **Case 211-067 (12-12-24):** George Hurd, Mgr., Tumpney Hurd Clegg, LLC, **72**  
127 **Burns Hill Rd., Hudson, NH** requests a Variance for a proposed construction of  
128 four (4) self-storage units totaling 18,950 SF in the rear portion of the vacant  
129 24.816 acre lot previously zoned as General (G) but re-zoned to Residential-Two  
130 (R-2) where this Industrial Use (E-13) is not permitted. Self-storage use is only  
131 permitted in the Industrial (I) and General-One (G-1) Zones. [Map 211, Lot 067,  
132 Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-  
133 21, Table of Permitted Principal Uses]

134  
135 Mr. Sullivan read the Case into the record, noted that the 24.816 acre site is vacant  
136 and was once farmland and does have wetlands and is in close proximity to the  
137 Town dump site and that the Associate Town Planner has noted that if the Variance  
138 is granted, the Applicant will also need to go to the Planning Board for a Conditional  
139 Use Permit as well as requiring Site Plan Review and approval.

140  
141 Mr. Martin recused himself due to personal relationship with the Applicant.  
142 Alternate McDonough appointed to Vote.

143  
144 A head count was taken in the meeting room for compliance.

145  
146 Atty. Colin Jean of Nashua NH introduced himself and Michael Grainger of MJ  
147 Grainger Engineering and stated that they are representing the Property Owner

148 Tumpney Hurd Clegg, LLC and noted that George Hurd is also present in the  
149 audience and available to answer any questions.

150  
151 Atty. Jean stated that his client purchased the 25-acre parcel in July 2021 with its  
152 frontage on Burns Hill Road that directly abuts the former and now capped Town of  
153 Hudson Dump and other residential properties. At the time of purchase, the parcel  
154 was in two (2) zones with the rear in the G Zone and the front in the R-2 Zone. Soil  
155 assessment began in September 2021 and engineering and survey work began in  
156 early 2022 and a site plan was designed in July 2023. Reference was made to the  
157 Conceptual Site Plan dated 7/6/2023 prepared by MJ Grainger Engineering, Inc.,  
158 that identified the original demarcation of the two (2) zones in the property and the  
159 proposed access drive of approximately eight hundred feet (800') in length to the  
160 proposed storage units and the elongated frontage on Burn Hill Road.  
161 Unfortunately, the unforeseen and sudden death of Robert Clegg occurred August  
162 2023 and caused suspension of the LLC's progress until reorganization and estate  
163 related matters could be settled. Plans resumed in the beginning of October 2023  
164 with the continued intent to develop the rear portion of the property in the G Zone  
165 for the construction of a storage unit facility. The use of the remainder of the  
166 property was placed on hold with the intent to pursue residential development at a  
167 future date.

168  
169 However, at the March 2024 Town Meeting Vote, Article 44 was passed re-zoning  
170 certain areas in the G Zone to the R-2 Zone and that affected this property. The  
171 storage facility, which was a permitted Use in the beginning of the project, is no  
172 longer allowed in its new Zone without a Variance.

173  
174 The Town of Hudson has two (2) active deep test wells on the property adjacent to  
175 the former Town Dump. It has been the plan from day one to incorporate those  
176 wells into the portion of the property designated for the storage facility. The adverse  
177 effect of the Town Wells on the value of the land designated for the storage units  
178 would be less impactful than on the sections designated for residential  
179 development.

180  
181 Atty. Jean stated that his client's intention is to construct four (4) storage units on  
182 the rear portion of the 24.816-acre parcel which was originally in the G Zone but  
183 changed to the R-2 Zone this past year (March 2024) and referred to the Conceptual  
184 Site Plan dated July 6, 2023 prepared by MJ Grainger Engineering, LLC that shows  
185 the twenty thousand square feet (20 SF) will be serviced by a private way with  
186 frontage on Burns Hill Road and will be serviced by private septic and is well  
187 forested on all sides.

188  
189 Atty. Jean addressed the criteria necessary for the granting of a Variance and the  
190 information shared included:

- 191  
192 (1) *not contrary to public interest*
- 193 • The proposed variance is not contrary to the public interest because the  
194 portion of the property designated for use was historically in the G Zone and  
195 is in the rear of a very large 25 +/- acre parcel and would be out of view  
196 from the public and therefore not alter the essential character of the  
197 neighborhood

- 198 • There would be no threat to public health, safety or welfare as the facility  
199 would service residential storage needs
- 200 • The presence of 2 Town of Hudson testing wells in this portion of site has a  
201 negative impact which can be mediated with the inclusion of the historically  
202 allowed storage units
- 203 • The intent is to surround the storage units with fencing and provide minimal  
204 lighting with no electricity proposed inside the units
- 205 • Access to the storage units will be restricted to the hours of 7 AM – 7 PM
- 206 (2) *will observe the spirit of the Ordinance*
- 207 • The spirit is observed/met because the intended use is for residential  
208 purposes
- 209 • The essential nature of the subject area has historically been in the General  
210 Zone and is located at the rear of the property that directly abuts the  
211 Town Dump and has two (2) Town of Hudson test wells - which is more  
212 consistent for the designation of/in the storage unit portion of the  
213 property than in the residential use portion of the property
- 214 • The proposed use will not alter the essential character of the neighborhood,  
215 nor be a threat to public health, safety or welfare
- 216 • The proposed location is shielded with trees
- 217 (3) *substantial justice done*
- 218 • Substantial justice would be done to the property owner especially when  
219 considering that when the property was purchased it was anticipated  
220 that the General Zone portion of the property would remain as it was  
221 intended to be used for the proposed use
- 222 • Due to circumstances beyond the applicant's control, the Zone of the  
223 property has been changed
- 224 • The existence of two (2) Town owned test wells on the property has a  
225 negative impact on the value of the property and the granting of this  
226 variance would minimize the diminution in value of the property
- 227 • The benefit to the Applicant would not be outweighed by harm to the general  
228 public as the granting of this variance would provide residential storage  
229 options to the area and designation of the Town test wells in a secure  
230 location
- 231 • The loss to the Applicant in not approving this Variance would far outweigh  
232 any benefit to the general public
- 233 (4) *not diminish surrounding property values*
- 234 • The proposed use will not diminish the values of surrounding properties  
235 because the type of use proposed, combined with the placement of the  
236 storage units at the very rear of the property will be out of view from the  
237 property's frontage and neighboring properties and the fact that it abuts  
238 the former Town landfill and houses two (2) Town owned test wells
- 239 (5) *hardship*
- 240 • The special conditions are due to the change in Zone to the parcel that  
241 occurred after the land was purchased and engineering work begun  
242 rendering the intended use to now require a variance as it is no longer a  
243 permitted use in its newly assigned Zone
- 244 • The other special condition is that the land houses not one but two Town-  
245 owned test wells to monitor the abutting now capped Town landfill

- 246           • The original intent when the land was purchased was to include the storage  
247           units in the area of the test wells and leave the remainder of the property  
248           to be subdivided for residential purposes  
249

250 Mr. Lanphear asked about the wetland on the property and Atty. Jean confirmed  
251 that the proposed access drive goes around the wetland. Mr. Dion stated that the  
252 future plans for the west side of the property included? Atty. Jean stated that the  
253 change to eliminate the G Zone from the property came into effect this past March  
254 which now required a variance for the placement of the storage units. Atty. Jean  
255 stated that in combination with the untimely death of one of the Property Owner's  
256 Members that have decided to initially pursue the variance for the storage units and  
257 if granted then they would proceed with the design of the residential development.  
258 Atty. Jean noted that if it were not for the need to pursue the variance, they would  
259 have presented one complete comprehensive development application. Mr. Dion  
260 asked if it is the intent to have the residential portion utilize the proposed access  
261 way shown on the Conceptual Site Plan and after a quick confirmation with Mr.  
262 Grainger, Atty. Jean stated that it would not necessarily be as there is ample  
263 frontage on Burns Hill Road. Mr. Dion questioned the proposed security lighting  
264 and asked if it would be illuminated all night. Mr. Grainger responded that the  
265 proposed lighting would all be down cast and on all night and added that there  
266 would be security fencing all around the storage units. Mr. Dion stated that the  
267 proposed hours for access to the storage units were to be 7AM – 7PM and asked  
268 how that would be controlled. Mr. Grainger stated that the security fence would be  
269 equipped with automatic security locks for the opening and closing. Mr. Dion  
270 questioned water. Mr. Grainger responded that there is a waterline that connects to  
271 the Town water main line and noted that it will be extended to the storage units for  
272 safety measures only as there is no water or electricity in the individual storage  
273 units. In response to Mr. Dion's other question, both Atty. Jean and Mr. Grainger  
274 responded that the intended uses for the units is for residential storage only so  
275 there will be no commercial or industrial storage. In response to the current water  
276 issues along Burns Hill Road, Atty. Jean confirmed that they will include some of  
277 its solution when they design the residential portion of the project and present it to  
278 the Planning Board.  
279

280 Mr. Dumont suggested that the ZBA purview be clearly stated before opening up the  
281 meeting for public testimony.  
282

283 Public testimony opened at 8:04 PM. No one from either the overflow room or the  
284 meeting room spoke in favor of the application. Mr. Daddrio next opened the  
285 meeting to anyone wishing to speak in opposition and, as suggested by Mr.  
286 Dumont, explained the difference between the Zoning Board and the Planning  
287 Board and noted that the Zoning Board has limited authority and is limited to the  
288 *type of use*. Operation details fall in the Planning Board's purview.  
289

290 Mr. Daddario noted that the time is now 8:09 PM and asked that everyone try to  
291 limit their time to one to two minutes, to please not repeat prior testimony but can  
292 just state whether they agree with it or not, that all communication is to be  
293 addressed and directed to the Board only and that the overflow room has been set  
294 up so they can hear what is being said in the meeting room, and that the public in  
295 the meeting room will be able to address the Board first.  
296

297 The individuals who addressed the Board included:  
298

299 (1) Gretchen Whiting, 22 Glenn Drive, distributed packets of information and  
300 stated that the parcel did get rezoned to Residential-Two (R-2) and abuts  
301 the Residential-One (R-1) zoned, thanked the Town for having listened to  
302 their concerns and passed the Warrant Article that rezoned from General  
303 Zone to a Residential-Two Zone, expressed concern with bringing in  
304 waterline from the Old Dump especially considering that on August 8,  
305 1985 there was 103 55-gallon leaking drums found on the old dump  
306 property with some determined to contain VOCs and other contaminants  
307 and there were also reports of asbestos found up and down Burns Hill  
308 Road from the time when it was sold as 'clean fill' and added that NH DES  
309 (Department of Environmental Services) has found such contaminants at  
310 12, 18, 34 & 52 Burns Hill Road. On April 6, 2002, the Board of  
311 Selectmen held a public hearing on the Burns Hill landfill and arsenic on  
312 the surrounding wells. It has been realized that even though it has been  
313 capped, there is no lining and is only capped with two feet (2') of soil.  
314 Concern was expressed with any digging/disturbing of the soil in the area  
315 would release any contaminants that have settled. Traffic is also another  
316 concern and would include commercial vehicles during its development  
317 and currently there have been an increasing number of vehicle accidents  
318 on Burns Hill Road and there are no sidewalks for pedestrian safety. The  
319 water table would also be affected as water by nature flows down hill,  
320 which means it would flow onto Glenn Drive. There is a lot of wildlife in  
321 the area and would suggest that a wildlife study be conducted.  
322

323 Mr. Sullivan stated that the water pipe would not be coming from the  
324 landfill site but down the Right of Way of Burns Hill Road. Mr. Dillon  
325 concurred/confirmed.  
326

327 (2) Elmar Uniformeyankee (?), 2 Wildwood Terrace, stated that he has lived  
328 there for eight (8) years, referenced the comments submitted to Mr.  
329 Sullivan and wanted to cover the basic facts: where does the burden of  
330 proof lie? The Applicant has stated that this project will not negatively  
331 surrounding property values and they should be the ones to prove that,  
332 not him or his neighbors. Relevant Case Law was supplied in his written  
333 statement. Another point is the structure placement on the property and  
334 their statement that it is "in the back" simply does not change the fact  
335 that it is a commercial business in a residential neighborhood. Another  
336 point made was that it would only impact his driveway is simply not true,  
337 they will be traveling on roads in our neighborhood. Alteration of  
338 neighborhood character will happen because this is all residences and  
339 they are asking to introduce a business which also raises another concern  
340 regarding public safety risks because it is common knowledge that break-  
341 ins into storage facilities is on the rise and that cannot help but have  
342 criminals spill into the neighborhood and noted that there are no dogs or  
343 people for security, just some security lighting and a fence being  
344 controlled electronically when to lock and unlock. Another factor to  
345 consider is the "inapplicability of historical zoning" as it does not matter  
346 what it was before, the Town has a Plan, the Town voted to change the  
347 zone to match the neighborhood in March 2024. Another criteria is that

348 public harm out weighs the public right of the applicant and we all know  
349 putting up storage units is cheaper than building homes and their  
350 required infrastructure and needs. The argument presented on  
351 unnecessary hardship is tough to swallow – the zone was changed so  
352 more houses could be built in Town to address the housing shortage in  
353 the State. The burden of proof lies with the Applicant.  
354

355 Mr. Lanphear questioned whether the Board should consider reading the letters  
356 received thus far into the record as that could help facilitate comments like  
357 agreements versus restatements. It was noted that the previous speaker also  
358 submitted written comments. Mr. Sakati questioned the time limit placed on the  
359 speakers and stated that out of respect there should not be any time restrictions.  
360 Mr. Daddario stated that the time limit suggested was out of respect for all the  
361 people present who wish to address the Board and noted that this room is filled to  
362 capacity as well as the overflow meeting room. Mr. Sakati stated that this meeting  
363 ends at 11 PM so it would then seem reasonable that if people present did not get to  
364 speak tonight, the meeting would be continued to next month.  
365

366 (3) Robinson Smith, 48 Burns Hill Road which is on the corner of Burns Hill  
367 Road and Glenn Drive, and has lived there for twenty years (20) and feels  
368 his perspective should be considered and recognized. The property abuts  
369 the old Town dump, which was never properly capped and lined and over  
370 the years the rainwater has allowed leaching of the contaminants to seep  
371 through their borders. NH DES has even found heavy metals seeping into  
372 the swampy wetlands abutting the property. These contaminant reports  
373 go back to the 1990's and neither the State nor the Town have been able  
374 to remediate the ongoing contaminant issues. It should be noted that  
375 these contaminant issues were fully disclosed to the Property Owner at  
376 the time of sale. In his opinion, this also makes the new Property Owner  
377 as responsible as the Town in dealing with this contamination while  
378 bringing the levels to the NH DES Guidelines. Mr. Smith cited the Green  
379 Meadow Golf Course now being converted as an example of why the Town  
380 is revisiting this General zone and subsequent re-evaluation of such  
381 parcels and why this Zone in this neighborhood was rezoned this past  
382 March to match the spirit and character of the area/neighborhood. This  
383 land should be developed for residences while mitigating the contaminant  
384 issues in a responsible way. The proposed use does not fit in with the  
385 character of the recognized neighborhood, would increase traffic with  
386 potential of increased accidents especially considering its poor line of  
387 sight and design, excessive noise, pedestrian accidents or fatalities along  
388 Burns Hill Road, hazardous waste contamination issues and was  
389 originally designed as a dead-end road stopping at the Town landfill and  
390 then the Town extended the road linking it to Wason Road when the  
391 Burns Hill fire station was built. It is unfortunate that the pollution  
392 plume from the landfill has extended to surrounding properties that we  
393 experience today. Mr. Smith stated that he opposes the storage unit  
394 variance.  
395

396 Mr. Daddario stated that Mr. Dion has found a timing application and has set the  
397 timer for three (3) minutes and asked that, when heard, the speaker in good  
398 conscience bring his/her points to a close.

399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448

- (4) Monica Kiernan, 11 Wildwood Terrace, stated she has been here for twenty five (25) years, raised her family here and that if they are to welcome this industry to her neighborhood, this industry is not of the same value system and it will impact her property value and her neighborhood as her neighbors, like herself, are small homeowners who value respect and look out for one another and if this variance is granted, that amount of 'good neighbor policy' is jeopardized. This project does not maintain the small neighborhood we have cultivated.
- (5) Tom Crane, 27 Glenn Drive, stated that the proposed location of these storage units directly abuts the wetlands which impacts the beavers, the goose, the ducks, the turtles and all the wildlife he enjoys when he's out there kayaking; traffic on Burns Hill Road is horrible and he has stopped walking on it because it is scary; this is a residential area and allowing this deviation is just a bad idea and opens the door to ruining our neighborhood.
- (6) Michael LaBonte, 14 Glenn Drive, stated that he has rebuts many of the statements made by the applicant. The first one being whether it is contrary to public interest – of course it is contrary, the Town clearly voted to change the Zone to Residential in order to preserve is character and prevent commercial and industrial businesses into established neighborhoods. The second, the proposed use will observe the spirit of the Ordinance, it does not, the Town voted to change the Zone to protect the spirit of the Ordinance. The third, substantial justice would be done to the property owner – of course it would but it would at the expense to the neighbors and the neighborhood and let's keep in mind there are other alternative uses for this property that would not require a variance. Placing a commercial business into the neighborhood is dangerous to the neighbors. Mt LaBonte noted that the proposed facility will be lit at night, the road to it might be too and asked if there would be a sign at Burns Hill Road advertising this commercial entity in the neighborhood with up to perhaps 180 rental units and that business will definitely have a negative affect on the property values of his neighbors. With regard to the hardship, that criteria has also not been satisfied, the property was purchased in 2021 and regardless of the death of one of the partners, it still begs the question why there was such a delay in preparing plans for its development, especially knowing the change to the Zone was well known and why is only a small portion of the whole plan being presented.
- (7) Len Segal, Beechwood Road, stated that he has been in Hudson for five years now, has driven down this road once and will never drive it again as it is treacherous between the traffic and curvy road, and urged the Board to vote no on this request. The Land was purchased in 2021. In 2023 it was well known that a Zone change was being proposed and a preliminary plan could have been filed prior to the Zone change being put to the Town Vote, but they didn't. Death is regrettable, but it doesn't justify asking the neighborhood to bear this burden. Industrial just does not belong next to residential properties. They missed the deadline.
- (8) Ken Twining, 38A Burns Hill Road, stated that he agrees with all the statements and concerns his neighbors have made, and urged to Board to keep in mind that the change in Zone was put to a Town Vote and the

- 449 Town people voted to declare this area Residential. To approve this  
450 variance will do nothing but erode the confidence of the Board.
- 451 (9) Pete Radziewicz, 49 Burns Hill Road, stated that he is in agreement with  
452 his neighbors and added that it is irrelevant whether the change was  
453 made this past year or two years ago, the fact to keep in mind is that we  
454 do not want to move backward. His home was once in the G Zone before  
455 it was changed to Residential and if this passes, what's to stop him from  
456 tearing his home down and setting up storage units because everybody  
457 knows how cheap they are to build and maintain – its easy income – and  
458 there goes the neighborhood.
- 459 (10) Joan Radziewicz, 49 Burns Hill Road, stated that she too is in  
460 opposition to this variance and agrees with the facts her neighbors have  
461 presented, that she has lived on Burns Hill Road since 1979 and has seen  
462 many changes to the road, increases in traffic that she has trouble  
463 fathoming and that's just with residential development and sees no need  
464 or use to introduce this commercial use into their residential area. Ms.  
465 Radziewicz stated that the applicant made a point to note that the storage  
466 units would be out of site down this long 800' driveway so it would be  
467 'invisible' but then they state that the remaining area would be cleared to  
468 build residential housing development and that leaves the question of  
469 whether these storage units would be left with any screening.
- 470 (11) Sharon Scarvalas, 92A Wason Road stated that she has lived there for  
471 thirty eight (38) years and noted that Wason Road is higher than Burns  
472 Hill Road and would end up looking down at the proposed security lights,  
473 and added that traffic on Wason Road and Burns Hill Road is very bad  
474 especially with the new Golf course project, that the wildlife will be  
475 impacted and probably will disappear, and is very concerned about what  
476 will actually be stored in the storage units and could bring more  
477 contamination to the area. Ms. Scarvalas stated that she also sent an  
478 email.
- 479 (12) Amy Reese, 20 Saint Francis Hill Place, stated that she is in agreement  
480 with the points raised, and stated that she recognizes that a lot of her  
481 concerns would need to be presented to the Planning Board and has  
482 concerns that the residents did vote to make this a residential area and  
483 changing it back to an industrial use is just contrary and a slap in the  
484 face to the residents. This will impact the traffic, the values of our homes,  
485 and the lighting will impact the residents and asked the Board to deny.  
486
- 487 Mr. Daddario asked if there were any other people in the Meeting Room who wished  
488 o speak. No one approached. Mr. Daddario noted that the time was 8:49 PM, put  
489 the Board in recess for five (5) minutes at 8:50 PM so that individuals could vacate  
490 the Meeting Room to allow those in the adjoining room to enter and address the  
491 Board. Meeting resumed at 8:57 PM.  
492
- 493 (13) Edward Thompson, 22 Burns Hill Road, agreed with previous  
494 statements, stated that he moved here thirty three (33) years ago with the  
495 intention of being here five (5) years and prior to moving here he was told  
496 Hudson has crazy Zoning laws but he has noticed that in the past few  
497 years, residents have started standing up and changing the Zoning laws  
498 and things are getting better. In his opinion, the Town voted change in  
499 Zoning to this area is a move in the right direction – this is a residential,

500 and only residential area. Burns Hill Road is a very busy road, he lives at  
501 the bottom of the road and it is very common for traffic to fly by going  
502 forty to fifty (40-50) miles per hour, noted that per the Town Engineer  
503 traffic has more than doubled in the last five (5) years, and doing quick  
504 math, with four (4) buildings, assuming 10'x10' units, could yield  
505 approximately ninety (90) units and bring that much more traffic to this  
506 residential area. Mr. Thompson stated that he could speak to all five (5)  
507 criteria that must be met, but they've been addressed by others - like  
508 impact to the essential character of the neighborhood would be shot, the  
509 difficulty inherent in enforcing what goes into storage units which creates  
510 an attractive nuisance that far from the road - and added the hardship is  
511 really to his neighbors and that this project should simply be a non-  
512 starter and noted that the Table of Permitted Uses identifies a lot of other  
513 Uses compatible with residences.

514 (14) Frank Yeschanin, 5 Wildwood Terrace, and has been his home for the  
515 past thirty plus (30+) years, that he opposes the variance and agrees with  
516 all the statements made thus far.

517 (15) Ed Lang, 3 French Drive, stated that he has been a resident of Hudson  
518 for over fifty (50) years and watched this neighborhood go from a wood lot  
519 to a growing neighborhood with roads and residential developments into a  
520 tight residential neighborhood and should stay that way and is opposed to  
521 this variance.

522 (16) Larry Martone, 8 Saint Anthony Drive, stated that he agrees with all  
523 the statements made and is also opposed to this variance.

524 (17) Richard Ings, 82 Wason Road, stated that he is opposed and agrees  
525 with his neighbors and added that if rezoning is allowed to the eastern  
526 side of this lot to Industrial or General, then the southern portion could  
527 possibly be developed and literally be in the eyesight of 82, 84, 86 Wason  
528 Road.

529 (18) Nicole Champagne, 85 Burns Hill Road stated that she has been there  
530 for about five (5) years now and has learned so much about her  
531 neighborhood and neighbors at this meeting and encouraged the Board to  
532 deny what she will be able to see from the end of her driveway.

533 (19) Paul Matthews, 52 Burns Hill Road, stated that has been there about  
534 a year now but prior to that he lived at 50 Burns Hill Road since the  
535 1970's, stated that his mom sold this land to them and neither supports  
536 or opposes but does agree with the points his neighbors have made, that  
537 he has spoken to his mother who is also neutral to this, and asked the  
538 Board to think about it being your house/home right next door to them  
539 (the storage units) and how it could be without consideration to improving  
540 Burns Hill Road and putting in sidewalks, perhaps a traffic light, do  
541 something about the speeding, that he has already lost two (2) dogs to  
542 Burns Hill traffic flying by at fifty miles per hour (50 mph).

543 (20) Patricia McGrath, 80 Wason Road, and stated that what they look  
544 down on is water and woods and in her opinion, that is how it should be  
545 and should stay and to have to look down on the proposed facility will  
546 definitely impact her neighborhood and is in agreement with all her  
547 neighbor's concerns and points made tonight.

548  
549 Being no one else to address the Board, public testimony closed at 8:59 PM.  
550

551 Mr. Dion asked if there was to be any signage for the storage units. Atty. Jean  
552 stated that he is not aware of any signage and Property Owner George Hurd, 13  
553 Merrimack Street, added that he assumes that would be determined at the Planning  
554 Board. Mr. Hurd stated that they had a plan on July 6, 2023, then his partner dies  
555 in August and the Warrant Article came out in October and there was simply no  
556 time to submit an application before October.

557  
558 Mr. Dion inquired about the number of rental units being proposed. Mr. Hurd  
559 stated that if all were 10'x10' there could be up to one hundred and eighty (180) but  
560 there's a good possibility there will be some 10'x20' also available and he estimates  
561 that there would be about a hundred and fifty (150) total. Mr. Dion asked if the  
562 structures would be double stacked or single layer and Mr. Hurd confirmed they  
563 would be single storage structures.

564  
565 Atty. Jean stated that he has heard the concerns and stated that the parcel before  
566 the Board is not the former dump, the former dump is still owned by the Town of  
567 Hudson and is now capped; and the way water flows is downhill and this parcel  
568 does not flow towards Glenn Drive on the other side of the dump closer to 52 Burns  
569 Hill Road; and Burns Hill Road is a well traveled and busy road and with respect to  
570 what this project may have on that is for the Planning Board to determine and can  
571 require a traffic study if they choose and added that if one researched how often  
572 people visit their storage units, with 100-150 units, there's about 25% that go once  
573 a week, 50% go once a month and the remainder go once or twice a year; with  
574 regard to impact on neighbors, there is really nothing for neighbors to see and with  
575 a distance of about 400' to their rear neighbors there should be no impact regarding  
576 light; and with respect to the hardship issue, it is a valid point that when the  
577 property was purchased it was with the intention and knowledge that it was  
578 partially rated in Zone G and the fact that it was changed after considerable  
579 engineering investment should be considered with some merit because that was  
580 unusual; and the placement of the units does not lend itself to threaten the  
581 residential development intended for the front (roadside) of the parcel.

582  
583 Mr. Dumont stated that what is before the Board is for a singular use and if in the  
584 future an expansion is desired it would need to return to the Board for an  
585 expansion of what may be granted tonight. Mr. Sullivan confirmed.

586  
587 Mr. Lanphear stated that when dealing with a Zoning change, asked Atty. Jean how  
588 he has seen this type of Case being handled in Court. Atty. Jean stated that the  
589 majority of people who spoke tonight are not direct Abutters and, in his opinion,  
590 does not directly relate to what the Applicant is seeking. Discussion arose. Mr.  
591 Sullivan stated that he has not seen this type of scenario in Hudson but in other  
592 communities and those fell into the 50/50 range. Mr. Dumont stated that it could  
593 apply to the hardship criteria and the change in zone was not anticipated but was  
594 imposed by the Town.

595  
596 Mr. Dion asked if there is a reason why houses could not be constructed in that  
597 portion of the parcel. Atty. Jean stated that it is not wide open land considering the  
598 wetlands and that no plans have been finalized regarding the number of residences  
599 but would estimate seven (7) or eight (8) along Burns Hill Road. Mr. Hurd added  
600 that trying to sell homes in an area just designated Residential from the General

601 Zone in close proximity to the old Town Dump next to Town owned test wells  
602 because of the proximity to the Old Town Dump would be a tough sell.

603  
604 At 9:27 PM Mr. Daddario called the public hearing portion of the meeting to a close  
605 and brought the matter before the Board.

606  
607 Mr. Lanphear stated that single family homes, duplexes and even a big church are  
608 Permitted Uses in the Residential Zone as is having a Christmas tree farm and  
609 noted that there are some business aspects allowed.

610  
611 Mr. Sakati stated that he believes the first four criteria have not been met but  
612 questions the hardship criterion as it is really gray but it's still introducing a  
613 business/industrial use into a residential neighborhood. Mr. Dumont agreed, it is  
614 gray and that the change in Use should be considered as a factor. Other Members  
615 noted other businesses in the vicinity.

616  
617 An overview of the neighborhood was displayed and it was noted that it is all  
618 residential. Discussion continued and focused on diminution of surrounding  
619 property values and hardship created by a Zone change.

620  
621 Mr. Sakati made the motion to deny the Variance request. Mr. Dion seconded the  
622 motion.

623  
624 Mr. Sakati spoke to his motion and stated that all five (5) criteria were not satisfied  
625 as the request is contrary to the public interest and does alter the character of the  
626 area as it would be the only industrial use in the vicinity of the residential  
627 neighborhoods; that the spirit of the Ordinance is significant and the property can  
628 be used for residential development; that the harm to the neighborhood is  
629 significant and the property can be used for residential development; that an  
630 industrial development within residential zoning will cause diminution of  
631 surrounding property values; that the Applicant does not have to develop  
632 conceptually as they have the ability to develop residentially; and that to develop  
633 industrial projects within residential zoning is not reasonable. Mr. Sakati voted to  
634 deny as all five (5) factors failed.

635  
636 Mr. Dion spoke to his second and stated that it would alter and threaten the  
637 character of the neighborhood as a storage facility does not fit with the  
638 neighborhood; that the justice to the property owner will not harm the general  
639 public; that its impact on surrounding property values should be neutral; that the  
640 change in Zone causes the hardship and that the proposed use is a reasonable one.  
641 Mr. Dion voted to deny having failed criteria 1 & 2.

642  
643 Mr. Lanphear voted to grant the Variance citing that all five (5) criteria were  
644 satisfied; that the use will not hurt or change the area being setback so far from the  
645 road; that when the land was purchased that portion of the land was in the G Zone  
646 that permitted this use and the passing of a partner in the business caused a long  
647 delay in the development of the plan; that due to the area and property it will not  
648 harm the public or individuals and is a good plan for the use; that it will not  
649 diminish surrounding property values; that the hardship is caused by the change  
650 from the G Zone to the R-2 Zone and that the proposed use is a good use for the  
651 property.

652  
653 Mr. McDonough voted to deny the Variance stating that the criteria were not  
654 satisfied; that the Town voted to change the Zone and the proposed use would go  
655 against that purpose and change the character of the neighborhood; that the  
656 proposed use is completely against the Ordinance and would alter the character of  
657 the neighborhood and does not meet the spirit of the Ordinance; that the general  
658 public would be harmed by mistrusting the change to the Zone they voted on and a  
659 storage facility is not something the neighbors would expect in their R-2 Zone; that  
660 there is potential decrease in surrounding property values due to fears associated  
661 with storage units; that the hardship criteria is not met as the proposed use goes  
662 against the nature of the neighborhood and what the Town voted on to change; and  
663 that the proposed use is not in line with the neighborhood and the land could be  
664 developed as residential.  
665

666 Mr. Daddario voted to deny the Variance as it failed to meet four (4) of the criteria  
667 stating that the proposed use is not consistent with the surrounding area; that it  
668 does not comply with the Town's recent change in its Zone in order to maintain the  
669 character of the neighborhood; that the benefits to the owner do not outweigh  
670 altering the character of the neighborhood and that the property has multiple  
671 options for permitted uses; that the high volume of testimony received suggests  
672 surrounding property values would be less desirable and the Applicant did not show  
673 otherwise; and that the Zone change was not the fault of the Applicant and nor was  
674 it foreseen at the time of purchase.  
675

676 Vote was 4:1. Motion carried. Variance denied. The 30-day Appeal period was  
677 noted  
678

679 **VI. REQUESTS FOR REHEARING:**

680  
681 No requests were received for Board consideration.  
682

683 **VII. REVIEW OF MINUTES:** 11/14/2024 edited draft Meeting Minutes

684  
685 Mr. Lanphear made the motion to approve the 11/14/2024 Minutes as presented. Mr.  
686 Sakati seconded the motion. Vote was unanimous. Minutes approved.  
687

688 **VIII. OTHER BUSINESS:**

689  
690 • 2025 ZBA Meeting Schedule  
691

692 Board reviewed and made no changes  
693

694 • Tentative overflow ZBA Meeting on January 9, 2025. Member availability?  
695

696 Members checked their availability and four (4) confirmed they would attend. Mr.  
697 Sullivan reminded everyone to keep the Case packet in their meeting folder tonight for  
698 that meeting  
699

700 • Next regularly scheduled ZBA Meeting is Thursday, January 23, 2025  
701 • Reminder- Election of new ZBA Officers-January 23, 2025. *Per the Town of*  
702 *Hudson, NH ZBA Bylaws, Chapter 143 of the Town Code, § 143-5. A., B., & C*

703 *regarding Officers: A Chairperson, Vice-Chairperson and Clerk shall be elected*  
704 *annually by a majority vote of the Board at the first meeting in the month of*  
705 *January...*  
706

707 So noted. Mr. Daddario stated that his term expires this month and he had thought  
708 not to renew but in light of events in his life cannot guarantee completing this next  
709 term and offered the Chairmanship to any who would like the challenge. Mr. Dumont  
710 stated that on behalf of the Selectmen, they were pleased to see his submission for  
711 reappointment to another term and are grateful for whatever time he can dedicate  
712 because everyone knows volunteering is time consuming. Several Members extended  
713 their appreciation for his dedication as well.  
714

- 715 • 2025 ZBA Training/Workshops?

716 Mr. Sullivan stated that he is pursuing options and will advise on available options.  
717

- 718 • ZORC – Zoning Ordinance Review Committee

719 Mr. Sullivan reported that there is one more meeting on the 17<sup>th</sup> where they hope to  
720 finish up a few more items.  
721

722 **IX. ADJOURNMENT:**  
723

724 Mr. Lanphear made the motion to adjourn the meeting. Mr. Sakati seconded the  
725 motion. Vote was unanimous. The 12/12/2024 ZBA meeting adjourned at 10:10 PM.  
726

727 Respectfully submitted,  
728 Louise Knee, Recorder  
729

730  
731  
732  
733  
734

---