

TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

MEETING AGENDA – January 20, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **January 20, 2022 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). The following items before the Board will be considered:

I. CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b) STARTS 6:30 PM

II. CALL TO ORDER

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD: 7:00 PM

Case 147-016 (01-20-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests the following for 185 Webster St., Hudson, NH [Map 147, Lot 016-000, Zoned Residential-Two (R-2)]:

- a. A Variance for a Greenhouse Building addressed as **183 Webster Street**–for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]
- b. A Variance for a Residential Building addressed as **185 Webster Street** to allow a third dwelling unit, where three-family (multi-family) dwellings are not permitted in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Residential (A-3).]
- c. A Variance for a Small Garage Building addressed as **187 Webster Street**–for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]
- d. A Variance for a Large Garage Building addressed as **189 Webster Street**–for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

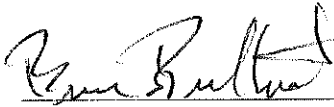
Zoning Board of Adjustment
MEETING AGENDA – January 20, 2022 (CONTINUED)

Case 147-016 (01-20-22) (CONTINUED)

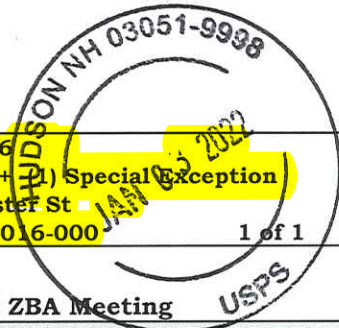
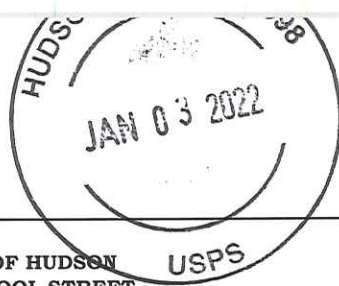
- e. A Variance for the parcel known as **185 Webster Street** (Map-147 Lot-016 Sublot-000)– to allow mixed uses on a lot in a Residential-Two (R-2) district where mixed uses are only allowed in Business and Industrial Districts. [HZO Article III, General Regulations; §334-10.A, Mixed or dual use on a lot.]
- f. A Special Exception for the parcel known as **185 Webster Street** (Map-147 Lot-016 Sublot-000)– to allow residential use on a single lot with mixed uses which is only allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses shall be compatible. [HZO Article III, General Regulations; §334-10.D, Mixed or dual use on a lot.]

V. REQUEST FOR REHEARING: None

VI. REVIEW OF MINUTES: None

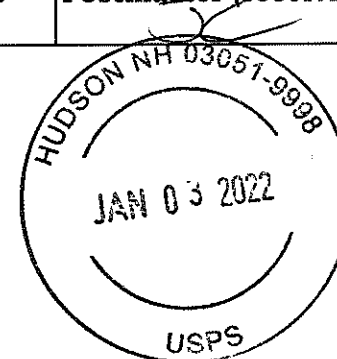


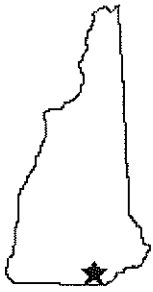
Bruce Buttrick
Zoning Administrator



SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (5) Variances + (1) Special Exception 181-189 Webster St Map 147/Lot 016-000	1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address		01/20/2022 ZBA Meeting	
1	7021 0350 0000 1884 4157	DERRY & WEBSTER LLC 253 MAIN ST., NASHUA, NH 03060		APPLICANT/OWNER NOTICE MAILED	
2	7021 0350 0000 1884 4164	ST. LAURENT, LIONEL & KERIANNE 199 WEBSTER STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
3	7021 0350 0000 1884 4171	AUCOIN, SUSAN J. 177 WEBSTER ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
4	7021 0350 0000 1884 4188	WEBSTER, BENJAMIN & JANE 1 SHORELINE DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
5	7021 0350 0000 1884 4195	HAGAN, MICHAEL J. 180 HOLLIS ST., PERPPERELL, MA 01463		ABUTTER NOTICE MAILED	
6	7021 0350 0000 1884 4201	NICOLAS, FLORENCE 1 SCENIC LN., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
7	7021 0350 0000 1884 4218	PINTADO, MANUEL E., JR & KARINA 2 SCENIC LANE, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
8	7021 0350 0000 1884 4225	TRAINOR, JEFFREY & KATE 2 SHORELINE DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
9	7021 0350 0000 1884 4232	LEXINGTON PLACE CONDOMINIUMS; C/O JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
10	7021 0350 0000 1884 4249	ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
11	7021 0350 0000 1884 4256	REEDS BROOK HOMEOWNERS ASSOC.; C/O SANDRA POTTLE - TREASURER 8 MADELEINE CT., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
12	7021 0350 0000 1884 4263	SPARKLING RIVER CONDOMINIUM ASSOCIATION INC; C/O RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
		Total Number of pieces listed by sender 12	Total number of pieces rec'vd at Post Office 12	Postmaster (receiving Employee) SC	

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 (5) Variances + (1) Special Exception 181-189 Webster St Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/20/2022 ZBA Meeting
1	Mailed First Class	MOCERI, PAUL & KIMBERLY 6 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	PIGEON, BRIAN D. 197 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4			
5			
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7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 3	Total number of pieces rec'vd at Post Office 3	Postmaster (receiving Employee)





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

January 03, 2022

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, **01/20/22** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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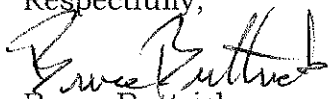
- a. **A Variance for a Greenhouse Building** addressed as 183 Webster Street—for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]
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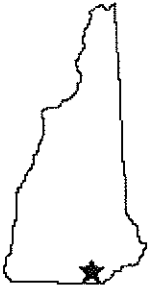
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- f. A Special Exception for the parcel known as 185 Webster Street (Map-147 Lot-016 Sublot-000)- to allow residential use on a single lot with mixed uses which is only allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses shall be compatible. [HZO Article III, General Regulations; §334-10.D, Mixed or dual use on a lot.]**

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,


Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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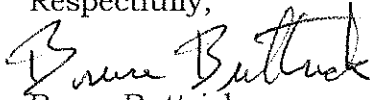
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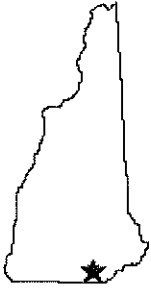
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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

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

Respectfully,


Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report ^{BB} Meeting Date: January 20, 2022 ¹²⁻³⁰⁻²¹

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Introduction:

This request/application is a result from a Code Enforcement action and a subsequent Court Mediation session, which resolved to attempt a resolution by obtaining ZBA relief through “after fact” Variances and Special Exception.

The applicant is using a multi-faceted approach for Variance approvals as follows:

- 1) First is to secure variances for uses not permitted within each requested building.
- 2) If successful with those requests, a global variance (for the total parcel) for uses (by variance) to be allowed as mixed uses.

Property description:

This is an existing developed lot of record with non-conforming uses (thus the Code Enforcement action), some by variance, most without.

HISTORY:

The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989). Which resulted in a Consent Decree.

As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

Convenient Store (181 A Webster Street)

HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not produced on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsy cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”

Since 1990, the convenient store has expanded without site plan approval.

On January 23, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, such approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”

The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).

No appeal of that denial was ever taken.

NOTE: 181A Webster St Variance granted January 23, 2020 expires January 23, 2022 per [HZO 334-82 and NH RSA 674:33 I-a(a)]

Landscaping Business (181 B Webster Street)

Contractor’s yards and landscaping businesses are prohibited in the R-2 Zoning District. *See* HZO § 334-21 and Table of Permitted Principal Uses; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was “for planting, growing and selling of nursery stock.”

The old/existing landscaping business is no longer engaged in the planting, growing, and selling of nursery stock, in fact has “expanded into including a business office located at 181 B Webster Street, together with the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials business vehicles (trucks, trailers and equipment).

NOTE: there is no application for (ZBA) relief from the Code Enforcement case (currently in Court) for the violation(s) occurring in/at 181B Webster St. (Landscaping business/operation).

Greenhouse Bldg (183 Webster Street) (3,000 sqft)

This structure appears to have been used as greenhouse in the past, most likely with the longstanding use as described in the consent decree above: “for agricultural purposes, specifically defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the property”.

Any change of use as requested/application in front of the ZBA, needs a Variance from the ZBA as well a site plan review by the Planning Board.

Three-Family Residence (185 A-C Webster Street)

Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Uses; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

Any change of use as requested/application in front of the ZBA, needs a Variance and Special Exception from the ZBA. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1

Warehouse (187 Webster Street)

The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

The Town has no record of any permits or approvals for any non-agricultural use of the warehouse. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

Garage (189 Webster Street)

The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

The Town has no record of any permits or approvals for any non-agricultural use of the garage. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

In-house (Town) review/comments:

Fire Dept: received, no comments

Engineering: received, no comments

Town Planner: non received

Zoning Administrator: yes

ZBA history:

Dec 1964 approval of sale of Agricultural products.

Feb 23, 1978 Approval for 25’ x 40’ addition (greenhouse)

B.P. application for 1978 addition.

March 22, 1990 Superior Court Consent Decree/Agreement

January 13, 2020 Variance approval (w/conditions) at 181A Derry St (Convenience Store)

Attachments:

- "A"** Assessing records: Card #5 (183 Webster St) Greenhouse Bldg
- "B"** Assessing records: Card #1 (185 A, B, & C Webster St) Multi-Family Structure
- "C"** Assessing records: Card #3 (187 Webster St) Warehouse
- "D"** Assessing records: Card #2 (189 Webster St) Garage
- "E"** Dec 1964 approval for sale of Agricultural products
- "F"** Feb 23, 1978 Approval for 25' x 40' addition (greenhouse)
- "G"** B.P. application for 1978 addition.
- "H"** March 22, 1990 Superior Court Consent Decree/Agreement
- "I"** January 13, 2020 Variance approval (w/conditions) at 181A Derry St (Convenience Store)
- "J"** Zoning Administrator's Summary/Comments

CARD #5

Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 147-016-000
Prior Parcel ID 0023 -0017-0002
Property Owner DERRY & WEBSTER LLC

Account Number 7257

Mailing Address 253 MAIN ST.

Property Location 183 WEBSTER ST

Property Use COMM-RES

Most Recent Sale Date 2/7/2003

Legal Reference 6834-1327

Grantor SECOND GENERATION PROPERTIES,

City NASHUA

Mailing State NH Zip 03060

Sale Price 1,000,000

ParcelZoning

Land Area 0.000 acres

Current Property Assessment

Card 5 Value	Building Value 0	Xtra Features Value 19,000	Land Value 0	Total Value 19,000
Total Parcel Value	Building Value 477,100	Xtra Features Value 35,800	Land Value 365,300	Total Value 878,200

Building Description

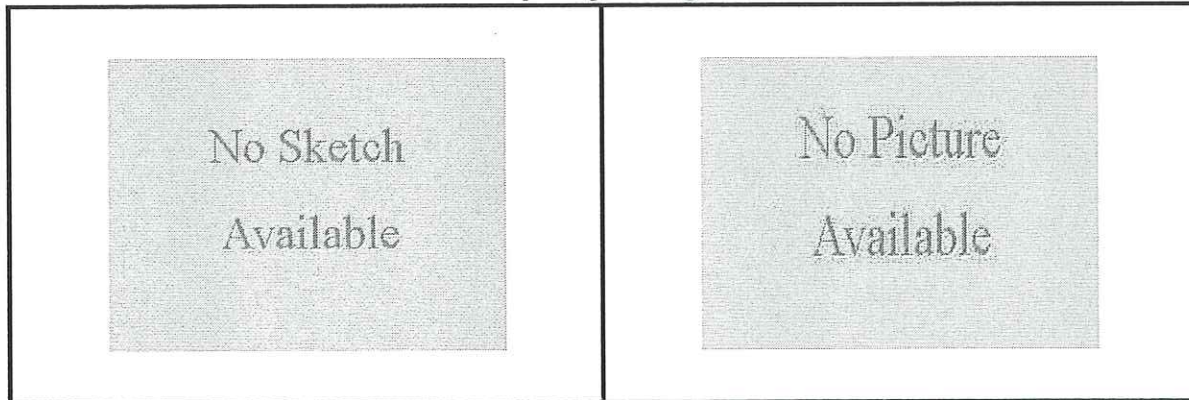
Building Style	Foundation Type	Flooring Type N/A
# of Living Units 0	Frame Type	Basement Floor N/A
Year Built N/A	Roof Structure	Heating Type N/A
Building Grade	Roof Cover	Heating Fuel N/A
Building Condition N/A	Siding	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as COMM-RES with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



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

A₁

CARD #5

No History

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
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CARD #1

Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 147-016-000
Prior Parcel ID 0023 -0017-0002
Property Owner DERRY & WEBSTER LLC

Account Number 7257

Mailing Address 253 MAIN ST.

Property Location 185 A, B, C WEBSTER ST

Property Use COMM-RES

Most Recent Sale Date 2/7/2003

Legal Reference 6834-1327

Grantor SECOND GENERATION PROPERTIES,

City NASHUA

Mailing State NH Zip 03060

Sale Price 1,000,000

Parcel Zoning

Land Area 10.289 acres

Current Property Assessment

Card 1 Value	Building Value 129,800	Xtra Features Value 16,200	Land Value 365,300	Total Value 511,300
Total Parcel Value	Building Value 477,100	Xtra Features Value 35,800	Land Value 365,300	Total Value 878,200

Building Description

Building Style MULTI-CONVER
of Living Units 3
Year Built 1920
Building Grade AVERAGE
Building Condition Fair
Finished Area (SF) 2483
Number Rooms 7
of 3/4 Baths 0

Foundation Type BRICK/STONE
Frame Type WOOD
Roof Structure GABLE
Roof Cover ASPH SHING
Siding ALUMINUM
Interior Walls DRYWALL
of Bedrooms 4
of 1/2 Baths 0

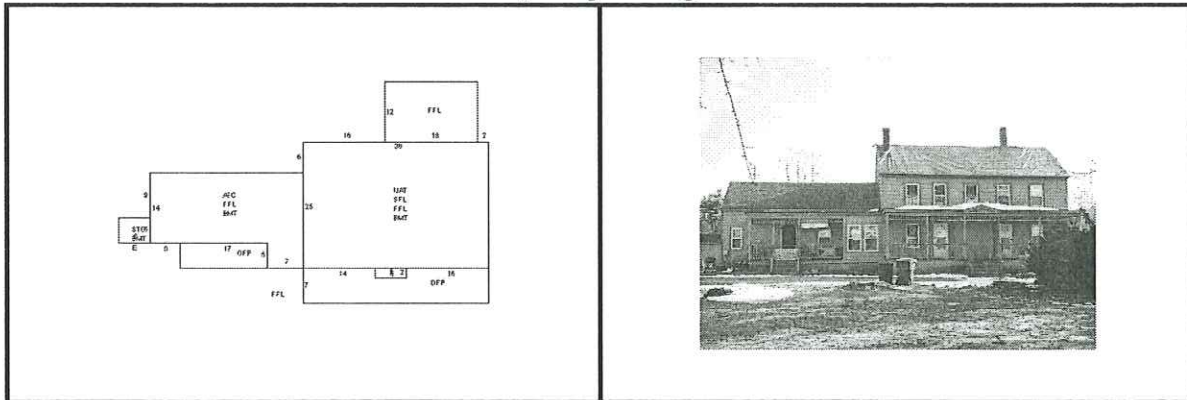
Flooring Type SOFTWOOD
Basement Floor CONCRETE
Heating Type FORCED HW
Heating Fuel OIL
Air Conditioning 0%
of Bsmt Garages 0
of Full Baths 3
of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 10.289 acres of land mainly classified as COMM-RES with a(n) MULTI-CONVER style building, built about 1920 , having ALUMINUM exterior and ASPH SHING roof cover, with 3 unit(s), 7 room(s), 4 bedroom(s), 3 bath(s), 0 half bath(s).

Property Images



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

B1

CARD # 1

2006

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1 2006	104 - TWO FAM	9,600	36,700	19,325	2.06	0.00	65,625
6 2006	105 - THREE FAM	25,200	0	19,325	2.06	0.00	44,525

B₂

CARD # 1

2021

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1 2021	105 - THREE FAM	32,450	0	16,325	2.07	0.00	48,775
6 2021	105 - THREE FAM	32,450	0	16,325	2.07	0.00	48,775

B₃

CARD #3

Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 147-016-000
Prior Parcel ID 0023 -0017-0002
Property Owner DERRY & WEBSTER LLC

Account Number 7257

Mailing Address 253 MAIN ST.

Property Location 187 WEBSTER ST

Property Use COMM-RES

Most Recent Sale Date 2/7/2003

Legal Reference 6834-1327

Grantor SECOND GENERATION PROPERTIES,

City NASHUA

Mailing State NH Zip 03060

Sale Price 1,000,000

ParcelZoning

Land Area 0.000 acres

Current Property Assessment

Card 3 Value	Building Value 46,800	Xtra Features Value 0	Land Value 0	Total Value 46,800
Total Parcel Value	Building Value 477,100	Xtra Features Value 35,800	Land Value 365,300	Total Value 878,200

Building Description

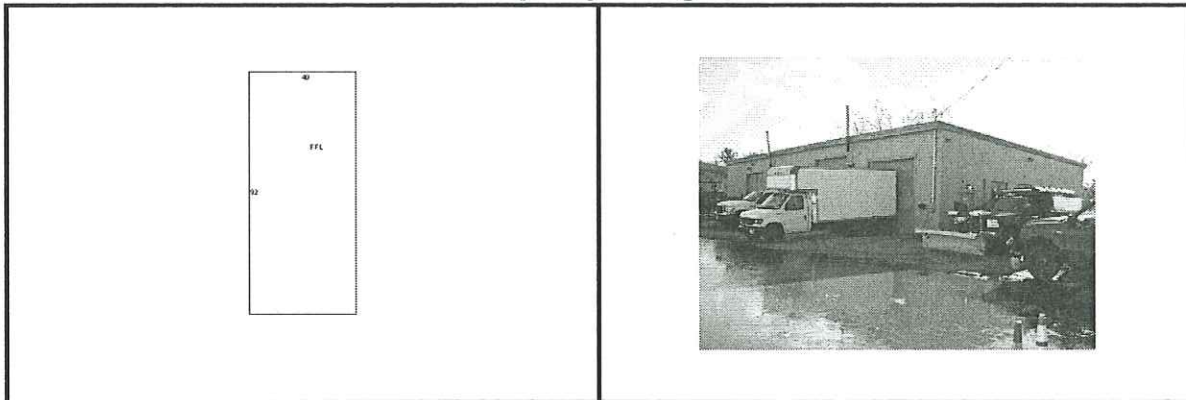
Building Style WAREHOUSE	Foundation Type SLAB	Flooring Type CONCRETE
# of Living Units 2	Frame Type STEEL	Basement Floor N/A
Year Built 1975	Roof Structure SHED	Heating Type UNIT HEATERS
Building Grade POOR	Roof Cover TAR/GRAVEL	Heating Fuel OIL
Building Condition Poor	Siding CORR STEEL	Air Conditioning 0%
Finished Area (SF) 3680	Interior Walls MINIMAL	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 1	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as COMM-RES with a(n) WAREHOUSE style building, built about 1975, having CORR STEEL exterior and TAR/GRAVEL roof cover, with 2 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 1 half bath(s).

Property Images



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

C₁

COND #3

2006

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2006	316 - COMM WRHSE	61,500	0	0	0.00	0.00	61,500
2006	316 - COMM WRHSE	61,500	0	0	0.00	0.00	61,500

C2

CARD #3

2021

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1 2021	316 - COMM WRHSE	44,000	0	0	0.00	0.00	44,000
6 2021	316 - COMM WRHSE	44,000	0	0	0.00	0.00	44,000

C3

CARD #2

Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 147-016-000
Prior Parcel ID 0023 -0017-0002
Property Owner DERRY & WEBSTER LLC

Account Number 7257

Mailing Address 253 MAIN ST.

Property Location 189 WEBSTER ST
Property Use COMM-RES
Most Recent Sale Date 2/7/2003
Legal Reference 6834-1327
Grantor SECOND GENERATION PROPERTIES,
Sale Price 1,000,000
Land Area 0.000 acres

City NASHUA
Mailing State NH Zip 03060
Parcel Zoning

Current Property Assessment

Card 2 Value	Building Value 44,000	Xtra Features Value 0	Land Value 0	Total Value 44,000
Total Parcel Value	Building Value 477,100	Xtra Features Value 35,800	Land Value 365,300	Total Value 878,200

Building Description

Building Style GARAGE
of Living Units 2
Year Built 1975
Building Grade POOR
Building Condition Poor
Finished Area (SF) 8800
Number Rooms 0
of 3/4 Baths 0

Foundation Type SLAB
Frame Type STEEL
Roof Structure GABLE
Roof Cover TAR/GRAVEL
Siding METAL PANEL
Interior Walls MINIMAL
of Bedrooms 0
of 1/2 Baths 2

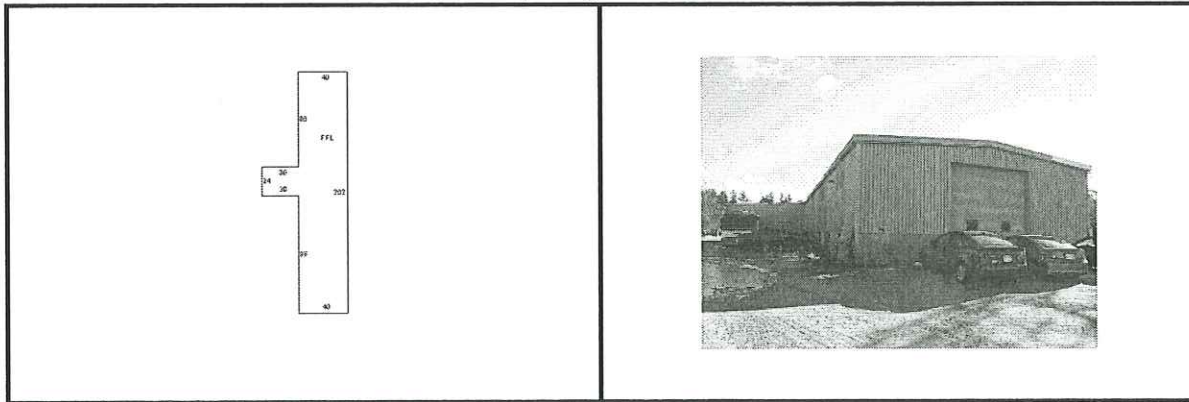
Flooring Type CONCRETE
Basement Floor N/A
Heating Type UNIT HEATERS
Heating Fuel OIL
Air Conditioning 0%
of Bsmt Garages 0
of Full Baths 0
of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as COMM-RES with a(n) GARAGE style building, built about 1975 , having METAL PANEL exterior and TAR/GRAVEL roof cover, with 2 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 2 half bath(s).

Property Images



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

D,

CARD # 2

2006

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1 2006	332 - AUTO REPAIR	59,000	0	0	0.00	0.00	59,000
6 2006	332 - AUTO REPAIR	59,000	0	0	0.00	0.00	59,000

D₂

CARD # 2

2021

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1 2021	332 - AUTO REPAIR	46,800	0	0	0.00	0.00	46,800
6 2021	332 - AUTO REPAIR	46,800	0	0	0.00	0.00	46,800

D₃

COLBY, GEORGE

December 21, 1964

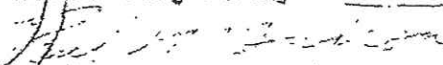
Mr. George W. Colby, Jr.
137 Webster Street
Hudson, New Hampshire

Dear Mr. Colby:

With reference to your letter dated December 5, 1964 and the public hearing held at the library building on October 16, 1964 in regard to your request to offer for sale at your seasonal farm produce stand on the Litchfield Road in Hudson certain unrelated items:

The Board of Adjustment has approved your request to offer for sale during the seasonal operation of your stand the items enumerated in your letter mentioned above.

Yours very truly


Paul W. Buxton, Chairman
Board of Adjustment
Town of Hudson

JHP/jl

cc: Mr. Richard Millard, *Post Office*
Mr. Kenneth Clark, *Ryanville Rd*
Mr. Frank Yutting, Jr., *Post Office*

E

NOTICE

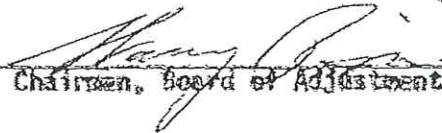
BOARD OF ADJUSTMENT, TOWN OF HUDSON

You are hereby notified that a hearing will be held Thursday, February 23, 1978 - 7:30p.m.
Town Office Building
at 12 School St. concerning a request by George Colby, Jr.
Webster St. for variance concerning article III
Section d(1) of the Zoning Ordinance.

Applicant proposes to expand on a commercial building Will replace
a 10' wide plastic greenhouse with a 25' wide X 40 addition.

on property located at Webster St. Prop Tax #7377
in the A-2 Residential Zone.

You are invited to appear in person or by agent or counsel and state reasons why the request should or should not be granted.

Signed 
Chairman, Board of Adjustment

Case Number: 1

F.

This application to be returned to the Selectman's Office accompanied by \$10.00 plus postage and a complete list of abutters.

Do not write in this space.

Case No. 1

Date Filed 2-2-78

TO: BOARD OF ADJUSTMENT, TOWN OF HUDSON, NEW HAMPSHIRE

NAME OF APPLICANT: George Colby Jr.

ADDRESS: Harrison Farm Webster St. Hudson

OWNER OF PROPERTY CONCERNED: George Colby Jr.

ADDRESS: 187 Webster St

LOCATION OF PROPERTY: Webster St. TAX NO. 7377

DESCRIPTION OF PROPERTY: Farm stand located on Harrison Farm.

(give length of frontage, side, and rear lines)

LOT SIZE: _____ (square feet) ZONE OF PROPERTY: B2 Residential

PROPOSED USE, OR EXISTING USE AFFECTED: Want to replace the lean-to greenhouse with an addition to existing building.

FILL OUT SECTION 1 or 2 DO NOT FILL OUT MORE THAN ONE SECTION

SECTION I APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination, or requirement by the Building Inspector on _____ (date) to _____ (person requesting Permit) in relation to Article _____ Section _____ of the Zoning Ordinance and hereby appeals said decision.

SECTION II APPLICATION FOR VARIANCE

The undersigned hereby requests a variance to the terms of Article _____ Section ~~d~~ III and asks that said terms be waived to permit.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitutes an unnecessary hardship.

SIGNED George Colby Jr.
(applicant)

The Building Inspector has refused to issue a permit on this request.

SIGNED Richard E. Millard
(Building Inspector)

This has been a farm since the town came to be. We have farmed it for 30 years and Segalle before us and his father before him

F₂



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date 19.....

Table with categories: Residential, Commercial, Industrial, Garage, Breakaway, No. of Units

Table with categories: Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div. No., Septic Construction Permit No., Necessary Signs Posted, Ed. of Adj. Variance Granted If Nec.

Table with categories: New, Alter, Addition, Repair

Permit Number

Name of Owner George Calby, Address Webster St, Tel 889 9651

Land Purchased From Address

Location Webster St, Property Tax No. 7377

Name of General Contractor Hursted, Map and Lot No. 23 lot 17

Name of Heating Contr. Sheplerd, Name of Electrical Contractor

Type of Heat Oil - hot air, Name of Plumbing Contractor

Name of Fireplace Mason, Name of Masonry Contractor

Material of Building Wood, Style of Roof Hip, Roof Covering asphalt shingles

Size of Foundation 25x40, Living Floor Area, No. of Stories

Size of Garage, Water, Sewer

Foundation Material Cement, Width 3ft, Height, Footings Yes No

Fireplace No. of Flues, Size, Chimney Material

Brief Description of Repair, Alter or Other. This is to replace the plastic greenhouse that is now on the south side of our farm stand with an addition 25ft wide. The greenhouse now is 10ft wide. We will carry the same roof line like the stand and to improve the blocks and make it easier for customers by having a little more floor space. Also call for cement floor. We are really only replacing old for new.

The undersigned hereby agrees that the proposed work shall be done in accordance with the foregoing statement, and with the plans and specifications submitted; and that the work connected therewith shall conform with the building laws and regulations of the town of Hudson, and that will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready for inspection. I also certify that I have been authorized by the owner to apply for this permit.

OVER Sketch of building, show streets set back from property lines on all sides on other side.

Owner's Signature George Calby, Contractor's Signature, Address

91

**Application
For Permit to Build**

No.

Location

Estimated Cost \$

PERMIT GRANTED

WORK COMPLETED

Building Inspector

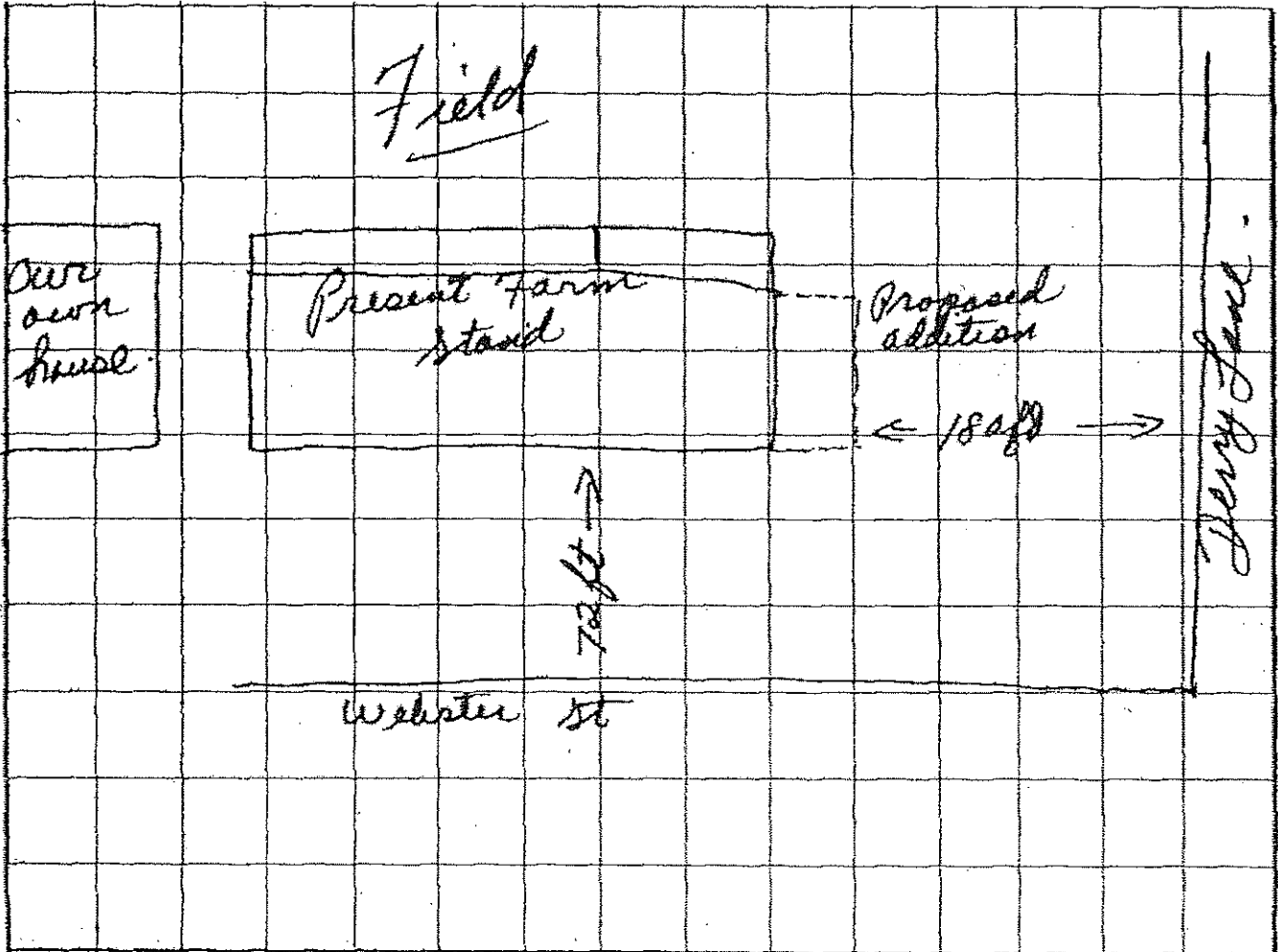
PLOT PLAN

COMMENTS

LOT Owner's Name

SHEET No. Street

SCALE 1" = ... ft. District



STATE OF NEW HAMPSHIRE

Hillsborough ss.

Superior Court

89-E-00727

TOWN OF HUDSON

V.

SAMUEL TAMPOSI, ET AL

CONSENT DECREE

NOW COME the parties and, subject to the approval of this Court, agree to entry of a decree as follows:

1. Surewood Excavation shall vacate the subject property by February 23, 1990, removing from the site all construction vehicles, equipment, materials, and other vehicles, equipment and materials, which Surewood Excavation has previously brought on to the the site or permitted others to bring on to the site.

2. Defendants shall commence eviction proceedings against their tenant, Levesque and, if necessary, Levesque's sub-tenants. Defendants shall serve an eviction notice on Levesque by Feb 15, 1990 and then shall pursue the eviction vigorously, in the courts if necessary, as quickly as the New Hampshire legal process for eviction allows.

3. Defendants shall not themselves or allow others to use the house located on the subject property as an office.

4. Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the zoning ordinance and/or in accordance with the pre-

H,

existing non conforming use already established on the property and defined as follows:

"The growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and operation of the convenience store as it has been operated in the past, in the farmstand building."

5. The parties agree that Tamarack Landscaping's use of the property for planting, growing and selling of nursery stock is included within the pre-established non conforming use.

6. Defendants shall pay the Town of Hudson \$2,500 for the town's attorney's fees, costs, and expenses, said sum to become due and payable 30 days after the court approval of this decree.

Respectfully submitted,

TOWN OF HUDSON, by its attorneys
SOULE, LESLIE, ZELIN, SAYWARD &
LOUGHMAN


Barbara F. Loughman

Date: 3/22/90

By: 

Gerald Prunier, attorney for

Samuel A. Tamposi
Samuel A. Tamposi, Jr.
Elizabeth M. Tamposi
Celina M. Tamposi
Michael A. Tamposi
Nicholas E. Tamposi
Tamposi Children Trust
Sharon R. Tamposi, Trustee
Michael A. Tamposi, Jr.
d/b/a Surewood Excavation

Date: _____

Presiding Justice

LAW OFFICES OF
SOULE, LESLIE,
ZELIN, SAYWARD
& LOUGHMAN
320 MAIN STREET
SALEM, NEW HAMPSHIRE
03079

H₂

Edward Sapienza
Register of Deeds, Hillsborough County

A43
Hudson Zoning

FEES:	10.50
DUPLICATE:	2.00
CASH:	—

Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016
ZBA Decision 01/23/2020

Variance – GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,
253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc.,
10 Commerce Park North, Suite 3, Bedford, NH 03110

Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store

Zoning Ordinance Article: V §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

M M A A

"I"

Zoning Administrator's Summary/Comments:

Greenhouse Bldg (183 Webster Street) (3,000 sqft)

Applicant requests Variances for uses "Industrial (E-8)" not permitted in the Table of Principal Permitted Uses §334-21 and for uses not permitted in the Table of Permitted Accessory Uses §334-22. and are not permitted in the R-2 district as depicted on the submitted application as: *"warehousing of material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment."*

Recommend that the applicant specifically describe the details of the requested uses not in the Table of Principal Permitted Uses §334-21, and locate such requested "accessory" vehicle and equipment garaging/parking uses on a plan.

Three-Family Residence (185 Webster Street)

Applicant requests a Variance to allow a 3rd Dwelling unit (multi-family by definition) within an existing single structure. Single and two-family dwellings are permitted in the R-2 Zoning District, three-family (multi-family) residences are not permitted in Table of Principal Permitted Uses §334-21 in the R-2 district.

Warehouse (187 Webster Street) "Small Garage"

Applicant requests Variances for uses "Industrial (E-8)" not permitted in the Table of Principal Permitted Uses §334-21 and for uses not permitted in the Table of Permitted Accessory Uses §334-22. and are not permitted in the R-2 district as depicted on the submitted application/plan as: *"warehousing of material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment."*

Recommend that the applicant specifically describe the details of the requested uses not in the Table of Principal Permitted Uses §334-21, for example there are uses depicted on the plans (187 Webster St) as "carpet storage"/"equip. storage"/"Regis storage", all these requested "uses" need to be described in detail, ie: what's "Regis storage"?

Recommend the applicant locate the requested "accessory" vehicle and equipment garaging/parking uses on a plan.

Garage (189 Webster Street) "Large Garage Bldg"

Applicant requests Variances for uses "Industrial (E-8)" not permitted in the Table of Principal Permitted Uses §334-21 and for uses not permitted in the Table of Permitted Accessory Uses §334-22. and are not permitted in the R-2 district as depicted on the submitted application/plan as: *"warehousing of material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment."*

Recommend that the applicant specifically describe the details of the requested uses not in the Table of Principal Permitted Uses §334-21, for example there are uses depicted on the plans (189 Webster St) as "truck storage"/"storage"/"car storage"/"pool service/installation", all these requested "uses" need to be described in detail at to what are they?

Recommend the applicant locate the requested "accessory" vehicle and equipment garaging/parking uses on a plan.

For all applications:

Recommend a site walk/visit to see/observe character of neighborhood/site.

J

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **01/20/2022**, the Zoning Board of Adjustment heard Case **147-016a**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a **Variance** for **185 Webster St., Hudson, NH** for a **Greenhouse Building** addressed as **183 Webster Street**—for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the **R-2 Zone**. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

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

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

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

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

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

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____
Sitting member of the Hudson ZBA

_____ Date

Stipulations: _____

TOWN OF HUDSON

DEC 22 2021

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-016 a (01-20-22)

Date Filed 12/22/21

Name of Applicant Derry + Webster, LLC Map: 147 Lot: 016-200 Zoning District: R-2
Att: Vatche Manoukian, manager cell
Telephone Number (Home) (Work) 603-860-6860

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster, LLC

Location of Property 183 Webster St Hudson, NH 03051
(Street Address)

Signature of Applicant _____ Date 12-15-2021

Signature of Property-Owner(s) _____ Date 12-15-2021

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

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

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

Date received: 12/22/21

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>12</u> Abutter Notice:		
<u>12</u> Direct Abutters x Certified postage rate \$ <u>4.33</u> =	\$	<u>51.96</u>
<u>3</u> Indirect Abutters x First Class postage rate \$ <u>0.58</u> =	\$	<u>1.74</u>
Total amount due:	\$	<u>238.70</u>

Amt. received: \$ 238.70

Receipt No.: _____

Received by: (TSG)

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
<u> </u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u> </u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u> </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> </u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u> <u>(TG)</u>
<u> </u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u> </u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u> </u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u> </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>see court doc. filed 11/30/20</u>
<u> </u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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


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

See proposed
uses on
Existing
Conditions
Plan dated
1-23-20


↓

Ⓡ

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



Signature of Applicant(s)



Signature of Property Owner(s)

12-15-2021
Date

12-15-2021
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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Kerianne St. Laurent	19A Webster St Hudson, NH 03051
156	007	Susan J. Aucain	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trains	2 Shoreline Dr Hudson, NH 03057
147	016	Derm. Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place Court C/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landing Courts C/o Alfred Salvi	32 Bowers Circle Hudson, NH 03051
156	008	Reeds Brook Homeowners Assoc C/o Sarah Pottle, Treasurer	8 Madeline Ct Hudson, NH 03051
156	004	Sparling River, C/o Association C/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul + Kimberly Mocer	6 SCENIC LANE HUDSON, NH 03051
147	014	Brian D. Ryeon	197 WEBSTER ST HUDSON, NH 03051
147	022	Westchester Place Corpd	7 WESTCHESTER CT HUDSON, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article Y Permitted Uses of HZO Section(s) Section 334-21 (E-8) in order to permit the following change or use:

To allow warehousing of material and equipment with the greenhouse structure at 183 Webster St Hudson, NH 03051. Where this use is not permitted in the R2 zone. Allow permitted accessory uses of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment.

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

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

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

The buildings outlined as storage were originally utilized as storage as part of the agricultural use of the property by Garrison Farm. After the agricultural uses were terminated, these buildings themselves are non-conforming, but the use is not. The use will not violate the basic zoning objectives because they were constructed to be warehouses. There will be no violation of the essential character of the neighborhood, as the buildings have existed since the 1980's.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The warehouses existed before the zoning ordinance as warehouses and the intent is to continue to use them as warehouses just not necessarily for agriculture.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The warehouses can be kept and used as such. The use does not adversely impact or harm the abutters or any public rights. The public will not realize any appreciable gain from denying the variance.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The buildings will not be altered. They will stay the same with some modernization and landscaping. There will be no change.

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and also that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

~~Because these warehouses have existed for a long time, there is a special circumstance that exist. These buildings were unique when constructed for agricultural purposes. These buildings can continue to be used, only for different products. The continued use would allow the applicant reasonable use of its land.~~

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-2020-CV-00632

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").

2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”

26. Since 1990, the convenient store has expanded without site plan approval.

27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”

28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).

29. No appeal of that denial was ever taken.

30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.

31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.

32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. See HZO § 334-21 and Table of Permitted Principal Uses; see also HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."

36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."

37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.

38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.

39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Uses; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.
60. Junkyards are also prohibited under RSA § 236:111 *et seq.*
61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited any district.
62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.
63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.
64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.
65. No variance or special exception has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, which would allow for the mixed use of the Property.
66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.
67. There are heavy equipment and commercial vehicles being stored on the Property.
68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.
69. Violations of the WCD must cease and any damage to the WCD must be remediated.
70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.


Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION

I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.



Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020



Notary Public
My Commission Expires:

PAMELA BISBING
★ NOTARY PUBLIC - NEW HAMPSHIRE ★
My Commission Expires September 13, 2022

316



14/ MAP U16 LOT 000 SUB

3 OF 3 CARD

Hudson

APPRAISED: 19,000 / 878,200
USE VALUE: 19,000 / 878,200
ASSESSED: 19,000 / 878,200

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Value: 183, WEBSTER ST, HUDSON

OWNERSHIP

Table with columns: Owner 1-3, Street 1-2, Twn/City, St/Prov, Postal. Value: DERRY & WEBSTER LLC, NASHUA, NH, 03060

PREVIOUS OWNER

Table with columns: Owner 1-2, Street 1, Twn/City, St/Prov, Postal.

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a N/A Building built about , having primarily N/A Exterior and Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Table with columns: Code, Descr/No, Amount, Com. Int.

PROPERTY FACTORS

Table with columns: Item, Code, Description, %, Item, Code, Description. Includes items like RESD TWO, water, Sewer, Topo, Street, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1, Infl 2, Infl 3, Appraised Value, Alt Class, Spec Land, J Code, Fact, Use Value, Notes.

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value, Legal Description, User Acct, GIS Ref, Entered Lot Size, Total Land, Land Unit Type.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Includes Parcel ID 147-016-000.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes, PAT ACCT.

BUILDING PERMITS

Table with columns: Date, Number, Descr, Amount, C/O, Last Visit, Fed Code, F. Descr, Comment, Date, Result, By, Name.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name.

Sign: VERIFICATION OF VISIT NOT DATA



USER DEFINED

Table with columns: Prior Id #, Value. Includes ASR Map, Fact Dist, Reval Dist, Year, LandReason, BldReason, CivilDistrict, Ratio.

PRINT

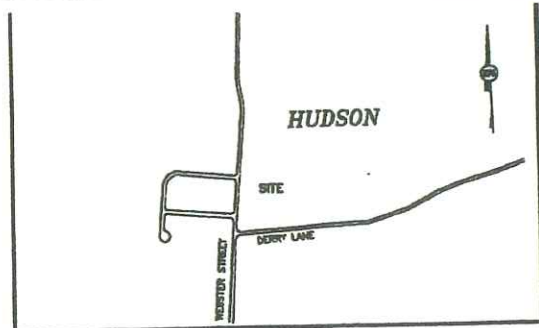
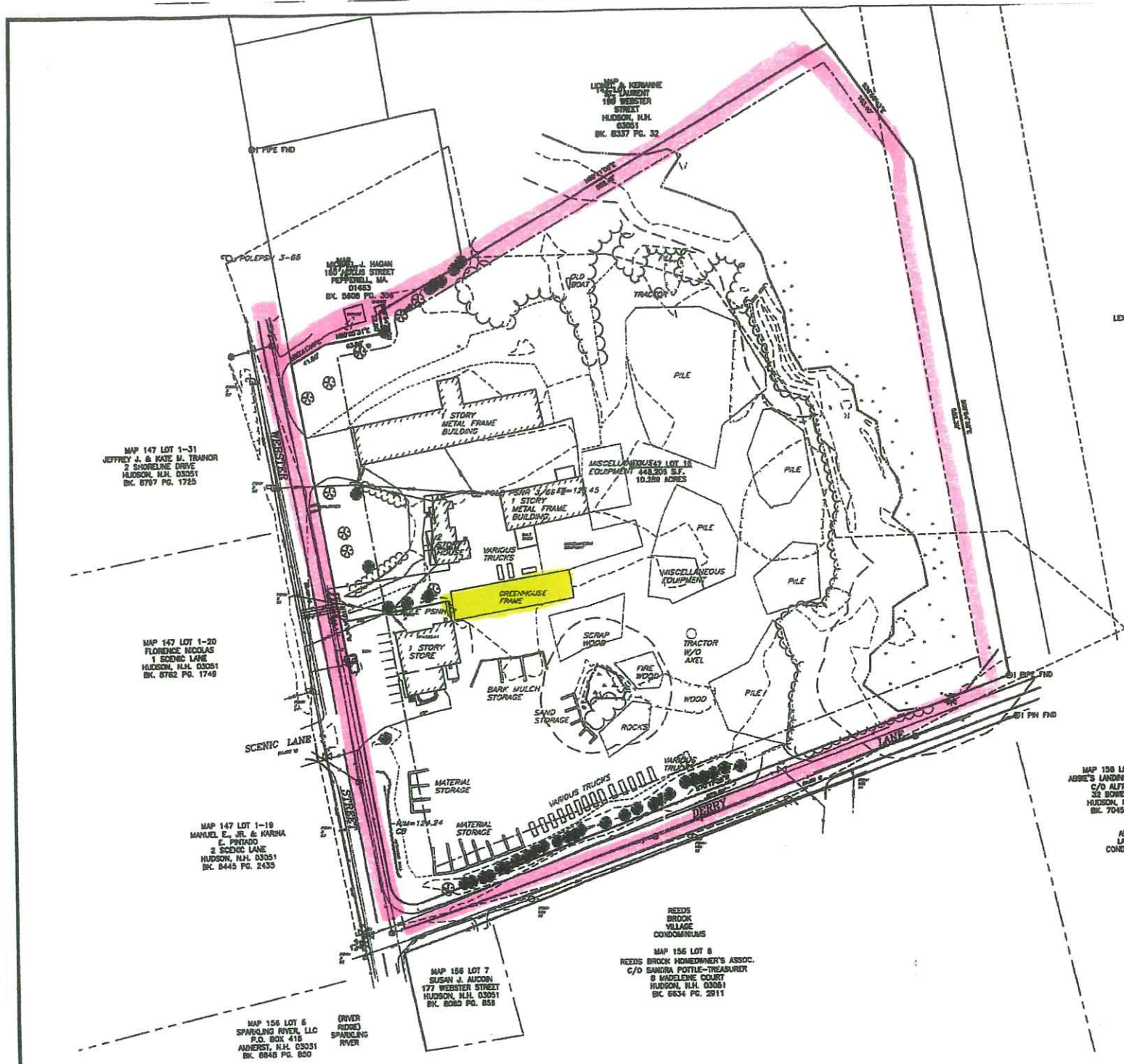
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jmichaud 2569

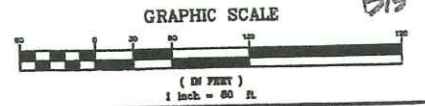
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VICINITY MAP
SCALE: N.T.S.

TOWN OF HUDSON
DEC 22 2021
Zoning Department

Received on July 1-23-20
BM



EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
HCRD BK.6834 PG.1327

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 202, Bedford, NH 03110 Phone (603) 687-2881

PURSUANT TO THE SUBDIVISION REGULATIONS OF THE HUDSON PLANNING BOARD, THE SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____

SIGNATURE _____ SIGNATURE DATE _____

SIGNATURE _____ SIGNATURE DATE _____

SUBDIVISION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

UTILITY NOTE
THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE CORRECT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CERTIFICATION:
I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

MORRY 1-23-20
LICENSED LAND SURVEYOR DATE

REVISIONS		
No.	DATE	DESCRIPTION

DATE: JANUARY 23, 2020 SCALE: 1" = 60'
PROJECT NO: 18-1105-1 SHEET 1 OF 1

V:\project\181105\Utility Working Drawings\181105\SET.dwg, 1/23/2020 2:34:01 PM, SAVEN.WP, W6700 P5

Printed
 12/23/2021
 3:38PM
 Created
 12/23/2021
 3:24 PM

Transaction Receipt

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

Receipt# 667,312
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Applications- 01/20/22 ZBA Meeting 181-189 Webster Street Map/Lot 147-016-000			
	183 Webster-Variance	0.00	238.7000	0.00
	185 Webster-Variance	0.00	185.0000	0.00
	187 Webster-Variance	0.00	185.0000	0.00
	189 Webster-Variance	0.00	185.0000	0.00
	181-189 Webster-Vari	0.00	185.0000	0.00
			Total:	978.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK # 1448	978.70	0.00	978.70

Total Due:	978.70
Total Tendered:	978.70
Total Change:	0.00
Net Paid:	978.70

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **01/20/2022**, the Zoning Board of Adjustment heard Case **147-016b**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a **Variance for 185 Webster St., Hudson, NH for a Residential Building to allow a third dwelling unit, where three-family (multi-family) dwellings are not permitted in the R-2 Zone.** [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Residential (A-3).]

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

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

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

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

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

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON

DEC 22 2021

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-0166 (01-20-22)
Date Filed 12/22/21

Name of Applicant: Derry + Webster, LLC Map: 147 Lot: 016-000 Zoning District: R-2
Att: Vatche Manoukian, manager cell
Telephone Number (Home) _____ (Work) 603-810-6810

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster, LLC

Location of Property 185 A, B, C Webster St Hudson, NH 03051
(Street Address)

Signature of Applicant _____ Date 12-15-2021

Signature of Property-Owner(s) _____ Date 12-15-2021

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

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

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

Date received: 12/22/21

COST:

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

12 Abutter Notice:

3 Direct Abutters x Certified postage rate \$ 4.33 = \$ —

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ —

Total amount due: \$ 185 —

Amt. received: \$ 185 —

Receipt No.: _____

Received by: TSG

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

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following requirements/checklist pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
(W)	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG
(W)	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG
(W)	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, Wetland 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.	TG
(P)	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A (TB)
(W)	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (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.)	TG
(W)	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
(P)	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.	TG See court doc. filed 11/30/20
(P)	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A

PLOT PLAN-

3

Except for requests pertaining to 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):

See proposed Use on Existing Conditions Plan dated 1-23-20

- a) 2
- b) 2
- c) 2
- d) 2
- e) 2
- f) 2
- g) 2
- h) 2
- i) 2

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
- e) The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
- f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions.



TR

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

Signature of Applicant(s)

Date

12-15-2021

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Kerianne St. Laurent	199 Webster St Hudson, NH 03051
156	007	Susan J. Aucain	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trains	2 Shoreline Dr Hudson, NH 03051
147	016	Derm + Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place Court C/O Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landing Court C/O Alfred Salvi	32 Bowers Circle Hudson, NH 03051
156	008	Reeds Brook Homeowner Assoc C/O Sarah Pottle, Treasurer	8 Madeline Ct Hudson, NH 03051
156	006	Spar King River, C/O association C/O Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V, permitted uses of HZO Section(s) 334-21 Table of permitted uses (A-3) in order to permit the following change or use:

To allow a third apartment in the building located at 185 A, B, C Webster St Hudson, NH where three-family/multi family dwellings are not permitted.

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

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

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

The R-2 district allows 2 units and the applicant is requesting 3 units. There has been 3 units in the building since at least before 1976. There has not been any notices that the third unit threatened public health, safety, or welfare during its use. With the R-2 zoning allowing 2 units, the intent of the ordinance is to allow multi-family use. A third apartment is a minor use in a multi-family area.

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

The existence of the third unit is not out of character with the neighborhood or threatens public health. It has been used as a rental unit for over 24 years and has not caused a disturbance in the area. It also provides reasonable housing in the area that is in demand.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The benefit of allowing a third unit in the applicant's building is not outweighed by harm to the general public. The use of the third apartment is a benefit to the general public in allowing for affordable housing.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

There are no exterior changes being proposed. There will and/or is a change in neighborhood.

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

The State of New Hampshire has clearly confirmed the State's respect for
individuals to make reasonable use of their land. New Hampshire courts have
recognized that sometimes properties are uniquely situated or especially
appropriate for a particular use. In these special cases, the courts have declared
a variance appropriate. In this case, there has been a third unit in the building
for over 24 years. The use has been reasonable.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-2020-CV-00632

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").
2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”

26. Since 1990, the convenient store has expanded without site plan approval.

27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”

28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).

29. No appeal of that denial was ever taken.

30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.

31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.

32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. See HZO § 334-21 and Table of Permitted Principal Uses; *see also* HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").
34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*
35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."
36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."
37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.
38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.
39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.
40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.
41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Used; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.
60. Junkyards are also prohibited under RSA § 236:111 *et seq.*
61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited any district.
62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.
63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.
64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.
65. No variance or special exception has been granted by the ZBA, nor has a site plan been approved by the Planning Board, which would allow for the mixed use of the Property.
66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.
67. There are heavy equipment and commercial vehicles being stored on the Property.
68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.
69. Violations of the WCD must cease and any damage to the WCD must be remediated.
70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.


Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION

I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.




Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020



Notary Public
My Commission Expires:



147 016 000
 MAP LOT SUB

1 of 4 RESIDENTIAL
 CARD Hudson

Total Card / Total Parcel
 APPRAISED: 569,800 / 964,400
 USE VALUE: 569,800 / 964,400
 ASSESSED: 569,800 / 964,400

PROPERTY LOCATION

No	Alt No	Direction/Street/City
185	A, B, C	WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

PREVIOUS OWNER

Owner 1:	SECOND GENERATION PROPERTIES -
Owner 2:	CMP PROPERTIES -
Street 1:	20 TRAFALGAR SQ. SUITE #602
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03063

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a MULTI-CONVER Building built about 1920, having primarily ALUMINUM Exterior and 2483 Square Feet, with 3 Units, 3 Baths, 0 3/4 Bath, 0 HalfBath, 7 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
325	8.192	97,950	74,200	348,750	520,900
105	2.064	32,650		16,250	48,900
Total Card	10.256	130,600	74,200	365,000	569,800
Total Parcel	10.256	525,200	74,200	365,000	964,400

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	031	FV	500,500	74200	10.256	365,000	939,700	939,700	Year End Roll	9/16/2019
2019	031	JB	510,500	74200	10.256	365,000	949,700	949,700	Year End Roll	5/8/2019
2018	031	FV	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	8/27/2018
2018	031	JB	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	5/9/2018
2017	031	FV	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	10/26/2017
2017	031	PV	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	8/28/2017
2017	031	JB	440,100	42900	10.256	365,000	848,000	848,000	Year End Roll	5/10/2017
2016	031	FV	440,100	42900	10.256	365,000	848,000	848,000	Year End Roll	8/30/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
SECOND GENERATI	6834-1327	2	2/7/2003		1,000,000	No	No		
	5686-1423		1/17/1996	UNCLASSIFIED		No	No		
TAMPOSI, SAMUEL	5542-902		4/25/1994	UNCLASSIFIED	167,000	No	No		
TAMPOSI, ET AL	5437-1452		5/28/1993	UNCLASSIFIED		No	No		
	5078-0788		12/23/1988			No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
11/1/2018	2018-01109	EXT RENO	20,000	C				
1/22/2018	2018-00052	ELECTRIC		C				
10/2/2009	2009-454	SIGNS	1,500	C				
6/21/2005	2005-528	INT RENO	1,800	C				
8/1/2001	2002-58	SIGNS		C				
6/26/2001	2001-528	SIGNS		C				

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:		C				
D				Topo	1	LEVEL
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	Spec Land %	J Code	Fact	Use Value	Notes
325	STORE		2		SITE ACRE SITE			0	150,000.	1.00	MG					300,000					300,000	USE
325	STORE		8.256		ACRES EXCESS			0	15,000	0.53	MG		TOPO	-25		65,016	105	25			65,000	TOPO

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
2/24/2017	I&E Mailed	7	DC
8/5/2014	Abate Denied	1	CHIEF ASSESS
5/10/2012	Field Review	9	PVA
1/20/2010	Permit Visit	10	APPAISER II
7/10/2007	Other Change	9	PVA
5/31/2006	Other Change	1	CHIEF ASSESS
4/27/2006	Permit Visit	1	CHIEF ASSESS
6/27/2005	New Maps	1	CHIEF ASSESS



USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

Date	Time
01/02/20	13:25:16
Date	Time
08/29/19	14:35:39
mikep	
2569	

316



1st Floor 185 Webster St

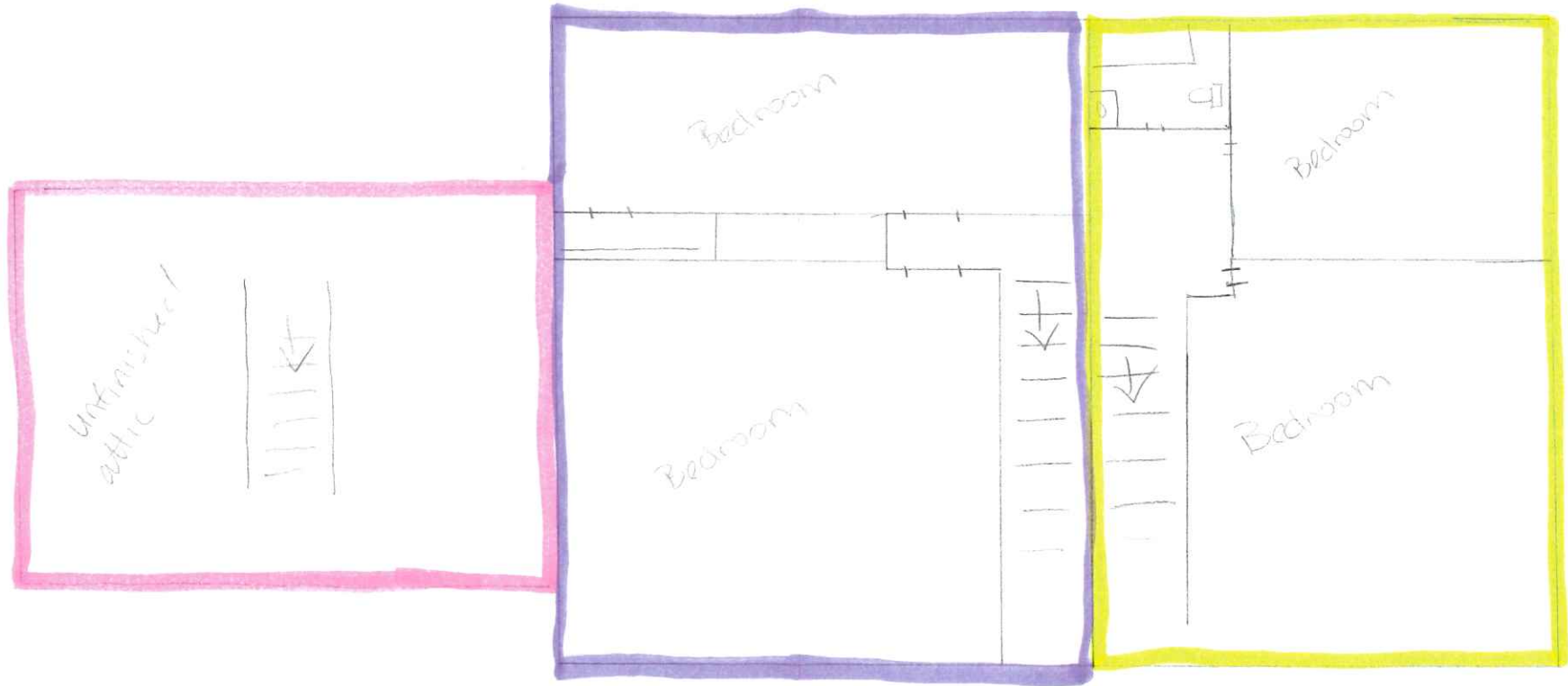


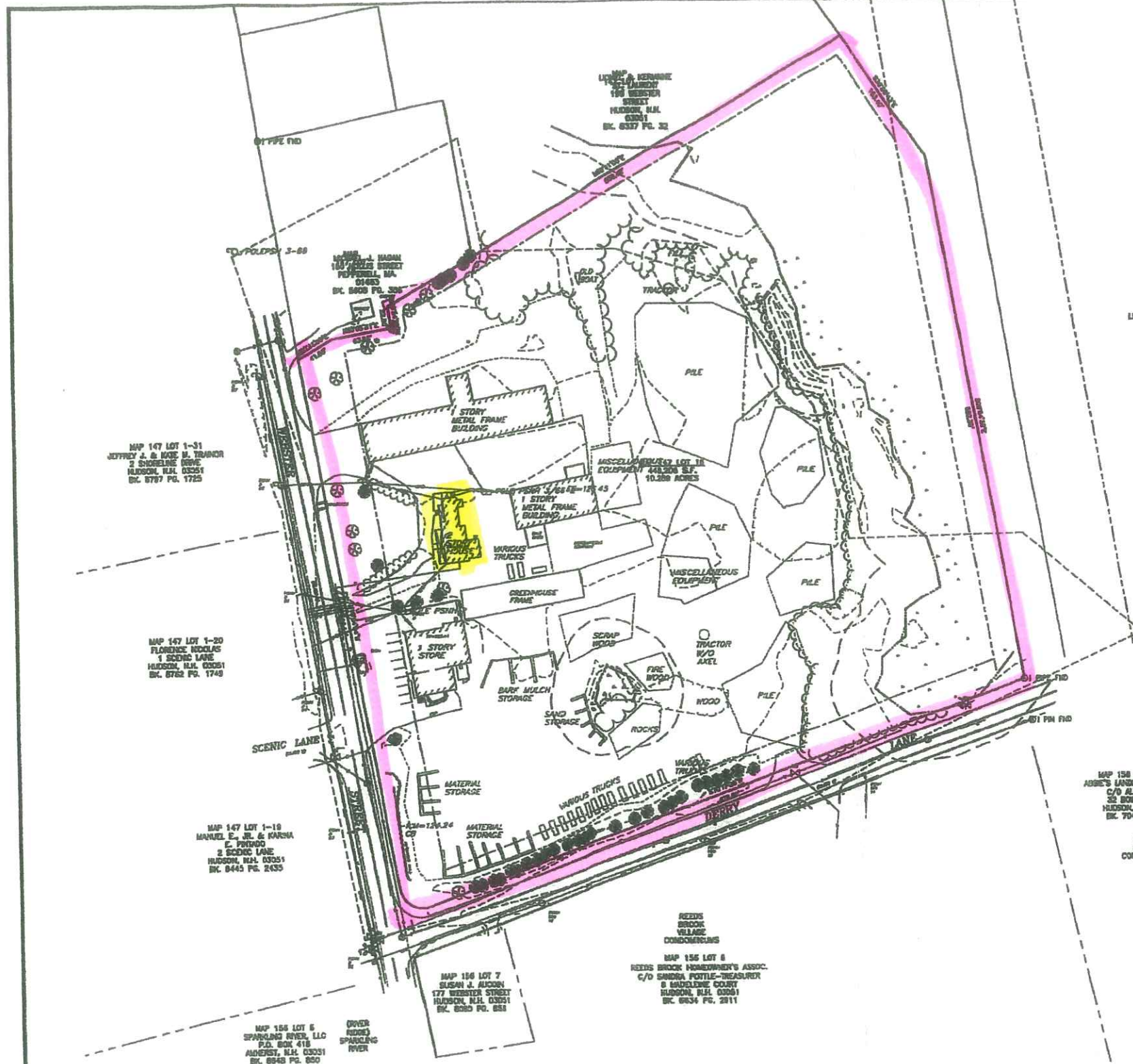
185A
420 sqft
finished

185 B
900 sqft +/-

185 C
900 sqft +/-

2nd Floor 185 Webster St





VICINITY MAP
SCALE: N.T.S.

MAP 147 LOT 17
LEXINGTON PLACE CONDOMINIUMS
C/O JACK JOYCE
24 LEXINGTON COURT
HUDSON, N.H. 03051
BK. 6008 PG. 1710

LEXINGTON
PLACE
CONDOMINIUMS

MAP 147 LOT 1-31
JEFFREY A. & NICOLE M. THORNTON
2 SHORELANE DRIVE
HUDSON, N.H. 03051
BK. 5797 PG. 1725

MAP 147 LOT 1-20
FLORENCE RODOLAS
1 SCENIC LANE
HUDSON, N.H. 03051
BK. 5762 PG. 1748

MAP 147 LOT 1-18
MANUEL E. JR. & KARINA
C. PORTO
2 SCENIC LANE
HUDSON, N.H. 03051
BK. 5445 PG. 2435

MAP 156 LOT 6
SPARKLING RIVER, LLC
P.O. BOX 418
ANDOVER, N.H. 03031
BK. 6948 PG. 850

MAP 156 LOT 7
SUSAN J. HUDSON
177 WEBSTER STREET
HUDSON, N.H. 03051
BK. 6380 PG. 881

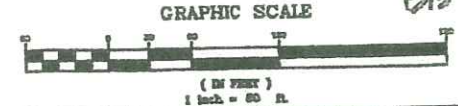
MAP 156 LOT 8
REXUS BROOK HOMEOWNERS ASSOC.
C/O SANDRA FORTLE-TREASURER
8 MADELINE COURT
HUDSON, N.H. 03051
BK. 6634 PG. 2011

MAP 158 LOT 20-23
ABBE'S LANDING HOMEOWNERS
C/O ALFRED SALVI
25 BORDS CIRCLE
HUDSON, N.H. 03051
BK. 7045 PG. 815

ABBE'S
LANDING
CONDOMINIUMS

TOWN OF HUDSON
DEC 2 2 2021
Zoning Department

Received on Mtg 1.23.20
BA



EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
HCRO BK.6834 PG.1327

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 202, Bedford, NH 03110 Phone (603) 627-2002

PURSUANT TO THE SUBDIVISION REGULATIONS OF THE HUDSON PLANNING BOARD, THE SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____

SIGNATURE _____ SIGNATURE DATE _____

SIGNATURE _____ SIGNATURE DATE _____

SUBDIVISION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO WARRANTIES THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

[Signature] 1-23-20
DATE
LICENSED LAND SURVEYOR

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2020
PROJECT No: 18-1105-1
SHEETS: 1' = 60'
SHEET 1 OF 1

Printed
 12/23/2021
 3:38PM
 Created
 12/23/2021
 3:24 PM

Transaction Receipt

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

Receipt# 667,312
 tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Applications- 01/20/22 ZBA Meeting 181-189 Webster Street Map/Lot 147-016-000			
	183 Webster-Variance	0.00	238.7000	0.00
	185 Webster-Variance	0.00	185.0000	0.00
	187 Webster-Variance	0.00	185.0000	0.00
	189 Webster-Variance	0.00	185.0000	0.00
	181-189 Webster-Vari	0.00	185.0000	0.00
			Total:	978.70

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK # 1448	978.70	0.00	978.70
			Total Due:		978.70
			Total Tendered:		978.70
			Total Change:		0.00
			Net Paid:		978.70

HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)

On **01/20/2022**, the Zoning Board of Adjustment heard Case **147-016c**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a Variance for **185 Webster St., Hudson, NH** for a Small Garage Building addressed as **187 Webster Street**—for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the **R-2 Zone**. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

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

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

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

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

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

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____
Signed: _____ Date _____
 Sitting member of the Hudson ZBA

Stipulations: _____

TOWN OF HUDSON
DEC 22 2021

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-016C (01-20-22)
Date Filed 12/22/21

Name of Applicant: Derry + Webster, LLC Map: 147 Lot: 016 Zoning District: R-2
Att: Vatche Manoukian, manager cell
Telephone Number (Home) _____ (Work) 603-810-6810

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster, LLC

Location of Property 187 Webster St Hudson NH 03051
(Street Address)

Signature of Applicant _____ Date 12-15-2021

Signature of Property-Owner(s) _____ Date 12-15-2021

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

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

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

Date received: 12/22/21

COST:

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

Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.33 = \$ —

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ —

Total amount due: \$ 185.00

Amt. received: \$ 185.00

Receipt No.: _____

Received by: TSG

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

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
(H)	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
(H)	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
(H)	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, Wetland 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>
(H)	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A (TG)</u>
(H)	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 from the assessor's office. (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>
(H)	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
(H)	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> see court doc. filed 11/30/20
(H)	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

PLOT PLAN-

v Except for requests pertaining to 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):

see proposed use on:
Existing Conditions Plan dated 1-23-20

a) v 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) v The plot plan shall be up-to date and dated, and shall be no more than three years old.

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

d) v 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: copies of the GIS map can be obtained at the Land Use Division.)

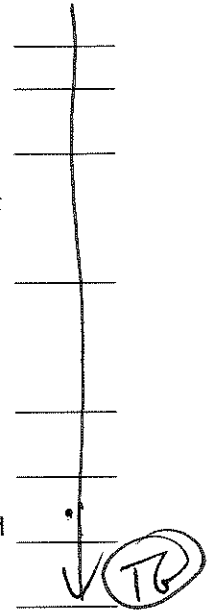
e) v The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.

f) v 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) v The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.

h) v The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.

i) v The plot plan shall indicate all parking spaces and lanes, with dimensions.



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

Signature of Applicant(s)

Date

12-15-2021

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Kerianne St. Laurent	196 Webster St Hudson, NH 03051
156	007	Susan J. Aucoin	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trinos	2 Shoreline Dr Hudson, NH 03051
147	016	Derm + Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place Court C/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landing Courts C/o Alfred Salvi	32 Bawes Circle Hudson, NH 03051
156	008	Reeds Brook Homeowners Assoc C/o Sandra Patis, Treasurer	8 Madeline Ct Hudson, NH 03051
156	006	Spur King River, C/o Association C/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul & Kimberly Moseri	6 Scenic Lane Hudson, NH 03051
147	014	Brian D. Pigeon	197 Webster St Hudson, NH 03051
147	022	Westchester Place Condos	7 Westchester Ct Hudson, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V Permitted Uses of HZO Section(s) Section 334-21 (E-8) in order to permit the following change or use:

To allow warehousing of material and equipment with the warehouse building at 187 Webster St Hudson, NH where this use is not permitted in the R2 zone
Allow permitted accessory uses of garaging or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

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

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

The buildings outlined as storage were originally utilized as storage as part of the agricultural use of the property by Garrison Farm. After the agricultural uses were terminated, these buildings themselves are non-conforming, but the use is not. The use will not violate the basic zoning objectives because they were constructed to be warehouses. There will be no violation of the essential character of the neighborhood, as the buildings have existed since the 1980's.

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

The warehouses existed before the zoning ordinance as warehouses and the intent is to continue to use them as warehouses just not necessarily for agriculture.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The warehouses can be kept and used as such. The use does not adversely impact or harm the abutters or any public rights. The public will not realize any appreciable gain from denying the variance.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The buildings will not be altered. They will stay the same with some modernization and landscaping. There will be no change.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:
(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

Because these warehouses have existed for a long time, there is a special circumstance that exist. These buildings were unique when constructed for agricultural purposes. These buildings can continue to be used, only for different products. The continued use would allow the applicant reasonable use of its land.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer's Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-2020-CV-00632

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").

2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”
26. Since 1990, the convenient store has expanded without site plan approval.
27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”
28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).
29. No appeal of that denial was ever taken.
30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.
31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.
32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. See HZO § 334-21 and Table of Permitted Principal Uses; see also HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."

36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."

37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.

38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.

39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Used; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.
60. Junkyards are also prohibited under RSA § 236:111 *et seq.*
61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited in any district.
62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.
63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.
64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.
65. No variance or special exception has been granted by the ZBA, nor has a site plan been approved by the Planning Board, which would allow for the mixed use of the Property.
66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.
67. There are heavy equipment and commercial vehicles being stored on the Property.
68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.
69. Violations of the WCD must cease and any damage to the WCD must be remediated.
70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.

Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION

I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.

Bruce Buttrick
Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020

Pamela Bisbing
Notary Public
My Commission Expires:



147 016 000
MAP LOT SUB

3 of 4 INDUSTRIAL
CARD Hudson

Total Card / Total Parcel
APPRaised: 67,000/ 964,400
USE VALUE: 67,000/ 964,400
ASSESSed: 67,000/ 964,400

PROPERTY LOCATION

No	Alt No	Direction/Street/City
187		WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a WAREHOUSE Building built about 1975, having primarily CORR STEEL Exterior and 3680 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrp/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Inlu	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	Spec Land %	J Code	Fact	Use Value	Notes
332	AUTO REPAI		0		SITE ACRE	SITE		0	0	0.00	RD												

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
332	0.000	67,000			67,000		7257
						Entered Lot Size	GIS Ref
						Total Land: 10.418	GIS Ref
						Land Unit Type: AC	Insp Date
							12/07/90

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/10/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

Sign: _____



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

PRINT

Date	Time
01/02/20	13:25:25

LAST REV

Date	Time
01/25/19	08:00:23

jmichaud	2569
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EXTERIOR INFORMATION

Type: 43 WAREHOUSE
 Sty Ht: 1 - ONE STY
 (Liv) Units: 2 Total: 9
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 18 - CORR STEEL
 Sec Wall: %
 Roof Struct: 4 - FLAT
 Roof Cover: 4 - TAR/GRAVEL
 Color:
 View / Desir:

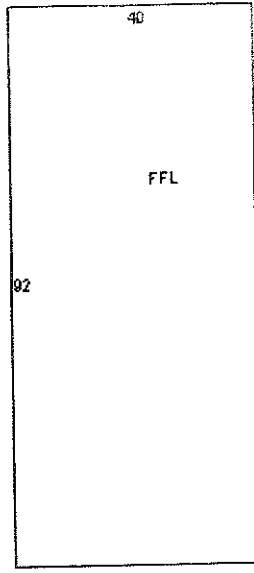
BATH FEATURES

Full Bath: Rating:
 A Bath: Rating:
 3/4 Bath: Rating:
 A 3QBth: Rating:
 1/2 Bath: 1 Rating: AVERAGE
 A HBth: Rating:
 Othr Fix: Rating:

COMMENTS

RESIDENTIAL GRID
 1st Res Grid Desc: # Units
 Level FY LR DR D K FR RR BR FB HB L O
 Other
 Upper
 Lvl 2
 Lvl 1
 Lower
 Totals RMS: BRs: Baths: HB: 1

SKETCH



GENERAL INFORMATION

Grade: E - POOR
 Year Bilt: 1975 Eff Yr Bilt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

OTHER FEATURES

Kits: 1 Rating: AVERAGE
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

CONDO INFORMATION

Location:
 Total Units:
 Floor:
 % Own:
 Name:

REMODELING

Exterior:
 Interior:
 Additions:
 Kitchen:
 Baths:
 Plumbing:
 Electric:
 Heating:
 General:

RES BREAKDOWN

No Unit	RMS	BRS	FL
Totals			

INTERIOR INFORMATION

Avg H/F/L: STD
 Prim Int Wal: 5 - MINIMAL
 Sec Int Wal: %
 Partition: L - LIGHT
 Prim Floors: 12 - CONCRETE
 Sec Floors: %
 Bsmnt Fir:
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 1 - OIL
 Heat Type: 7 - UNIT HEATERS
 # Heat Sys: 2
 % Heated: 100 % AC: 0
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled

DEPRECIATION

Phys Cond: FR - Fair 43.0%
 Functional: D - DESIGN 20.0%
 Economic: %
 Special: %
 Override: %
 Total: 54.8%

CALC SUMMARY

Basic \$ / SQ: 52.00
 Size Adj.: 1.17608690
 Const Adj.: 0.96000999
 Adj \$ / SQ: 58.711
 Other Features: 12000
 Grade Factor: 0.55
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 148236
 Depreciation: 81234
 Depreciated Total: 67003

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAvs/SQ:	AvRate:	Ind Val		
Juris. Factor:	Before Depr:	38.16		
Special Features: 0	Val/Su Net:	18.21		
Final Total: 67000	Val/Su SzAd:	18.21		

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	3,680	58.710	216,056
Net Sketched Area: 3,680		Total:		216,056
Size Adj: 3,680		Gross Area:	3,680	FinArea: 3,680

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu # Ten
FFL		FIRST FLOOR		

MOBILE HOME

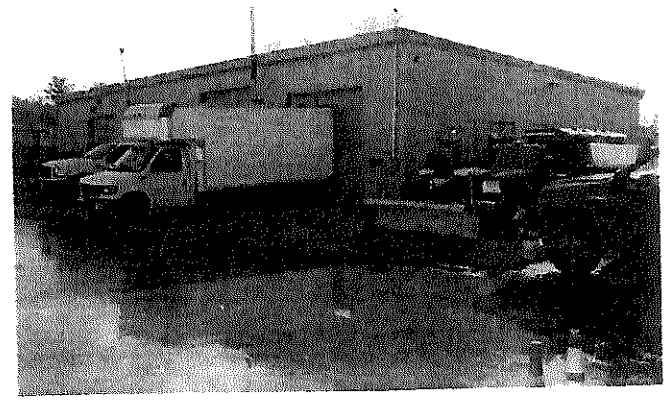
Make: Model: Serial #: Year: Color:
PARCEL ID 147-016-000

SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S Qty	Size/Dim	Qual	Con Year	Unit Price	D/S Dep	LUC	Fact NB Fa	Appr Value	JCodJFact	Juris. Value
------	-------------	-----------	----------	------	----------	------------	---------	-----	------------	------------	-----------	--------------

IMAGE

AssessPro Patriot Properties, Inc



316



147 LOT 1-31
& KATE M. TRAINOR
CORELINE DRIVE
DUN, N.H. 03051
797 PG. 1725

147 LOT 1-20
CE NICOLAS
NIC LANE
DUN, N.H. 03051
2 PG. 1749

SCENIC LANE
(CLASS V)

WEBSTER

PSNH
3
67

PSNH
3
65

PSNH
3
64

GARAGE

N80°05'31"E
63.86'

N09°54'21"W
22.50'

N10°04'04"W

50FT
(TYP)

558.1

TRUCK STORAGE

STORAGE

CAR STORAGE
9,100 SF

POOL SERVICE/
INSTALLATION

PROPOSED HANDICAP
PARKING SPACE
WITH "R7-8P" SIGN

EXISTING
LANDSCAPE
MATERIALS
PILE

SNOW
STORAGE
AREA

PAINT NEW
10X20 PARKING
SPACES

REGIS
STORAGE
EQUIP.
STORAGE
CARPET
STORAGE

Proposed

EXISTING
3-FAMILY
HOUSE

EXISTING STORAGE
& MAINTENANCE
3,760SF

EXISTING
LANDSCAPE
MATERIALS
PILE

MISCELLANEOUS
EQUIPMENT

PROPOSED
LOADING
AREA

LANDSCAPE STORAGE
3,900 SF

SNOW
STORAGE
AREA

MAP 147 LOT 16
448,206 S.F.
10.289 ACRES

EXISTING STORAGE
TO BE CONVERTED
TO FOOD PREP.

1 STORY
SHOP
2,000 SF

REPAIR
OFFICE
1,000 SF

SCRAP
WOOD

ABANDONED
VEHICLE TO BE
REMOVED

BARK MULCH
STORAGE

FIRE
WOOD

EXISTING
LANDSCAPE
MATERIALS
PILE

RAWD
STORAGE

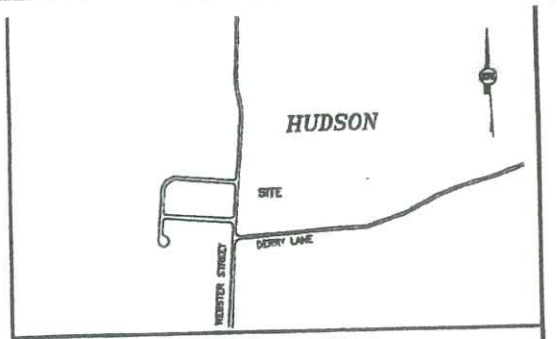
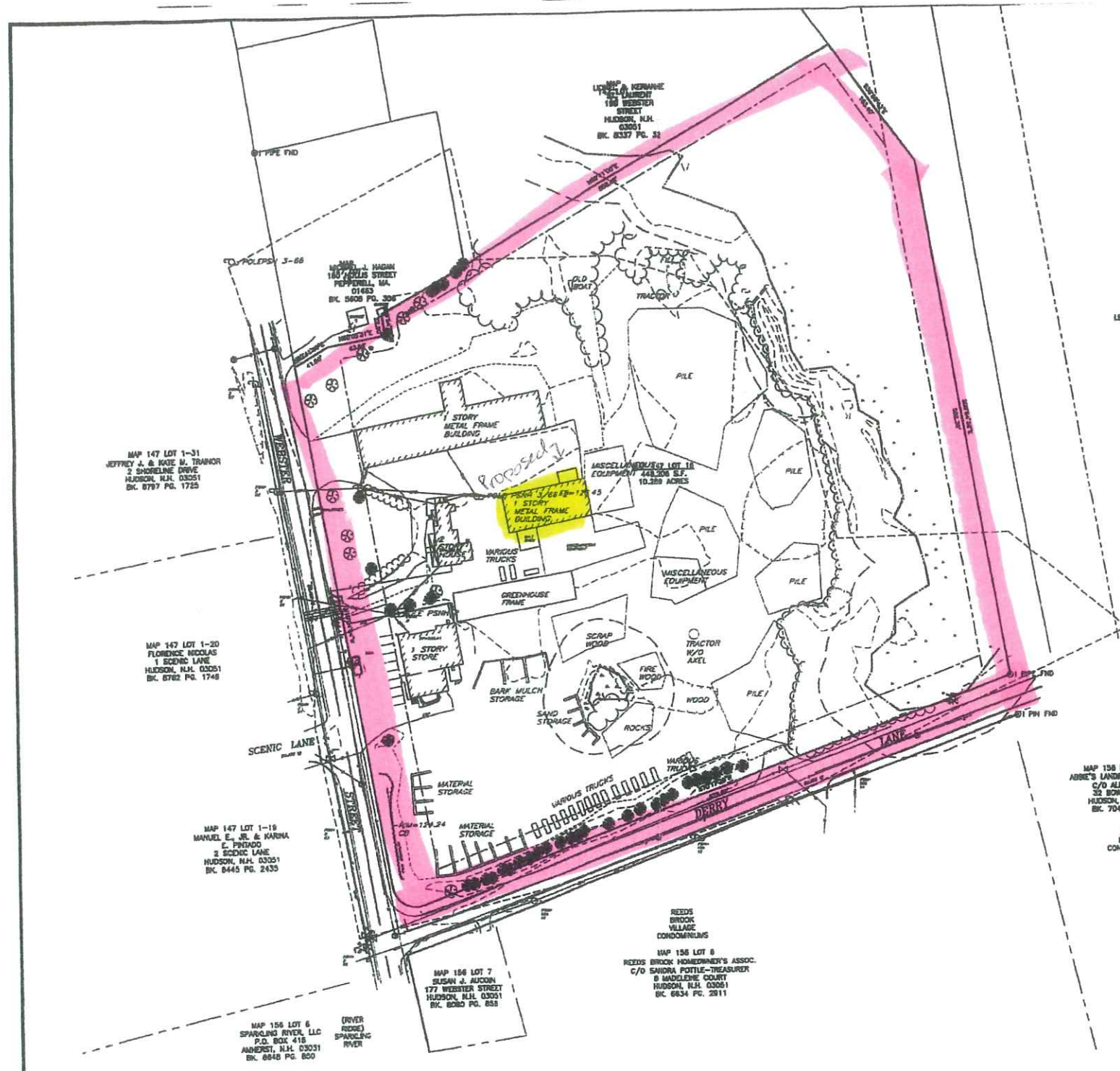
WOOD

PROPOSED HANDICAP
PARKING SPACE
WITH "R7-8P" SIGN

ROCKS

VARIOUS
TRUCKS

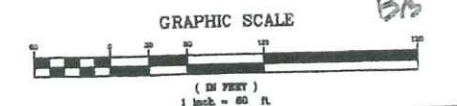
PROPOSED HANDICAP



VICINITY MAP
SCALE: N.T.S.

TOWN OF HUDSON
DEC 22 2021
Zoning Department

Received & Mtg 1.23.20
BA



EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
HCRO BK.0834 PG.1327

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 202, Bedford, NH 03110 Phone (603) 887-8881

PURSUANT TO THE SUBDIVISION REGULATIONS OF THE HUDSON PLANNING BOARD, THE SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE: _____ SIGNATURE DATE: _____
SIGNATURE: _____ SIGNATURE DATE: _____

SUBDIVISION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

UTILITY NOTE
THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CERTIFICATION:
I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

[Signature] 1-23-20
DATE

LICENSED LAND SURVEYOR

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2020 SCALE: 1" = 60'
PROJECT NO: 19-1105-1 SHEET 1 OF 1

V:\project\1911051\Utility\Working Drawings\WORKSHEET.dwg, 1/23/2020 2:34:01 PM, SAVENAP V16700.PS

Printed
 12/23/2021
 3:38PM
 Created
 12/23/2021
 3:24 PM

Transaction Receipt

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

Receipt# 667,312
 tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Applications- 01/20/22 ZBA Meeting 181-189 Webster Street Map/Lot 147-016-000			
	183 Webster-Variance	0.00	238.7000	0.00
	185 Webster-Variance	0.00	185.0000	0.00
	187 Webster-Variance	0.00	185.0000	0.00
	189 Webster-Variance	0.00	185.0000	0.00
	181-189 Webster-Vari	0.00	185.0000	0.00
			Total:	978.70

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK # 1448	978.70	0.00	978.70
			Total Due:		978.70
			Total Tendered:		978.70
			Total Change:		0.00
			Net Paid:		978.70

Stipulations: _____

TOWN OF HUDSON

DEC 22 2021

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-016d (01-20-22)

Date Filed 12/22/21

Name of Applicant Derry + Webster, LLC Map: 147 Lot: 016-000 Zoning District: R-2
Att: Vatche Manoukian, manager Cell
Telephone Number (Home) _____ (Work) 603-810-6810

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster, LLC

Location of Property 189 Webster St Hudson, NH 03051
(Street Address)

Signature of Applicant _____ Date 12-15-2021

Signature of Property-Owner(s) _____ Date 12-15-2021

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

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

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

Date received: 12/22/21

COST:

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

Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.33 = \$ —

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ —

Total amount due: \$ 185.00

Amt. received: \$ 185.00

Receipt No.: _____

Received by: TSG

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

Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

The following requirements/checklist pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
R	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG
R	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG
P	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, Wetland 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.	TG
P	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A (TG)
cu	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 from the assessor's office. (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.)	TG
P	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
P	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.	(TG) See court doc. filed 11/30/20
P	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A

②

PLOT PLAN-

Except for requests pertaining to 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):

See proposed Use on Existing Conditions Plan dated 1-23-20

a) ✓
b) ✓
c) ✓
d) ✓
e) ✓
f) ✓
g) ✓
h) ✓
i) ✓

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
- e) The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
- f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions.

Vertical line with horizontal tick marks and a checkmark at the bottom next to a circled '16'.

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

Signature of Applicant(s)

12-15-2021
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Keriann St. Laurent	199 Webster St Hudson, NH 03051
156	007	Susan J. Auboin	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trains	2 Shoreline Dr Hudson, NH 03051
147	016	Derm + Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place (ord) c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landing Cor'ds c/o Alfred Salvi	32 Bowers Circle Hudson, NH 03051
156	008	Reeds Brook Homeowner Assoc c/o Sandra Pottle, Treasurer	8 Madeline Ct Hudson, NH 03051
156	006	Spur King River Cord Association c/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul + Kimberli Moseri	6 Sank Lane Hudson, NH 03051
147	014	Brian D. Ryeon	197 Webster St Hudson, NH 03051
147	022	Westchester Place Corral	7 Westchester Ct Hudson, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V Permitted Uses of HZO Section(s) Section 334-21 (F-8) in order to permit the following change or use:

To allow warehousing of material and equipment with the garage, building at 189 Webster St, Hudson, NH where this use is not permitted in the R2 zone. Allow permitted accessory uses of garaging or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment.

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

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

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

The buildings outlined as storage were originally utilized as storage as part of the agricultural use of the property by Garrison Farm. After the agricultural uses were terminated, these buildings themselves are non-conforming, but the use is not. The use will not violate the basic zoning objectives because they were constructed to be warehouses. There will be no violation of the essential character of the neighborhood, as the buildings have existed since the 1980's.

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

The warehouses existed before the zoning ordinance as warehouses and the intent is to continue to use them as warehouses just not necessarily for agriculture.

3. Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The warehouses can be kept and used as such. The use does not adversely impact or harm the abutters or any public rights. The public will not realize any appreciable gain from denying the variance.

4. The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The buildings will not be altered. They will stay the same with some modernization and landscaping. There will be no change.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-2020-CV-00632

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").

2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”

26. Since 1990, the convenient store has expanded without site plan approval.

27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”

28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).

29. No appeal of that denial was ever taken.

30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.

31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.

32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. See HZO § 334-21 and Table of Permitted Principal Uses; see also HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."

36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."

37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.

38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.

39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Uses; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.
60. Junkyards are also prohibited under RSA § 236:111 *et seq.*
61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited any district.
62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.
63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.
64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.
65. No variance or special exception has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, which would allow for the mixed use of the Property.
66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.
67. There are heavy equipment and commercial vehicles being stored on the Property.
68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.
69. Violations of the WCD must cease and any damage to the WCD must be remediated.
70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.

Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. Lefevre
By: David E. Lefevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION


I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.


Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020


Notary Public
My Commission Expires:



147 016 000
MAP LOT SUB

2 of 4 COMMERCIAL
CARD Hudson

APPRaised: 71,600/
USE VALUE: 71,600/
ASSESSed: 71,600/
Total Card / Total Parcel
964,400 / 964,400

PROPERTY LOCATION

No	Alt No	Direction/Street/City
189		WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a GARAGE Building built about 1975, having primarily METAL PANEL Exterior and 8800 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electri		
				Exmpt		
				Topo		
				Street		
				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
316	COMM WRH		0		SITE ACRE SITE			0	0.	0.00	RD													

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
316	0.000	71,600			71,600		7257
							GIS Ref
							GIS Ref
							Insp Date
							12/07/90
							!2569!
							PRINT
							Date Time
							01/02/20 13:25:21
							LAST REV
							Date Time
							01/25/19 07:59:57
							jmichaud
							2569

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/10/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

Sign: _____



USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

Total AC/HA: 0.00000

Total SF/SM: 0

Parcel LUC: 031 COMM-RES Prime NB Desc: RES AV/FR

Total:

Sp/ Credit

Total:

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

Database: Assesspro - HudsonNH

amym

2019

EXTERIOR INFORMATION

Type: 30 - GARAGE
 Sty Ht: 1 - ONE STY
 (Liv) Units: 2 Total: 9
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 27 - METAL PANEL
 Sec Wall: 21 - CONC BLO 40%
 Roof Struct: 1 - GABLE
 Roof Cover: 4 - TAR/GRAVEL
 Color:
 View / Desir:

GENERAL INFORMATION

Grade: E - POOR
 Year Blt: 1975 Eff Yr Blt:
 Alt LUC: Alt %:
 Jurisdct: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/Ft: STD
 Prim Int Wall: 5 - MINIMAL
 Sec Int Wall:
 Partition: L - LIGHT
 Prim Floors: 12 - CONCRETE
 Sec Floors:

Bsmnt Flr:
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 1 - OIL
 Heat Type: 7 - UNIT HEATERS
 # Heat Sys: 4
 % Heated: 100 % AC: 0
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled

BATH FEATURES

Full Bath: Rating:
 A Bath: Rating:
 3/4 Bath: Rating:
 A 3QBth: Rating:
 1/2 Bath: 2 Rating: FAIR
 A HBth: Rating:
 Othr Fix: Rating:

OTHER FEATURES

Kits: Rating:
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

CONDO INFORMATION

Location:
 Total Units:
 Floor:
 % Own:
 Name:

DEPRECIATION

Phys Cond: FR - Fair 46.0%
 Functional: D - DESIGN 20.0%
 Economic: %
 Special: %
 Override: %
 Total: 56.8%

CALC SUMMARY

Basic \$ / SQ: 39.00
 Size Adj: 0.89090908
 Const Adj: 0.94052368
 Adj \$ / SQ: 32.679
 Other Features: 10500
 Grade Factor: 0.65
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 165710
 Depreciation: 94123
 Depreciated Total: 71587

COMMENTS

USE FOR PRODUCT (BEVERAGE) AND CONST EQUIP STORAGE, 16' CEIL.

RESIDENTIAL GRID

1st Res Grid Desc: # Units
 Level FY LR DR D K FR RR BR FB HB L O
 Other
 Upper
 Lvl 2
 Lvl 1
 Lower
 Totals RMS: BRs: Baths: HB 2

REMODELING

Exterior:
 Interior:
 Additions:
 Kitchen:
 Baths:
 Plumbing:
 Electric:
 Heating:
 General:

RES BREAKDOWN

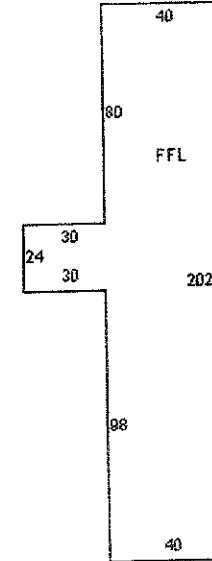
No Unit RMS BRS FL
 Totals

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price

WAV\$/SQ: AvRate: Ind.Val:
 Juris. Factor: Before Depr: 21.24
 Special Features: 0 Val/Su Net: 8.14
 Final Total: 71600 Val/Su SzAd 8.14

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	8,800	27,780	244,438

Sub Area Usbl Descr % Qu # Ten
 FFL 100 WHS 50 AV

Net Sketched Area: 8,800 Total: 244,438
 Size Adj: 8800 Gross Area: 8800 FinArea: 8800

SUB AREA DETAIL

MOBILE HOME

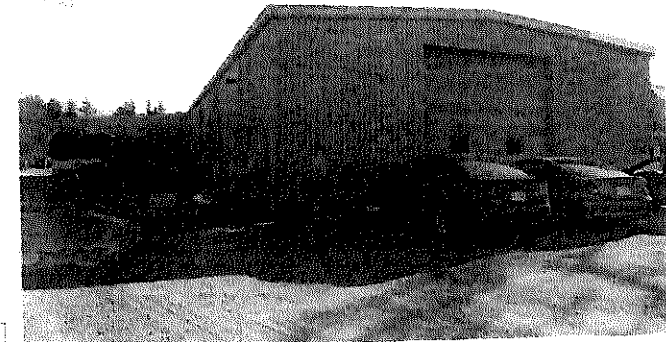
SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value

PARCEL ID 147-016-000

IMAGE

AssessPro Patriot Properties, Inc



Total Yard Items:

Total Special Features:

Total:

316



147 LOT 1-31
& KATE M. TRAINOR
ORELINE DRIVE
DN, N.H. 03051
797 PG. 1725

147 LOT 1-20
CE NICOLAS
NIC LANE
N.H. 03051
2 PG. 1749

SCENIC LANE
(CLASS 1)

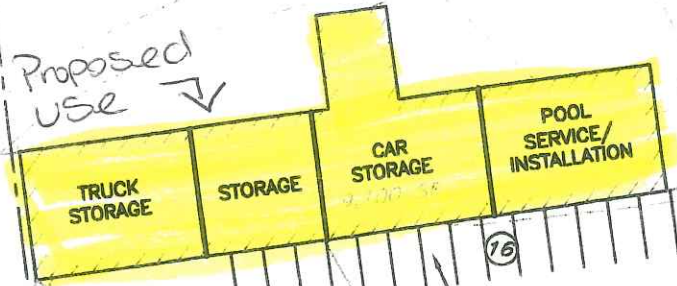
WEBSTER

N80°05'31"E
63.86'

N09°54'21"W
22.50'

N10°04'04"W

Proposed Use

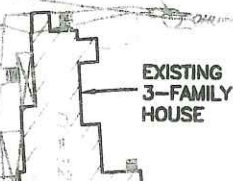


PROPOSED HANDICAP PARKING SPACE WITH "R7-8P" SIGN

PAINT NEW 10X20 PARKING SPACES

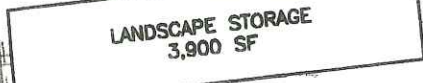
EXISTING LANDSCAPE MATERIALS PILE

SNOW STORAGE AREA



EXISTING STORAGE & MAINTENANCE 3,760SF

PROPOSED LOADING AREA



EXISTING LANDSCAPE MATERIALS PILE

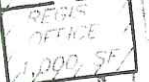
MISCELLANEOUS EQUIPMENT

SNOW STORAGE AREA

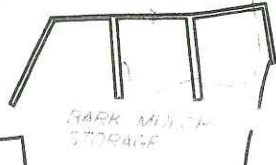
MAP 147 LOT 16
448,206 S.F.
10.289 ACRES



EXISTING STORAGE TO BE CONVERTED TO FOOD PREP.



SOFT (TYP)



SCRAP WOOD

FIRE WOOD

ABANDONED VEHICLE TO BE REMOVED

EXISTING LANDSCAPE MATERIALS PILE

WOOD

VARIOUS TRUCKS

PROPOSED HANDICAP PARKING SPACE WITH "R7-8P" SIGN

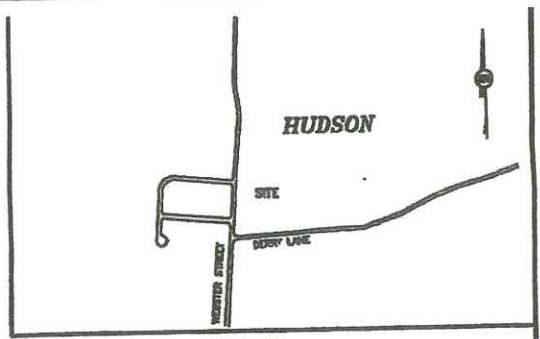
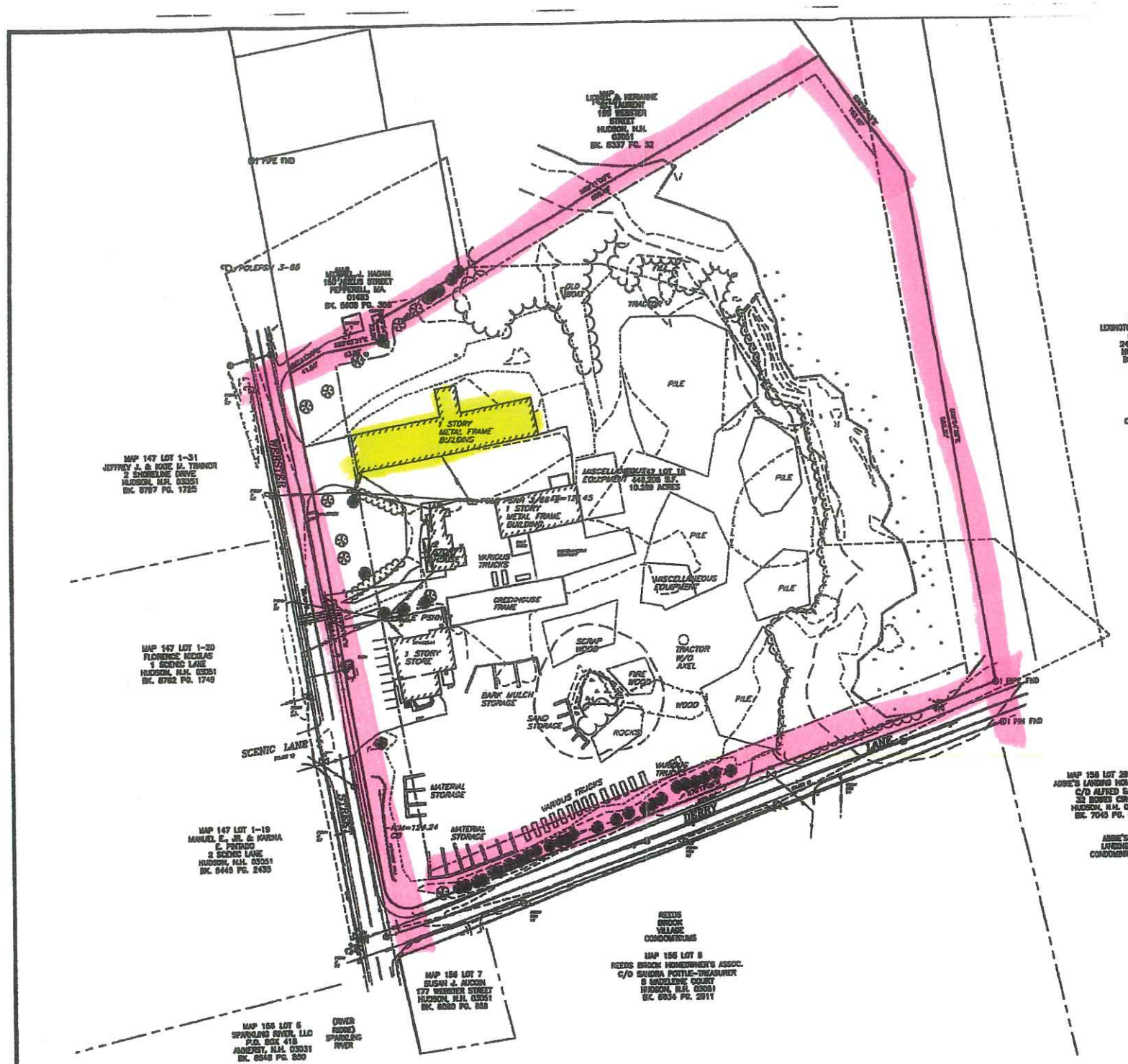
PROPOSED HANDICAP PARKING SPACE WITH "R7-8P" SIGN

PSNH 3 67

CLASS III

PSNH 3 64

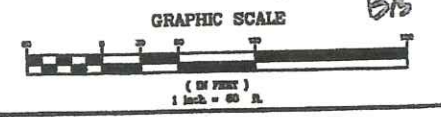
558.1



VICINITY MAP
SCALE: N.T.S.

TOWN OF HUDSON
DEC 22 2021
Zoning Department

Received on 1-23-20
B/B



EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
HUDSON, N.H. 03050
HCRD BK:6834 PG:1327

KMA KEACH-NORDBLOM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
20 Commerce Park North, Suite 202, Bedford, NH 03110 Phone (603) 827-2882

PURSUANT TO THE SUBMISSION REGULATIONS OF THE HUDSON PLANNING BOARD, THE SUBMISSION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE: _____ SIGNATURE DATE: _____
SIGNATURE: _____ SIGNATURE DATE: _____

SUBMISSION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVED FINAL APPROVAL.

UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN OBTAINED FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING RECORDS. KEACH-NORDBLOM ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDBLOM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN HUDSON & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSELY BETTER THAN ONE PART IN 100 THOUSAND (1:100,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

MORRIS 1-23-20
REGISTERED LAND SURVEYOR DATE

REVISIONS			
NO.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2020 SCALE: 1" = 60'
PROJECT NO: 18-1105-1 SHEET 1 OF 1

P:_project\181105\181105\Working Drawings\WORKSHEET.dwg, 1/23/2020 2:34:01 PM, SAVEN MAP 16700.PS

Printed
 12/23/2021
 3:38PM
 Created
 12/23/2021
 3:24 PM

Transaction Receipt

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

Receipt# 667,312
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Applications- 01/20/22 ZBA Meeting 181-189 Webster Street Map/Lot 147-016-000			
	183 Webster-Variance	0.00	238.7000	0.00
	185 Webster-Variance	0.00	185.0000	0.00
	187 Webster-Variance	0.00	185.0000	0.00
	189 Webster-Variance	0.00	185.0000	0.00
	181-189 Webster-Vari	0.00	185.0000	0.00
			Total:	978.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK # 1448	978.70	0.00	978.70

Total Due:	978.70
Total Tendered:	978.70
Total Change:	0.00
Net Paid:	978.70

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **01/20/2022**, the Zoning Board of Adjustment heard Case **147-016e**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a Variance for the parcel known as **185 Webster Street (Map-147 Lot-016 Sublot-000)**– to allow mixed uses on a lot in a **Residential-Two (R-2)** district where mixed uses are only allowed in **Business and Industrial Districts**. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article III, General Regulations; §334-10.A, Mixed or dual use on a lot.]

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

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

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

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

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

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON
DEC 22 2021

ORIGINAL

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-016e (01-20-22)
Date Filed 12/22/21

Name of Applicant Derry + Webster, LLC Map: 147 Lot: 016-200 Zoning District: R-2
Att: Vatche Manoukian, manager cell
Telephone Number (Home) _____ (Work) 603-810-6810

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster, LLC

Location of Property 181-189 Webster St Hudson, NH 03051
(Street Address)

Signature of Applicant _____ Date 12-15-2021

Signature of Property-Owner(s) _____ Date 12-15-2021

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

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

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

Date received: 12/22/21

COST:

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

12 Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.33 = \$ —

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ —

Total amount due: \$ 185.00

Amt. received: \$ 185.00

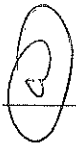
Received by: TSG Receipt No.: _____

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

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
(Handwritten initials)	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
(Handwritten initials)	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
(Handwritten initials)	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, Wetland 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>
(Handwritten initials)	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u> (Handwritten TG in circle)
(Handwritten initials)	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 from the assessor's office. (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>
(Handwritten initials)	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
(Handwritten initials)	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> see court doc filed 11/30/20
(Handwritten initials)	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>



PLOT PLAN-

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

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)
- i)

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
- e) The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
- f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG
see proposed
uses on:
Existing
Conditions
Plan dated
1-23-20

Proposed
uses on plan
TG

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

Signature of Applicant(s)

Date

12-15-2021

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Kerianne St. Laurent	199 Webster St Hudson, NH 03051
156	007	Susan J. Aucoin	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trinos	2 Shoreline Dr Hudson, NH 03051
147	016	Derm Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place (ord) C/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landing Corals C/o Alfred Salvi	32 Bowers Circle Hudson, NH 03051
156	008	Reeds Brook Homeowners Assoc C/o Sandra Pottle, Treasurer	8 Madeline Ct Hudson, NH 03051
156	004	Spur King River Coral Association C/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul + Kimberly Moberg	6 Scenic Lane Hudson, NH 03051
147	014	Brian D. Ryeon	197 Webster St Hudson, NH 03051
147	022	Westchester Place Council	7 Westchester Ct Hudson, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III of HZO Section(s) Section 334-10A in order to permit the following change or use:

to allow mixed uses in an R-2 district *where they are only allowed in B and I districts*

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

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

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

This property went from an agricultural use to its present uses. This has been over a seventy five plus (75+) period of time; zoning has changed in Hudson, but the buildings still exist with various uses (rental, store, warehouses, etc.) The character of the neighborhood has changed, but not this property in the past several years. The character of the neighborhood will not be changed.

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

The proposed use does not change the ordinance because the use was always present for years as a dual use under agricultural under the ordinance existing at that time. The ordinance allows for dual uses, just not in this zone. However, the use existed before the ordinance as presently existing.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The property has been in its present state for years. The owner purchased it as it presently exists. The public has existed with the uses and has not been harmed. The owner would be seriously harmed if not able to use the property as it presently exists.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The buildings will not be altered. They will stay the same with some clean up and landscaping.

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

(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

To not allow the property to have dual uses would substantially disturb the
uses on the property and cause substantial harm to the owner. The dual uses
have existed for a long time.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-2020-CV-00632

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").

2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations “. . . as it has been operated in the past, in the farmstand building.”
26. Since 1990, the convenient store has expanded without site plan approval.
27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that “Site Plan Review and approval be obtained from the Planning Board.”
28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P (“Conformance with all existing codes . . .” and “[c]ompliance with the provisions of the Zoning Ordinance” required for plan acceptance.).
29. No appeal of that denial was ever taken.
30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.
31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.
32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. *See* HZO § 334-21 and Table of Permitted Principal Uses; *see also* HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."

36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."

37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.

38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.

39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. *See* HZO § 334-21 at Table of Permitted Used; *see also* HZO § 334-20 (“Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.”).

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. *See* HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town’s tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.

60. Junkyards are also prohibited under RSA § 236:111 *et seq.*

61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited any district.

62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.

63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.

64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.

65. No variance or special exception has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, which would allow for the mixed use of the Property.

66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.

67. There are heavy equipment and commercial vehicles being stored on the Property.

68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.

69. Violations of the WCD must cease and any damage to the WCD must be remediated.

70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.

Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION

I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.



Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020

Pamela Bisbing
Notary Public
My Commission Expires:



147 016 000
MAP LOT SUB

4 of 4 COMMERCIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 256,000 / 964,400
USE VALUE: 256,000 / 964,400
ASSESSED: 256,000 / 964,400

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 181A-B, WEBSTER ST, HUDSON

OWNERSHIP

Table with columns: Owner 1-3, Street 1-2, Twn/City, St/Prov, Postal. Row 1: DERRY & WEBSTER LLC, 253 MAIN ST., NASHUA, NH, 03060

PREVIOUS OWNER

Table with columns: Owner 1-2, Street 1, Twn/City, St/Prov, Postal

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a CONV MARKET Building built about 1975, having primarily VINYL Exterior and 3525 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Table with columns: Code, Descrip/No, Amount, Com. Int

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Row 1: 340, 0.000, 256,000, 256,000. Row 2: Total Card 0.000, 256,000, 256,000. Row 3: Total Parcel 10.256, 525,200, 74,200, 365,000, 964,400. Row 4: Source: Market Adj Cost, Total Value per SQ unit /Card: 72.62, /Parcel: 52.16

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes

BUILDING PERMITS

Table with columns: Date, Number, Descrip, Amount, C/O, Last Visit, Fed Code, F. Descrip, Comment. Rows include: 11/5/2019 2019-01099 SIGNS C, 11/4/2019 2019-01098 SIGNS C, 8/23/2019 2019-00280 PLUMBING C, 5/28/2019 2019-00280 ADDITION O, 4/22/2019 2019-00280 INT RENO O, 3/27/2019 2019-00201 ELECTRIC C, 3/27/2019 2019-00201 PLUMBING C, 3/22/2019 2019-00201 INT RENO O, 1/24/2019 2019-00012 INT RENO 600 C

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Rows include: 4/2/2019 Permit Visit 12 TECH ASMNT, 1/25/2019 Permit Visit 12 TECH ASMNT, 6/11/2017 Field Review 9 PVA, 5/10/2012 Field Review 9 PVA, 1/7/2010 Permit Visit 10 APPRAISER II, 7/10/2007 Other Change 9 PVA, 10/17/2001 Meas/Inspect 0 PATRIOT, 12/7/1990 Inspected 2 AVITAR

PROPERTY FACTORS

Table with columns: Item, Code, Description, %, Item, Code, Description. Rows include: Z R2 RESD TWO, water 3 TOWN WATE, Sewer 2 TOWN SEWE, Exmpt, Topo, Street, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth / Price/Units, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1 %, Infl 2 %, Infl 3 %, Appraised Value, Alt Class %, Spec Land, J Code, Fact, Use Value, Notes. Row 1: 340 OFFICE 0 SITE ACRE SITE 0 0. 0.00 RD



Patriot Properties Inc.

USER DEFINED

Table with columns: Prior Id #, Value. Rows include: Prior Id # 1: 0023, Prior Id # 2: 0017, Prior Id # 3: 0002, Prior Id # 1: 0002, Prior Id # 2: 0002, Prior Id # 3: 0002, Prior Id # 1: 0002, Prior Id # 2: 0002, Prior Id # 3: 0002, ASR Map: 2569, Fact Dist: 2569, Reval Dist: 2569, Year: 2569, LandReason: 2569, BldReason: 2569, CivilDistrict: 2569, Ratio: 2569

PRINT

Table with columns: Date, Time. Row 1: 01/02/20 13:25:29

LAST REV

Table with columns: Date, Time. Row 1: 12/03/19 11:58:49

amym 2569

Summary table with columns: Total AC/HA: 0.00000, Total SF/SM: 0, Parcel LUC: 031, COMM-RES, Prime NB Desc: RES AV/FR, Total: , Spl Credit: , Total:

14/ MAP U16 LOT 000 SUB

3 OF 3
CARD

Hudson

APPRAISED: 19,000/ 878,200
 USE VALUE: 19,000/ 878,200
 ASSESSED: 19,000/ 878,200

PROPERTY LOCATION

No	Alt No	Direction/Street/City
183		WEBSTER ST, HUDSON

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
325	0.000		19,000		19,000
Total Card		0.000	19,000		19,000
Total Parcel		10.289	477,100	35,800	878,200
Source: Market Adj Cost		Total Value per SQ unit /Card: N/A		/Parcel: 47.50	

Legal Description	User Acct
	7257
	GIS Ref
	GIS Ref
	Insp Date
Entered Lot Size	
Total Land:	
Land Unit Type:	



Patriot Properties Inc.

OWNERSHIP

Owner 1: DERRY & WEBSTER LLC	Unit #:
Owner 2:	
Owner 3:	
Street 1: 253 MAIN ST.	
Street 2:	
Twn/City: NASHUA	
St/Prov: NH	Cntry
Postal: 03060	Type:

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

Parcel ID 147-016-000

!2569!

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	Cntry
Postal:	

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a N/A Building built about , having primarily N/A Exterior and Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

TAX DISTRICT

PAT ACCT.

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:		C				
D				Topo	1	LEVEL
s				Street		
t				Gas:		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name

Sign: VERIFICATION OF VISIT NOT DATA

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
325	STORE		0		SITE ACRE	SITE		0	0.	0.00	MG												

Total AC/HA: 0.00000	Total SF/SM: 0	Parcel LUC: 031	COMM-RES	Prime NB Desc	C-GENERAL	Total:	SpI Credit	Total:
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147 016 000
MAP LOT SUB

1 of 4 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 569,800 / 964,400
USE VALUE: 569,800 / 964,400
ASSESSED: 569,800 / 964,400

PROPERTY LOCATION

No	All No	Direction/Street/City
185	A, B, C	WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

PREVIOUS OWNER

Owner 1:	SECOND GENERATION PROPERTIES -
Owner 2:	CMP PROPERTIES -
Street 1:	20 TRAFALGAR SQ. SUITE #602
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03063

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a MULTI-CONVER Building built about 1920, having primarily ALUMINUM Exterior and 2483 Square Feet, with 3 Units, 3 Baths, 0 3/4 Bath, 0 Half Bath, 7 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrp/No	Amount	Com. Int
------	-----------	--------	----------

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	IR2	RES2 TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:		C				
D				Topo	1	LEVEL
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
325	STORE		2		SITE ACRE SITE			0 150,000	1 00	MG							300,000						300,000	USE
325	STORE		8.256		ACRES EXCESS			0 15,000	0 53	MG				TOPO	-25		65,016	105	25				65,000	TOPO

Total AC/HA: 10.25600 Total SF/SM: 446751 Parcel LUC: 031 COMM-RES Prime NB Desc: RES AV/FR Total: 365,016 Spi Credit: Total: 365,000

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

Database: Assesspro - HudsonNH

armyn

2019

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
325	8.192	97,950	74,200	348,750	520,900
105	2.064	32,650		16,250	48,900
Total Card	10.256	130,600	74,200	365,000	569,800
Total Parcel	10.256	525,200	74,200	365,000	964,400
Source: Market Adj Cost		Total Value per SQ unit /Card: 229.48		/Parcel: 52.16	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	031	FV	500,500	74200	10.256	365,000	939,700	939,700	Year End Roll	9/16/2019
2019	031	JB	510,500	74200	10.256	365,000	949,700	949,700	Year End Roll	5/8/2019
2018	031	FV	436,800	74200	10.256	365,000	878,000	878,000	Year End Roll	8/27/2018
2018	031	JB	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	5/9/2018
2017	031	FV	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	10/26/2017
2017	031	PV	438,800	74200	10.256	365,000	878,000	878,000	Year End Roll	8/28/2017
2017	031	JB	440,100	42900	10.256	365,000	848,000	848,000	Year End Roll	5/10/2017
2016	031	FV	440,100	42900	10.256	365,000	848,000	848,000	Year End Roll	8/30/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
SECOND GENERATI	6834-1327	2	2/7/2003		1,000,000	No	No		
	5686-1423		1/17/1996	UNCLASSIFIED		No	No		
TAMPOSI, SAMUEL	5542-902		4/25/1994	UNCLASSIFIED	167,000	No	No		
TAMPOSI, ET AL	5437-1452		5/28/1993	UNCLASSIFIED		No	No		
	5078-0768		12/23/1988			No	No		

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
11/1/2018	2018-01109	EXT RENO	20,000	C				
1/22/2018	2018-00052	ELECTRIC		C				
10/2/2009	2009-454	SIGNS	1,500	C				
6/21/2005	2005-528	INT RENO	1,800	C				
8/1/2001	2002-58	SIGNS		C				
6/26/2001	2001-528	SIGNS		C				

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
2/24/2017	I&E Mailed	7	DC
8/5/2014	Abate Denied	1	CHIEF ASSESS
5/10/2012	Field Review	9	PVA
1/20/2010	Permit Visit	10	APPRAISER II
7/10/2007	Other Change	9	PVA
5/31/2006	Other Change	1	CHIEF ASSESS
4/27/2006	Permit Visit	1	CHIEF ASSESS
6/27/2005	New Maps	1	CHIEF ASSESS

Sign: _____



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PRINT

Date	Time
01/02/20	13:25:16

LAST REV

Date	Time
08/29/19	14:35:39

mikep 2569

EXTERIOR INFORMATION

Type:	12 - MULTI-COVER
Sty Ht:	2 - TWO STY
(Liv) Units:	3 Total:9
Foundation:	3 - BRICK/STONE
Frame:	1 - WOOD
Prime Wall:	03 - ALUMINUM
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	
View / Desir:	

GENERAL INFORMATION

Grade:	C - AVERAGE
Year Blt:	1920 Eff Yr Blt:
All LUC:	105 Alt %: 25
Jurisdct:	Fact:
Const Mod:	
Lump Sum Adj:	

INTERIOR INFORMATION

Avg HWFL:	STD
Prim Int Wall:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	02 - SOFTWOOD
Sec Floors:	04 - CARPET 50%
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	1 - OIL
Heat Type:	3 - FORCED HW
# Heat Sys:	2
% Heated:	100 % AC: 0
Solar HW:	NO Central Vac: NO
% Com Wall:	% Sprinkled:

BATH FEATURES

Full Bath:	3 Rating: AVERAGE
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
OtherFix:	Rating:

OTHER FEATURES

Kits:	3 Rating: AVERAGE
A Kits:	Rating:
Frol:	Rating:
WSFlue:	Rating:

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	FR - Fair 39.0%
Functional:	D - DESIGN 10.0%
Economic:	L - LOCATION 10.0%
Special:	%
Override:	%
Total:	50.59%

CALC SUMMARY

Basic \$ / SQ:	98.00
Size Adj:	0.84658706
Const Adj:	0.93099999
Adj \$ / SQ:	77.241
Other Features:	29500
Grade Factor:	1.00
NBHD Int:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	264334
Depreciation:	133727
Depreciated Total:	130607

COMMENTS

GRY, GRNHS 108X30=GLASS, OTHERS PLASTIC, 96X26 HAS NO COVERING, JUST TUBE STEEL FRAME. EST INT. func = excess capacity.

RESIDENTIAL GRID

1st Res Grid:	Desc: CONV	# Units: 1
Level:	FY LR DR D K FR RR BR FB HB L O	
Other:		
Upper:		
Lvl 2:		
Lvl 1:		
Lower:		
Totals:	RMs: 7 BRs: 4 Baths: 3 HB:	

REMODELING

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

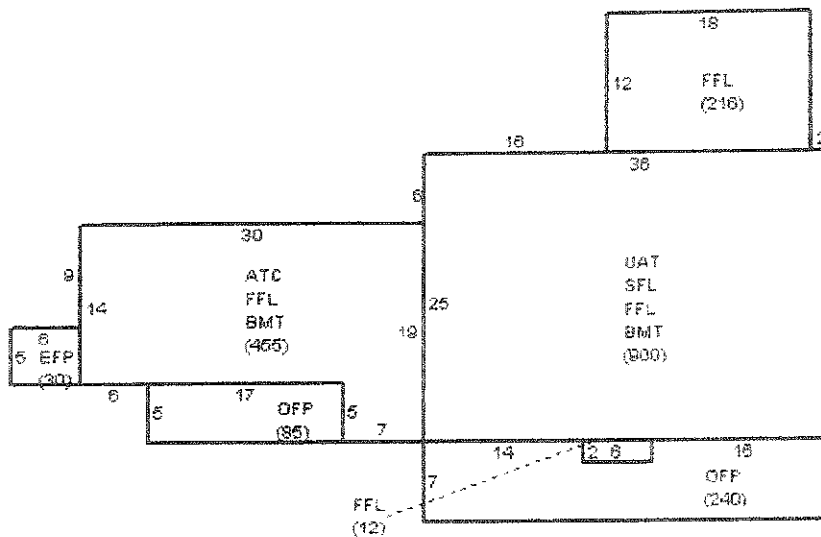
RES BREAKDOWN

No Unit	RMS	BRs	FL
1	7	4	M
Totals			
1	7	4	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price	
WAVS/SQ:				AvRate:	Ind.Val
Juris. Factor:				Before Depr:	77.24
Special Features:	0			Val/Su Net:	28.82
Final Total:	130600			Val/Su SzAd:	50.29

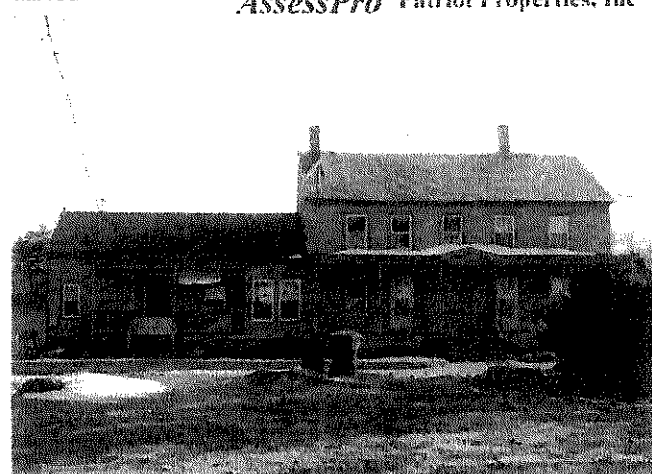
SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Util	Description	% Type	Qu	# Ten
FFL	FIRST FLOOR	1,583	77.240	122,272	ATC	100	UNF	100	AV	
BMT	BASEMENT	1,355	15.450	20,932						
SFL	SECOND FLR	900	77.240	69,517						
OFF	OPEN PCH	325	27.040	8,789						
UAT	ATTIC/SFL	225	27.030	6,083						
ATC	ATTIC	114	38.620	4,393						
EFP	ENC PORCH	30	94.940	2,848						
Net Sketched Area:		4,532		Total:						
Size Ad	2596.75	Gross Area	5548	FinArea	2483					

IMAGE



AssessPro Patriot Properties, Inc

MOBILE HOME

Make:	Model:	Serial #:	Year:	Color:
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SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB-Fa	Appr Value	JCod	JFact	Jurs. Value
25	GRNHSE-GLS	D Y	130X100	AV	FR	1965	40.09	T	50	325			60.100			60.100
26	GRNHSE-PLS	D Y	160X26	PR	PR	1965	0.00	T	95	325						
85	PAVING-ASPH	D Y	16000	AV	PR	1965	2.33	T	90	325			1,400			1,400
3	GARAGE	D Y	130X30	FR	FR	1965	26.26	T	50	325			11,800			11,800
831	SIGN-NV	D Y	18X8	AV	AV	2003	0.00	T	0	325						
83	SIGN	D Y	16X6	AV	AV	2009	29.56	T	12	325			900			900

Moire: N	Total Yard Items:	74,200	Total Special Features:	Total:	74,200
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147 016 000
MAP LOT SUB

3 of 4 INDUSTRIAL
CARD Hudson

APPAISED: 67,000/ Total Card / Total Parcel
USE VALUE: 67,000/ 964,400
ASSESSED: 67,000/ 964,400

PROPERTY LOCATION

No	All No	Direction/Street/City
187		WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a WAREHOUSE Building built about 1975, having primarily CORR STEEL Exterior and 3680 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
332	AUTO REPAI		0		SITE ACRE SITE			0	0.	0.00	RD													

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
332	0.000	67,000			67,000
Total Card	0.000	67,000			67,000
Total Parcel	10.256	525,200	74,200	365,000	964,400
Source: Market Adj Cost		Total Value per SQ unit /Card: 18.21 /Parcel: 52.16			

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

Date	Number	Descip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/10/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

Sign: _____



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map	
Fact Dist	
Reval Dist	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PRINT

Date	Time
01/02/20	13:25:25

LAST REV

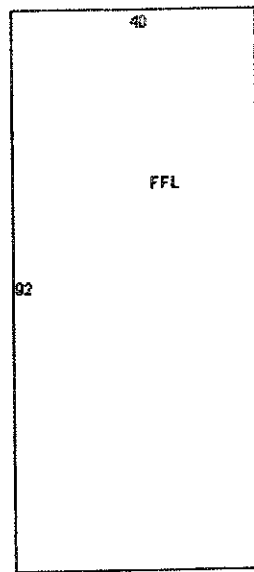
Date	Time
01/25/19	08:30:23

jmichaud 2569

2569

EXTERIOR INFORMATION BATH FEATURES COMMENTS SKETCH

Type: 43 - WAREHOUSE	Full Bath:	Rating:	RESIDENTIAL GRID 1st Res Grid Desc: # Units Level FY LR DR D K FR RR BR FB HB L O Other Upper Lvl 2 Lvl 1 Lower Totals RMs: BRS: Baths: HB:1	
Sty Ht: 1 - ONE STY	A Bath:	Rating:		
(Liv) Units: 2 Total: 9	3/4 Bath:	Rating:		
Foundation: 6 - SLAB	A 3/4Bth:	Rating:		
Frame: 2 - STEEL	1/2 Bath: 1	Rating: AVERAGE		
Prime Wall: 18 - CORR STEEL	A HBth:	Rating:		
Sec Wall:	Other Fbx:	Rating:		
Roof Struct: 4 - FLAT	OTHER FEATURES			
Roof Cover: 4 - TAR/GRAVEL	Kits: 1	Rating: AVERAGE		
Color:	A Kits:	Rating:		
View / Desir:	Frpl:	Rating:		
GENERAL INFORMATION			CONDO INFORMATION	
Grade: E - POOR	Location:			
Year Blt: 1975 Eff Yr Blt:	Total Units:			
Air LUC:	Floor:			
Jurisdct:	% Own:			
Const Mod:	Name:			
Lump Sum Adj:	DEPRECIATION			
Avg Ht/FL: STD		Phys Cond: FR - Fair	43.0%	
Prim Int Wall: 5 - MINIMAL		Functional: D - DESIGN	20.0%	
Sec Int Wall:		Economic:	%	
Partition: L - LIGHT		Special:	%	
Prim Floors: 12 - CONCRETE		Override:	%	
Sec Floors:		Total:	54.8%	



REMODELING		RES BREAKDOWN	
Exterior:	Interior:	No Unit	RMS BRS FL
Additions:	Kitchen:		
Baths:	Plumbing:		
Electric:	Heating:		
General:	Totals		

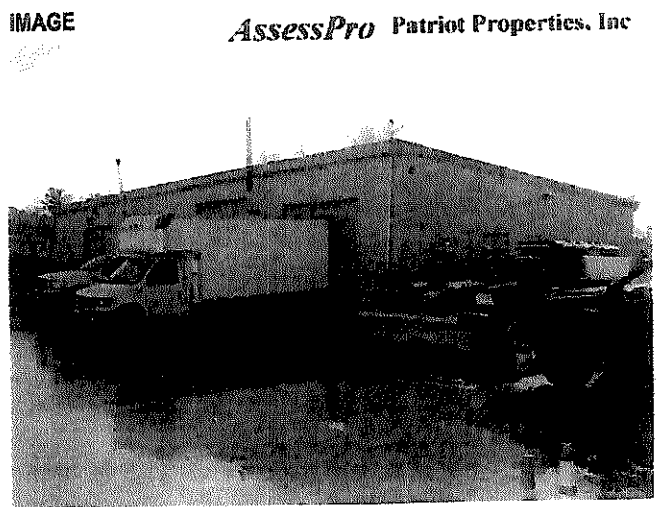
CALC SUMMARY		COMPARABLE SALES	
Basic \$ / SQ: 52.00	Rate	Parcel ID	Typ Date Sale Price
Size Adj.: 1.17608690			
Const Adj.: 0.96000999			
Adj \$ / SQ: 58.711			
Other Features: 12000			
Grade Factor: 0.55			
NBHD Inf: 1.00003000	WtAv\$/SQ:	AvRate:	Ind.Val
NBHD Mod:	Juris. Factor:	Before Depr: 38.16	
LUC Factor: 1.00	Special Features: 0	Val/Su Net: 18.21	
Adj Total: 148236	Final Total: 67000	Val/Su SzAd: 18.21	
Depreciation: 81234			
Depreciated Total: 67003			

SUB AREA			
Code	Description	Area - SQ	Rate - AV
FFL	FIRST FLOOR	3.680	58.710
		Undepr Value	216.056

SUB AREA DETAIL				
Sub Area	% Usbl	Descrip	% Type	Qu # Ten
FFL		FIRST FLOOR		

MOBILE HOME		Make:	Model:	Serial #:	Year:	Color:						
SPEC FEATURES/YARD ITEMS												
Code	Description	A Y/S Qty	Size/Dim	Qual	Con Year	Unit Price	D/S Dep	LUC	Fact NB Fa	Appr Value	JCodJFact	Juris. Value

Net Sketched Area: 3.680	Total:	216.056
Size Adj: 3680	Gross Area:	3680
FinArea:	3680	



AssessPro Patriot Properties, Inc

147 016 000
MAP LOT SUB

2 of 4 COMMERCIAL
CARD Hudson

Total Card / Total Parcel
APPRaised: 71,600 / 964,400
USE VALUE: 71,600 / 964,400
ASSESSed: 71,600 / 964,400



PROPERTY LOCATION

No	Alt No	Direction/Street/City
189		WEBSTER ST. HUDSON

OWNERSHIP

Owner 1: DERRY & WEBSTER LLC
Owner 2:
Owner 3:
Street 1: 253 MAIN ST.
Street 2:
Twn/City: NASHUA
St/Prov: NH Cntry: Own Occ:
Postal: 03060 Type:

PREVIOUS OWNER

Owner 1:
Owner 2:
Street 1:
Twn/City:
St/Prov: Cntry:
Postal:

NARRATIVE DESCRIPTION
This parcel contains 10.256 ACRES of land mainly classified as COMM-RES with a GARAGE Building built about 1975, having primarily METAL PANEL Exterior and 8800 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infr 1 %	Infr 2 %	Infr 3 %	Appraised Value	Alt Class %	Spec Land Code	J Code	Fact Use Value	Notes	
316	COMMWRH:		0		SITE ACRE SITE			0	0.	0.00	RD												

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
316	0.000	71,600			71,600		7257 GIS Ref
Total Card						Entered Lot Size	GIS Ref
Total Parcel						Total Land: 10.418	Insp Date
Source: Market Adj Cost						Land Unit Type: AC	12/07/90
Total Value per SQ unit /Card: 6.14						/Parcel: 52.16	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/13/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

Sign: _____

Total AC/HA: 0.00000 Total SF/SM: 0 Parcel LUC: 031 COMM-RES Prime NB Desc: RES AV/FR Total: Spl Credit: Total:

EXTERIOR INFORMATION

Type:	30 - GARAGE
Sty Ht:	1 - ONE STY
(In) Units:	2 Total: 9
Foundation:	6 - SLAB
Frame:	2 - STEEL
Prime Wall:	27 - METAL PANEL
Sec Wall:	21 - CONC BLO 40%
Roof Struct:	1 - GABLE
Roof Cover:	4 - TAR/GRAVEL
Color:	
View / Desir:	

GENERAL INFORMATION

Grade:	E - POOR		
Year Blt:	1975 Eff Yr Blt:		
Alt LUC:		Alt %:	
Jurisdct:		Fact:	
Const Mod:			
Lump Sum Adj:			

INTERIOR INFORMATION

Avg Ft/FL:	STD	
Prim Int Wall:	5 - MINIMAL	
Sec Int Wall:		
Partition:	L - LIGHT	
Prim Floors:	12 - CONCRETE	
Sec Floors:		
Bsmnt Flr:		
Subfloor:		
Bsmnt Gar:		
Electric:	3 - TYPICAL	
Insulation:	2 - TYPICAL	
Int vs Ext S:		
Heat Fuel:	1 - OIL	
Heat Type:	7 - UNIT HEATERS	
# Heat Sys:	4	
% Heated:	100 % AC:	0
Solar HW:	NO Central Vac:	NO
% Com Wal:	% Sprinkled:	

BATH FEATURES

Full Bath:	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	2 Rating: FAIR
A HBth:	Rating:
OtherFoc:	Rating:

OTHER FEATURES

Kits:	Rating:
A Kits:	Rating:
Fpl:	Rating:
WSFue:	Rating:

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	FR - Fair	46. %
Functional:	D - DESIGN	20. %
Economic:		%
Special:		%
Override:		%
Total:		56.8 %

CALC SUMMARY

Basic \$ / SQ:	39.00
Size Adj:	0.89090908
Const Adj:	0.94052368
Adj \$ / SQ:	32.679
Other Features:	10500
Grade Factor:	0.65
NBHD Int:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	165710
Depreciation:	94123
Depreciated Total:	71587

COMMENTS

USE FOR PRODUCT (BEVERAGE) AND CONST EQUIP STORAGE, 16' CEIL.

RESIDENTIAL GRID

1st Res Grid Desc:	# Units:
Level	FY LR DR D K FR RR BR FB HB L O
Other	
Upper	
Lvl 2	
Lvl 1	
Lower	
Totals	RMS: BRs: Baths: HB: 2

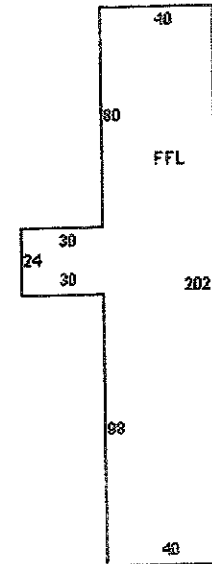
REMODELING

Exterior:	No Unit RMS BRS FL
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	
Totals	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:	Ind.Val:	
Juris. Factor:		Before Depr:	21.24	
Special Features:	0	Val/Su Net:	8.14	
Final Total:	71600	Val/Su SzAd:	8.14	

SKETCH



MOBILE HOME

Make:	Model:	Serial #:	Year:	Color:											
PARCEL ID 147-016-000															
Code	Description	A Y/S Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value

SPEC FEATURES/YARD ITEMS

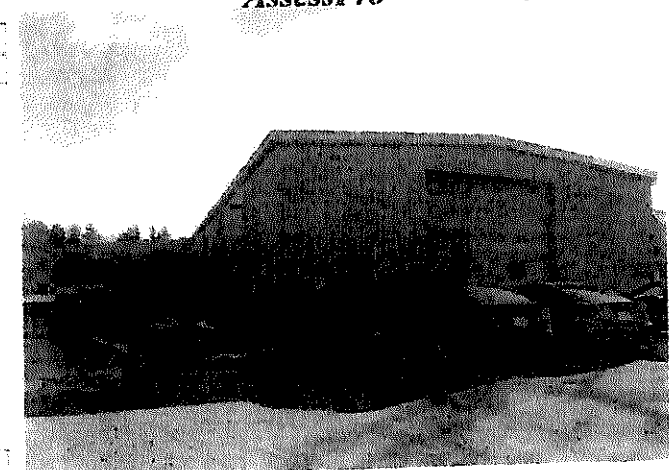
SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr	% Type	Qu # Ten
FFL	FIRST FLOOR	8,800	27.780	244,438	FFL	100	WHS		50 AV

SUB AREA DETAIL

Net Sketched Area:	8,800	Total:	244,438
Size Adj:	8800	Gross Area:	8800
		FinArea:	8800

IMAGE



AssessPro Patriot Properties, Inc

Total Yard Items:

Total Special Features:

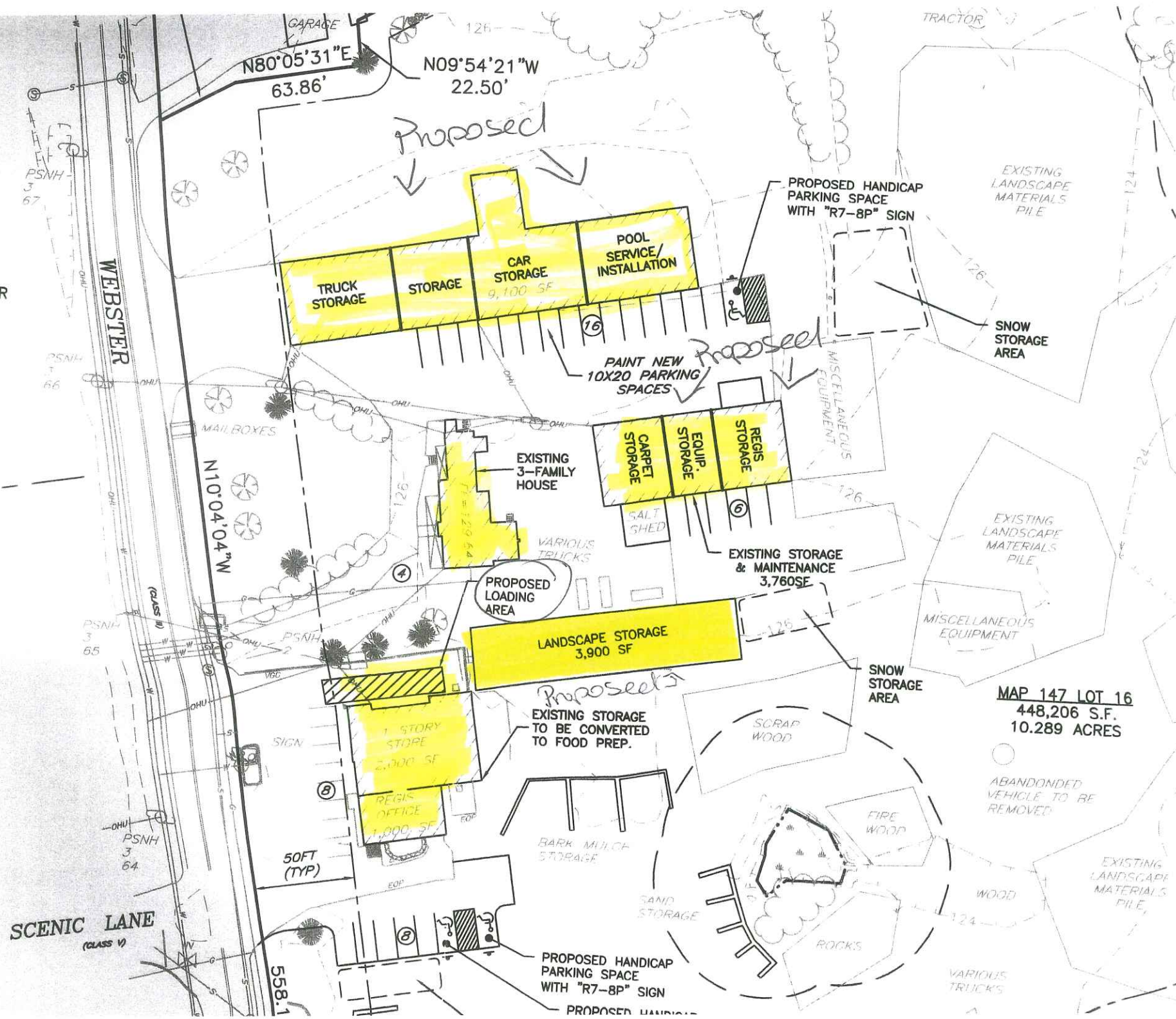
Total:

316



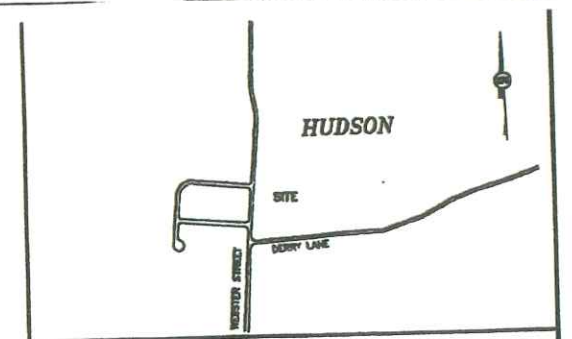
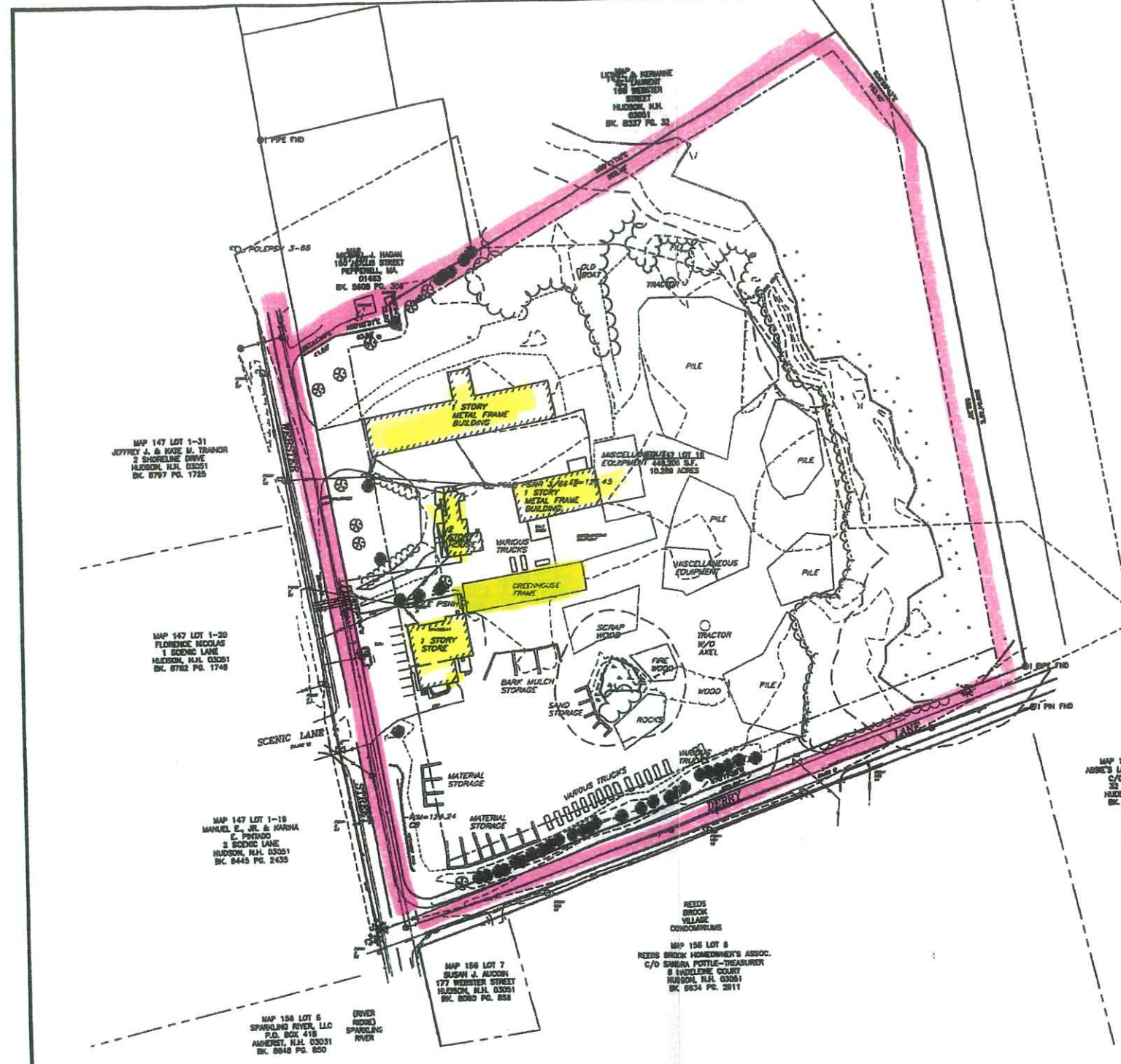
147 LOT 1-31
& KATE M. TRAINOR
SHORELINE DRIVE
CON, N.H. 03051
1797 PG. 1725

147 LOT 1-20
NICOLE NICOLAS
SCENIC LANE
CON, N.H. 03051
1762 PG. 1749

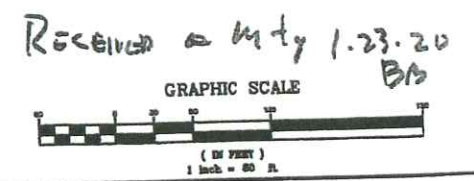


MAP 147 LOT 16
448,206 S.F.
10.289 ACRES

SCENIC LANE
(CLASS V)



TOWN OF HUDSON
 DEC 22 2021
 Zoning Department



EXISTING CONDITIONS PLAN
 LAND OF
DERRY & WEBSTER, LLC
 185 A, B & C WEBSTER STREET
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

OWNER OF RECORD
 DERRY & WEBSTER, LLC
 253 MAIN STREET
 NASHUA, N.H. 03060
 HCRO BK.6834 PG.1327

KMA
 KEACH-NORSTRUM ASSOCIATES, INC.
 Civil Engineering Land Surveying Landscape Architecture
 10 Commerce Park North, Suite 401, Bedford, NH 03110 Phone (603) 627-9881

PURSUANT TO THE SUBDIVISION REGULATIONS OF THE HUDSON PLANNING BOARD, THE SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
 DATE OF MEETING: _____
 SIGNATURE _____ SIGNATURE DATE _____
 SIGNATURE _____ SIGNATURE DATE _____

SUBDIVISION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN OBTAINED FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORSTRUM ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORSTRUM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORSTRUM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THE OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

Mary 1-23-20
 LICENSED LAND SURVEYOR DATE

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2020 SCALE: 1" = 60'
 PROJECT NO: 18-1105-1 SHEET 1 OF 1

V:\project\1511051\Utility\Working Drawings\WDRS\SHEET.dwg, 1/23/2020 2:34:01 PM, SAVEN MP W6700 P5

Printed
 12/23/2021
 3:38PM
 Created
 12/23/2021
 3:24 PM

Transaction Receipt

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

Receipt# 667,312
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Applications- 01/20/22 ZBA Meeting 181-189 Webster Street Map/Lot 147-016-000			
	183 Webster-Variance	0.00	238.7000	0.00
	185 Webster-Variance	0.00	185.0000	0.00
	187 Webster-Variance	0.00	185.0000	0.00
	189 Webster-Variance	0.00	185.0000	0.00
	181-189 Webster-Vari	0.00	185.0000	0.00
			Total:	978.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK # 1448	978.70	0.00	978.70
			Total Due:		978.70
			Total Tendered:		978.70
			Total Change:		0.00
			Net Paid:		978.70

HUDSON ZONING BOARD OF ADJUSTMENT

Use Special Exception Decision Work Sheet

On **01/20/2022**, the Zoning Board of Adjustment heard Case# **147-016f**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** for a Use Special Exception **for the parcel known as 185 Webster Street (Map-147 Lot-016 Sublot-000)– to allow residential use on a single lot with mixed uses which is only allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses shall be compatible.** [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article III, General Regulations; §334-10.D, Mixed or dual use on a lot.]

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

- | | | |
|---|---|--|
| Y | N | 1. The use requested is listed as permitted by Special Exception in the Table of Permitted Principal or Accessory Uses for the district in which the use is requested, or is so similar to other uses permitted by Special Exception in the relevant district that prohibition of the proposed use could not have been intended. |
| Y | N | 2. The proposed use meets all the applicable requirements established in this Ordinance. |
| Y | N | 3. The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located. |
| Y | N | 4. The proposed use is compatible with the character of the surrounding neighborhood. |
| Y | N | 5. Nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads. |

Signed: _____
Sitting member of the Hudson ZBA

Date

TOWN OF HUDSON

DEC 27 2021

APPLICATION FOR A SPECIAL EXCEPTION

Zoning Department
To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-016f (01-20-22)
Date Filed 12/27/21

Name of Applicant Derry + Webster, LLC Map: 147 Lot: 055 Zoning District: R-2
Att: Vatche Manoukian, manager cell
Telephone Number (Home) _____ (Work) 603-860-6860

Mailing Address 253 Main St Nashua NH 03060

Owner Derry + Webster LLC

Location of Property 181-189 Webster St Hudson NH 03051
(Street Address)

~~Signature of Applicant~~ _____ Date 12-15-2021

~~Signature of Property-Owner(s)~~ _____ Date 12-15-2021

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 Special Exception.

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

Date received: 12/27/21

COST:

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

12 Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.33 = \$ _____

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ _____

Total amount due: \$ 185.00

Amt. received: \$ 185.00

Receipt No.: 667,590

Received by: TSG

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

Check #
1449

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 |
|-----------------------|---|---|
| ① | Please review the application with the Zoning Administrator or staff. | TG |
| ① | The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) | TG |
| ① | 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. | TG |
| ① | If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s).
(NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.) | N/A (TG) |
| ① | Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website:
https://www.hudsonnh.gov/community-development/page/gis-public-use
(NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.) | TG |
| ① | GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.
A copy of the GIS map can be obtained by visiting the town website:
https://www.hudsonnh.gov/community-development/page/gis-public-use | TG |
| ① | Provide a copy of all single sided pages of the assessor's card.
(NOTE: these copies are available from the Assessor's Office) | TG |
| ① | 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. | TG
See court document
filed 1/13/20 |
| ① | If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board. | N/A |

CERTIFIED PLOT PLAN:

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

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

See
Existing
Conditional
Plan
dated
1-23-20

↓

(16)

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

Signature of Applicant(s)

12-15-2021

Date

Signature of Property Owner(s)

12-15-2021

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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lorne + Kerianne St. Laurent	149 Webster St Hudson, NH 03051
156	007	Susan J. Augin	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03057
147	015	Michael Hegarty	180 Hobbs St Pepperell, MA 01463
147	001	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. + Kate M. Trainsor	2 Shoreline Dr Hudson, NH 03051
147	016	Derm + Webster, LLC	253 Main St Nashua, NH 03060
147	017	Lexington Place (ord) C/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbe's Landring Corp C/o Alfred Salvi	32 Bowers Circle Hudson, NH 03051
156	008	Reeds Brook Homeowners Assoc C/o Sandra Pette, Treasurer	8 Madeline Ct Hudson, NH 03051
156	006	Spar King River Lands Association C/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul + Kimberly Moore	6 SCARLE LANE HUDSON, NH 03051
147	014	Brian D. Ragon	197 WEBSTER ST HUDSON, NH 03051
147	022	Westchester Place Church	7 WESTCHESTER CT HUDSON, NH 03051

APPLICATION FOR A SPECIAL EXCEPTION

Per Hudson Zoning Ordinance, Article VI, Special Exceptions; §334-23, General Requirements: Unless otherwise specified, the Zoning Board of Adjustment shall permit a use by special exception, subject to the following conditions:

- 1. Describe the proposed use showing justification for a Special Exception, as specified in the Hudson Zoning Ordinance (HZO), § 334-21, Table of Permitted Principal Uses, or § 334-22, Table of Permitted Accessory Uses, or § 334-10 D, Multiple or mixed uses on a single lot, which includes a residential use.

ARTICLE: _____ SECTION(S): 334-10 D

185 A, B, C Webster Street a 2 Family dwelling - propose to allow a third apartment dwelling where 3-family/multi-family dwellings aren't permitted in the R-2 zone per the Table of Permitted uses (A-3). Within the building converting from 2 to 3 family is compatible. Exterior appears as single family residential. Residential uses are in the neighborhood and the additional unit will have a low impact on the neighborhood.

- 2. Describe how the proposed use meets all the applicable requirements established in this chapter.

This has existed for over 30 years and is "history" within the building the conversion from 2 to 3 family is compatible. It does not meet the requirements, which is why a variance is also filed.

- 3. Describe how the proposed use is consistent with the purpose and intent of the district in which it is proposed to be located. Descriptions of the districts can be found in HZO, Article IV, Establishment of Districts; § 334-18, Districts described.

Not allowed unless by variance (R-2) which has been filed due to max 2 family.

APPLICATION FOR A SPECIAL EXCEPTION
(CONTINUED)

4. Describe how the proposed use is compatible with the character of the surrounding neighborhood.

Style of 3 family is no different looking than a single family house. The use is still residential. The density from 2 to 3 Family is the only change. A variance has been filed.

5. Describe how the nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.

N/A

Application for Special Exceptions

The following is uses not allowed/permitted, therefore requesting use variances:

1. 181A-B Webster St- Convenience Store (exists by variance(s)) and landscaping business, this use is not permitted in the R-2 Zone per Table of Permitted Principal Uses- (E-10).
2. 183 Webster St- Greenhouse Building- Proposed use is warehousing of material and equipment, this use is not permitted in the R-2 Zone per the Table of Permitted Principal Uses- (E-8).
3. 185 A,B,C Webster St- 2 Family Dwelling- Propose to allow a third apartment dwelling where three-family/multi-family dwellings are not permitted in the R-2 Zone per the Table of Permitted Principal Uses- (A-3). Within the existing "house/structure" as multi-family by Zoning Ordinance definition a 3 unit is multi-family. Withing the whole site, 181-189 Webster St, to include a multi-family (by Zoning Ordinance a 3 unit is a multi-family).
4. 187 Webster St- Small Garage Building- Proposed use is warehousing of material and equipment where this use is not permitted in the R-2 Zone per the Table of Permitted Principal Uses- (E-8).
5. 189 Webster St- Large Garage Building- Proposed use is warehousing of material and equipment where this use is not permitted in the R-2 Zone per the Table of Permitted Principal Uses- (E-8).

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. **226-2020-CV-00632**

VERIFIED PETITION FOR PERMANENT INJUNCTION
TO ENJOIN ZONING ORDINANCE VIOLATIONS

NOW COMES the Plaintiff, Town of Hudson, by and through its attorneys, Tarbell & Brodich, P.A., and respectfully submits the within Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations, and in support thereof states as follows:

I. Parties

1. The Plaintiff, Town of Hudson (hereinafter "Hudson"), is a municipal corporation organized and existing under the laws of the State of New Hampshire, with a principal address of 12 School Street, Hudson, New Hampshire 03051, acting by and through its Code Enforcement Officer, Bruce Buttrick (hereinafter "Mr. Buttrick").

2. The Defendant, Derry & Webster, LLC, is a limited liability company organized and existing under the laws of the State of New Hampshire, with a principal address of 253 Main Street, Nashua, New Hampshire 03060.

II. Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to RSA § 676:15, RSA § 676:17, RSA § 236:128, and the Hudson Zoning Ordinance.

4. The property which is the subject of this action is located in the Town of Hudson, County of Hillsborough, State of New Hampshire, and venue is proper in the Southern Judicial District of the Hillsborough County Superior Court.

III. Property Description

5. The property in question consists of a single parcel of land on Webster Street in Hudson, NH, identified as 181-189 Webster Street, which is also described as Hudson Tax Map 147, Lot 016 ("Property").

6. The Property is owned by the Defendant.

7. The Property is located within the Residential-2 ("R-2") zoning district and Wetland Conservation ("WCD") overlay zoning district according to the Hudson Zoning Ordinance ("HZO").

8. Uses permitted within the R-2 Zone include single and two-family residences, agricultural uses, and other compatible uses.

9. Uses not permitted within the R-2 Zone include most commercial and industrial uses.

10. The Property was historically part of a working farm known as the Garrison Farm.

11. The Property was developed with a farmhouse, greenhouses, agricultural structures/barns/sheds, and a farm stand.

12. Over time, the use of the Property has expanded and changed, in large part without the necessary municipal permits and approvals.

13. At present, the Property contains a convenience style market and a landscaping business with contracting and equipment rental (181 A-B Webster Street), a three-family residence (185 A-C Webster Street), a commercial warehouse (187 Webster Street), and a multi-bay commercial

garage (189 Webster Street), together with outdoor storage of materials, vehicles, heavy equipment, and junk.

IV. Prior Lawsuit

14. The Property was the subject of a prior zoning code enforcement action. *See Town of Hudson v. Samuel A. Tamposi et al.*, Hillsborough County Superior Court Docket No. 89-E-0727 (1989).

15. At that time, the alleged violations included, in part, using the Property for an excavation business, storage of heavy equipment, trucks, and junk, and the conversion of the residential structure to a commercial/business use, all of which were not permitted under the HZO, not permitted by any variance, and had not received Planning Board site plan approval.

16. The case was resolved with a Consent Decree, pursuant to which the “Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the ordinance and/or in accordance with the pre-existing non-conforming use already established on the property and defined as follows: [t]he growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and the operation of the convenient store as it has been operated in the past, in the farmstand building.”

17. The parties further agreed that an existing occupant of the Property, identified as Tamarack Landscaping, was allowed to continue “use of the property for planting, growing and selling of nursery stock.”

18. As a result of the Consent Decree in the matter of *Hudson v. Samuel A. Tamposi et al.*, the Property may only be used for: 1) residential purposes as permitted under the ordinance, 2) a convenient store as it has been operated in the past, and 3) for agricultural purposes, specifically

defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants, and the sale of same grown on the Property.

V. Applicable Regulations and Violations

19. The violations on the Property are categorized and/or related to the following land uses, each of which is addressed separately below: 1) the convenient store, 2) the landscaping business, 3) the three-unit residential dwelling, 4) the warehouse, 5) the garage building, and 6) other violations related to mixed use, junk, outdoor storage, parking, and wetlands.

20. Over a period of time from approximately 2018 through 2020, Town officials met with the Property owner on different occasions to put together a plan to remediate the violations.

21. While some effort has seemingly been made to bring the Property into compliance with the HZO, the parties are essentially at impasse, and the Property nonetheless remains largely in non-compliance with the HZO.

A. Convenient Store (181 A Webster Street)

22. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any “development or change or expansion of use of tracts for nonresidential uses.”

23. In 1953, the Hudson ZBA granted a variance to permit a seasonal roadside farm stand to sell produce grown on the farm.

24. In 1964, the Hudson ZBA granted a variance to expand the list of items that could be sold at the seasonal farm stand, to include various items unrelated to produce or not grown on the farm, and specifically, “garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsi cola, dairy products, bread, fresh fruits, candy, homemade jams, jellies, and preserves, cider, maple syrup, potato chips, cut flowers grown on farm, berries, and Christmas trees and decorations.”

25. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the convenient store was allowed to continue its operations " . . . as it has been operated in the past, in the farmstand building."

26. Since 1990, the convenient store has expanded without site plan approval.

27. On February 10, 2020, the ZBA granted a variance relative to the expansion of the existing convenient store, which approval contained the express condition that "Site Plan Review and approval be obtained from the Planning Board."

28. The Defendant did file an application for site plan review with the Planning Board; however, on August 19, 2020 the Planning Board denied acceptance of the plan due to the existence of all of the other zoning violations on the Property. *See* HTC § 275-6, N & P ("Conformance with all existing codes . . ." and "[c]ompliance with the provisions of the Zoning Ordinance" required for plan acceptance.).

29. No appeal of that denial was ever taken.

30. The Defendant has failed to abate the zoning violations and has failed to resubmit a conforming plan for approval by the Planning Board.

31. At present, the Property remains in violation of both the HZO and the terms and conditions of the variance granted by the ZBA for failure to obtain site plan approval for the convenient store from the Planning Board.

32. The Defendant must either bring the Property into compliance by abating the zoning violations and obtaining the required site plan approval for the convenient store, or the convenient store use must be enjoined to the extent that the scope of the use exceeds the permissible uses defined by the 1953 and 1964 variances, and the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

B. Landscaping Business (181 B Webster Street)

33. Contractor's yards and landscaping businesses are prohibited in the R-2 Zoning District. See HZO § 334-21 and Table of Permitted Principal Uses: *see also* HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

34. Commercial business offices are prohibited in the R-2 Zoning District. *Id.*

35. HZO § 334-16.1 requires Site Plan approval from the Planning Board for any "development or change or expansion of use of tracts for nonresidential uses."

36. As of 1990, according to the Consent Decree in *Hudson v. Samuel A. Tamposi et al.*, the only landscaping business allowed on the Property was "for planting, growing and selling of nursery stock."

37. The existing landscaping business was never engaged in the planting, growing, and selling of nursery stock, and includes contracting and equipment rental.

38. The existing landscaping business includes a business office located at 181 B Webster Street, together with the outdoor storage of business vehicles, trucks, trailers, and equipment, and the outdoor storage and stockpiling of landscape, hardscape, mulch, and stone materials.

39. The landscaping business is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

40. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

41. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the landscaping business, or the landscaping business must be

enjoined to the extent that the scope of the use exceeds the permissible use defined by the 1990 Consent Decree in *Hudson v. Samuel A. Tamposi et al.*

C. Three-Family Residence (185 A-C Webster Street)

42. Single and two-family residences are permitted in the R-2 Zoning District in which the Property is located; three-family residences are not permitted. See HZO § 334-21 at Table of Permitted Uses; see also HZO § 334-20 ("Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited.").

43. Site plan approval is required for residential structures containing more than two (2) dwelling units. See HZO § 334-16.1.

44. The house has been converted at some point in time to a three-family residence, without the necessary permits or approvals, which is not permitted in the R-2 Zoning District.

45. The three-family residence is prohibited without a variance from the ZBA or site plan approval from the Planning Board.

46. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board.

47. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for the third residential unit, or the third residential unit must be removed from the Property.

D. Warehouse (187 Webster Street)

48. The warehouse structure at 187 Webster Street was constructed in approximately 1975 according to the Town's tax records.

49. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

50. The Town has no record of any permits or approvals for any non-agricultural use of the warehouse.

51. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the warehouse.

52. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial warehouse, or cease and desist any non-agricultural use of the warehouse.

E. Garage (189 Webster Street)

53. The garage structure at 189 Webster Street was constructed in approximately 1975 according to the Town's tax records.

54. On information and belief, the structure was originally built and utilized for agricultural and/or farming operations.

55. The Town has no record of any permits or approvals for any non-agricultural use of the garage.

56. No variance has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, for any commercial or industrial use of the garage.

57. The Defendant must either bring the Property into compliance by obtaining the required variance and site plan approval for a commercial/industrial garage, or cease and desist any non-agricultural use of the warehouse.

F. Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations

58. Mixed uses of a single lot are only permitted in the Industrial or Business Zoning Districts per HZO § 334-10.

59. HZO § 334-13 (A) prohibits the operation of a junkyard, as that term is defined, in any district.

60. Junkyards are also prohibited under RSA § 236:111 *et seq*.

61. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" or more than one unregistered motor vehicles is prohibited any district.

62. HZO § 334-15 (B)(2) prohibits the parking and storage of vehicles or trailers with a gross vehicle weight in excess of 13,000 pounds at residential sites.

63. HZO § 334-36 prohibits all uses that are not expressly permitted in the WCD.

64. The combination of uses on the Property, convenient store, landscaping business, multi-family residential building, warehouse, and garage, is not permitted.

65. No variance or special exception has been granted by the ZBA, nor has a site plan has been approved by the Planning Board, which would allow for the mixed use of the Property

66. There is a vast array of earthen materials, motor vehicles and/or automotive parts, personal property, and junk, littered throughout the Property, including within the WCD.

67. There are heavy equipment and commercial vehicles being stored on the Property.

68. The Defendant must either bring the Property into compliance by obtaining the required variances, special exception, and site plan approval for the mixed use of the property, or cease and desist the impermissible mixed use.

69. Violations of the WCD must cease and any damage to the WCD must be remediated.

70. All of the material, motor vehicles and/or automotive parts, junk, and other items of personal property must be removed from the property, or the Defendant must obtain the required variance and site plan approval for such items, to be stored on the Property in accordance with such approvals.

Request for Relief

71. At present, none of the zoning violations complained of have been abated and the Property continues to remain in violation of the HZO.

72. Hudson brings this petition pursuant to RSA § 236:111 *et seq.*, RSA § 676:15 and RSA § 676:17, and pursuant to the provisions of the HZO, to obtain an injunction to compel the Defendant either pursue the necessary permits and approvals, or to cease and desist the illegal use of the Property.

WHEREFORE, the Town of Hudson respectfully requests that this Honorable Court:

- A. Issue Orders of Notice for service on the Defendant;
- B. Issue a permanent injunction ordering the Defendant to either pursue the necessary permits and approvals or cease and desist the illegal use of the Property;
- C. Impose civil fines and penalties on the Defendant at a rate of up to Two Hundred Seventy Five Dollars (\$275.00) to up to Five Hundred Dollars (\$550.00) per day from the date the Defendant was first notified of the violations to the date of the issuance of any Order by the Court in this matter;
- D. Award the Town of Hudson its actual attorney's fees and expenses incurred in bringing this petition and related proceedings in order to compel the Respondent to comply with the HZO; and
- E. Grant such other and further relief as may be just and proper.

Respectfully submitted by,
Town of Hudson,
By and through its Attorneys,
TARBELL & BRODICH, P.A.

Dated: November 23, 2020

/s/ David E. LeFevre
By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

VERIFICATION

I, Bruce Buttrick, have verified that the facts set forth in the foregoing Verified Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations are true and accurate to the best of my knowledge and belief.


Bruce Buttrick, Code Enforcement Officer

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this day, before me, personally appeared Bruce Buttrick, and swore that the foregoing statements are true to the best of his knowledge and belief.

Dated: 11-23-2020

Notary Public
My Commission Expires: _____





Patriot
Properties Inc.

USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
181	A-B	WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC		
Owner 2:			
Owner 3:			
Street 1:	253 MAIN ST.		
Street 2:			
Twn/City:	NASHUA		
St/Prov:	NH	Cntry:	
Postal:	03060	Type:	

PREVIOUS OWNER

Owner 1:			
Owner 2:			
Street 1:			
Twn/City:			
St/Prov:		Cntry:	
Postal:		Type:	

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a CONV MARKET Building built about 1975, having primarily VINYL Exterior and 3525 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	All Class %	Spec Land	J Code	Fact	Use Value	Notes
340	OFFICE		0		SITE	ACRE SITE		0	0	0.00	RD												

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
340	0.000	256,500	600		257,100	
Total Card		0.000	256,500	600	257,100	
Total Parcel		10.289	477,100	35,800	365,300	878,200
Source: Market Adj Cost		Total Value per SQ unit /Card: 72.94		/Parcel: 47.50		

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

TAX DISTRICT

PAT ACCT.

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
11/5/2019	2019-01099	SIGNS		C				
11/4/2019	2019-01098	SIGNS		C				
8/23/2019	2019-00280	PLUMBING		C				
5/28/2019	2019-00280	ADDITION		C				
4/22/2019	2019-00280	INT RENO		C				
3/27/2019	2019-00201	ELECTRIC		C				
3/27/2019	2019-00201	PLUMBING		C				
3/22/2019	2019-00201	INT RENO		C				
1/24/2019	2019-00012	INT RENO	600	C				

ACTIVITY INFORMATION

Date	Result	By	Name
1/9/2020	Meas/Inspect	18	KRT1
4/2/2019	Permit Visit	12	TECH ASMNT
1/25/2019	Permit Visit	12	TECH ASMNT
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
1/7/2010	Permit Visit	10	APPRAISER II
7/10/2007	Other Change	9	PVA
10/17/2001	Meas/Inspect	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

Sign: _____ / /

Total AC/HA:	0.00000	Total SF/SM:	0	Parcel LUC:	031	COMM-RES	Prime NB Desc:	C-GENERAL	Total:		Spl Credit:		Total:	
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EXTERIOR INFORMATION

Type:	65 - CONV MARKET
Sty Ht:	1 - ONE STY
(Liv) Units:	2 Total: 9
Foundation:	6 - SLAB
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	RED
View / Desir:	

BATH FEATURES

Full Bath:	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	2 Rating: GOOD
A HBth:	Rating:
OthrFix:	1 Rating: AVERAGE

COMMENTS

NC = RENOV FORMER MRKT SPACE. 1/20 PICCO'S DELI, REMOVE UC (NC) REMODEL COMPLETE.

GENERAL INFORMATION

Grade:	D - FAIR
Year Bilt:	1975
Eff Yr Bilt:	
Alt LUC:	Alt %:
Jurisdct:	Fact:
Const Mod:	
Lump Sum Adj:	

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

RESIDENTIAL GRID

1st Res Grid:	Desc:	# Units
Level:	FY LR DR D K FR RR BR FB HB L O	
Other:		
Upper:		
Lvl 2:		
Lvl 1:		
Lower:		
Totals:	RMS: BRs: Baths: HB 2	

DEPRECIATION

Phys Cond:	EX - Excellent	20.0%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		20%

REMODELING

Exterior:	2019
Interior:	2019
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

RES BREAKDOWN

No Unit	RMS	BRS	FL
Totals			

INTERIOR INFORMATION

Avg Ht/FL:	STD
Prim Int Wal:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	06 - CERAMIC TILE
Sec Floors:	12 - CONCRET 10%
Bsmnt Flr:	
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	1 - OIL
Heat Type:	1 - FORCED AIR
# Heat Sys:	2
% Heated:	100 % AC:
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

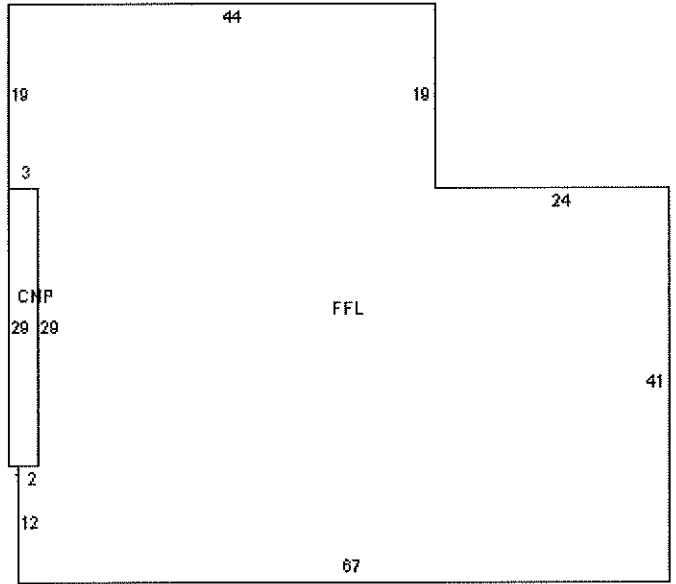
CALC SUMMARY

Basic \$ / SQ:	103.00
Size Adj.:	1.02695036
Const Adj.:	0.99764001
Adj \$ / SQ:	105.526
Other Features:	11000
Grade Factor:	0.80
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	309307
Depreciation:	61861
Depreciated Total:	247446

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:				AvRate: Ind.Val
Juris. Factor:				Before Depr: 84.42
Special Features:	9100			Val/Su Net: 71.01
Final Total:	256500			Val/Su SzAd: 72.77

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	3,525	105.530	371,980
CNP	CANOPY	87	42.000	3,654

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
FFL	100	OFC	30	AV	2

Net Sketched Area:	3,612	Total:	375,634
Size Ad	3525	Gross Area	3612
		FinArea	3525

MOBILE HOME

Make:	Model:	Serial #	Year:	Color:
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SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
81	COOLER	D S	1	300	AV	AV	1975	50.42	T	40	340			9,100			9,100
83	SIGN	D Y	1	2X9	AV	GD	2019	35.11	T	8	340			600			600

PARCEL ID 147-016-000

IMAGE

AssessPro Patriot Properties, Inc



More: N	Total Yard Items: 600	Total Special Features: 9,100	Total: 9,700
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147 016 000
MAP LOT SUB

5 of 5
CARD

Hudson

Total Card / Total Parcel
APPRAISED: 19,000 / 878,200
USE VALUE: 19,000 / 878,200
ASSESSED: 19,000 / 878,200



PROPERTY LOCATION

No	Alt No	Direction/Street/City
183		WEBSTER ST, HUDSON

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC	
Owner 2:		
Owner 3:		
Street 1:	253 MAIN ST.	
Street 2:		
Twn/City:	NASHUA	
St/Prov:	NH	Cntry
Postal:	03060	Type:

PREVIOUS OWNER

Owner 1:		
Owner 2:		
Street 1:		
Twn/City:		
St/Prov:		Cntry
Postal:		

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a N/A Building built about , having primarily N/A Exterior and Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electri		
				Exmpt		
Census:						
Flood Haz: C						
D				Topo	1	LEVEL
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
325	STORE		0		SITE ACRE	SITE		0	0	0.00	MG													

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
325	0.000		19,000		19,000
Total Card	0.000		19,000		19,000
Total Parcel	10.289	477,100	35,800	365,300	878,200
Source:	Market Adj Cost	Total Value per SQ unit /Card:		N/A	/Parcel: 47.50

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name

Sign: _____ / /

Total AC/HA: 0.00000	Total SF/SM: 0	Parcel LUC: 031	COMM-RES	Prime NB Desc: C-GENERAL	Total:	Spl Credit:	Total:
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro - HudsonNH

mrotast

2022

147 016 000
MAP LOT SUB

1 of 5 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 511,300 / 878,200
USE VALUE: 511,300 / 878,200
ASSESSED: 511,300 / 878,200

PROPERTY LOCATION

Table with 3 columns: No, Alt No, Direction/Street/City. Row 1: 185 A, B, C, WEBSTER ST, HUDSON

OWNERSHIP

Table with 2 columns: Owner, Address. Owners: DERRY & WEBSTER LLC, Street 1: 253 MAIN ST., Twn/City: NASHUA

PREVIOUS OWNER

Table with 2 columns: Owner, Address. Owners: SECOND GENERATION PROPERTIES - , CMP PROPERTIES - , Street 1: 20 TRAFALGAR SQ. SUITE #602

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a MULTI-CONVER Building built about 1920, having primarily ALUMINUM Exterior and 2483 Square Feet, with 3 Units, 3 Baths, 0 3/4 Bath, 0 HalfBath, 7 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Table with 4 columns: Code, Descrip/No, Amount, Com. Int.

PROPERTY FACTORS

Table with 7 columns: Item, Code, Description, %, Item, Code, Description. Includes items like RESD TWO, TOWN WATE, TOWN SEWE, Exmpt, LEVEL, Gas.

LAND SECTION (First 7 lines only)

Table with 22 columns: Use Code, Description, LUC, No of Units, Depth/PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Inllu, Neigh Mod, Inff 1 %, Inff 2 %, Inff 3 %, Appraised Value, Alt Class %, Spec Land, J Code, Fact, Use Value, Notes

IN PROCESS APPRAISAL SUMMARY

Table with 7 columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Includes Total Card and Total Parcel summary.

PREVIOUS ASSESSMENT

Table with 12 columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Shows historical assessment data.

SALES INFORMATION

Table with 10 columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Shows sales history for the parcel.

BUILDING PERMITS

Table with 9 columns: Date, Number, Descrip, Amount, C/O, Last Visit, Fed Code, F. Descrip, Comment. Lists building permits for the property.

ACTIVITY INFORMATION

Table with 4 columns: Date, Result, By, Name. Lists appraisal and inspection activities.



Patriot Properties Inc.

USER DEFINED

Table with 2 columns: Prior Id #, Value. Shows user-defined identifiers for the parcel.

PRINT

Table with 2 columns: Date, Time. Shows print date and time.

LAST REV

Table with 2 columns: Date, Time. Shows last revision date and time.

jmichaud 2569

Total AC/HA: 10.28900 Total SF/SM: 448189 Parcel LUC: 031 COMM-RES Prime NB Desc C-GENERAL Total: 365,276 Spl Credit Total: 365,300

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

Database: AssessPro - HudsonNH

mrotast

2022

EXTERIOR INFORMATION

Type:	12 - MULTI-CONVER
Sty Ht:	2 - TWO STY
(Liv) Units:	3 Total: 9
Foundation:	3 - BRICK/STONE
Frame:	1 - WOOD
Prime Wall:	03 - ALUMINUM
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	
View / Desir:	

BATH FEATURES

Full Bath:	3	Rating:	AVERAGE
A Bath:		Rating:	
3/4 Bath:		Rating:	
A 3QBth:		Rating:	
1/2 Bath:		Rating:	
A HBth:		Rating:	
OthrFix:		Rating:	

COMMENTS

GRY, GRNHS 108X30=GLASS, OTHERS PLASTIC, 96X26 HAS NO COVERING, JUST TUBE STEEL FRAME. EST INT. func = excess capacity. 1/20 REPLACED WINDOWS. SIDING=F COND=F / adj size land 2020 per plan submitted.

GENERAL INFORMATION

Grade:	C - AVERAGE		
Year Blt:	1920	Eff Yr Blt:	
Alt LUC:	105	Alt %:	25
Jurisdct:		Fact:	
Const Mod:			
Lump Sum Adj:			

OTHER FEATURES

Kits:	3	Rating:	AVERAGE
A Kits:		Rating:	
FrpI:		Rating:	
WSFlue:		Rating:	

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

RESIDENTIAL GRID

1st Res Grid:	Desc:	CONV	# Units:	1	
Level:	FY LR DR D K FR RR BR FB HB L O				
Other:					
Upper:					
Lvl 2:					
Lvl 1:					
Lower:					
Totals:	RMS: 7	BRs: 4	Baths: 3	HB:	

REMODELING

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

RES BREAKDOWN

No Unit:	RMS:	BRS:	FL:
1	7	4	M
Totals			
1	7	4	

INTERIOR INFORMATION

Avg Ht/Ft:	STD
Prim Int Wal:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	02 - SOFTWOOD
Sec Floors:	04 - CARPET 50 %
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S -
Heat Fuel:	1 - OIL
Heat Type:	3 - FORCED HW
# Heat Sys:	2
% Heated:	100 % AC: 0
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

DEPRECIATION

Phys Cond:	FR - Fair	39. %
Functional:	D - DESIGN	10. %
Economic:	L - LOCATION	10. %
Special:		%
Override:		%
Total:		50.59 %

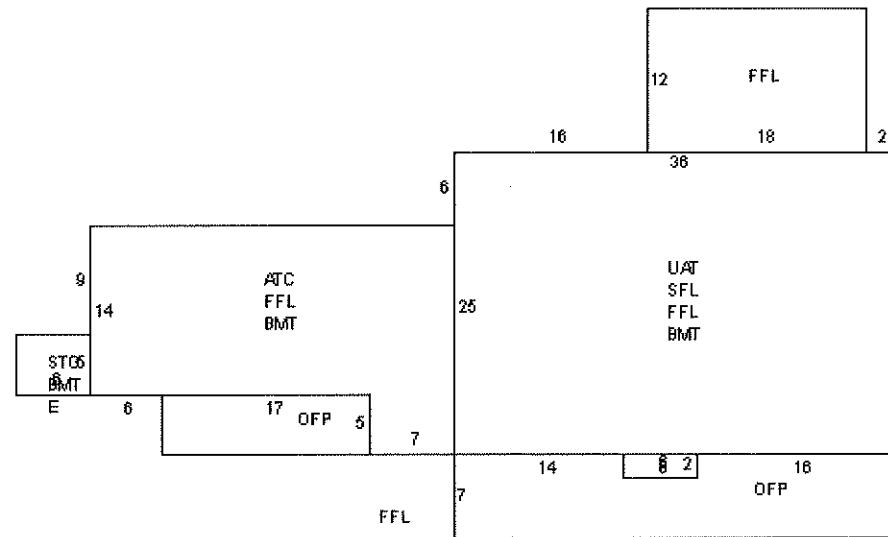
CALC SUMMARY

Basic \$ / SQ:	98.00
Size Adj.:	0.84658706
Const Adj.:	0.93099999
Adj \$ / SQ:	77.241
Other Features:	29500
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	262760
Depreciation:	132930
Depreciated Total:	129830

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:				Ind.Val
Juris. Factor:			Before Depr:	77.24
Special Features:	0		Val/Su Net:	28.27
Final Total:	129800		Val/Su SzAd	49.99

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	1,583	77.240	122,272
BMT	BASEMENT	1,385	15.450	21,396
SFL	SECOND FLR	900	77.240	69,517
OFF	OPEN PCH	325	27.040	8,789
UAT	ATTIC/SFL	225	27.030	6,083
ATC	ATTIC	114	38.620	4,393
ENT	ENTRY	30	3.860	116
STG	STORAGE	30	23.170	695
Net Sketched Area:		4,592		Total: 233,261
Size Ad:	2596.75	Gross Area	5608	FinArea 2483

SUB AREA DETAIL

Code	Description	Area	% Usbl	% Descr	% Type	Qu #	Ten
FFL	FIRST FLOOR						
BMT	BASEMENT						
SFL	SECOND FLR						
OFF	OPEN PCH						
UAT	ATTIC/SFL						
ATC	ATTIC		100	UNF	100	AV	

MOBILE HOME

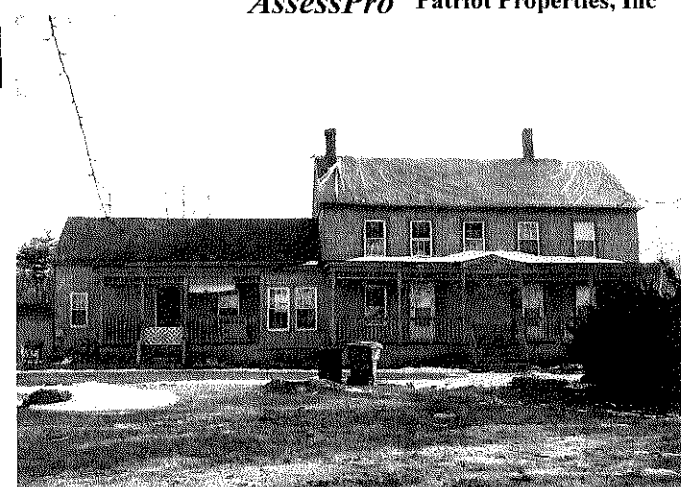
Make:		Model:		Serial #:		Year:		Color:	
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SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
26	GRNHSE-PLS	D Y		1 60X26	PR	PR	1965	0.00	T	95	325						
85	PAVING-ASPH	D Y		1 6000	AV	PR	1965	2.33	T	90	325			1,400			1,400
BOX	BOX TRAILER	D Y		1 1	GD	AV	2010	6,251.25	T	0	325			6,300			6,300
BOX	BOX TRAILER	D Y		2 1	FR	AV	1990	4,250.85	T	0	325			8,500			8,500

PARCEL ID 147-016-000

IMAGE



AssessPro Patriot Properties, Inc

147 016 000
MAP LOT SUB

3 of 5 INDUSTRIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 46,800 / 878,200
USE VALUE: 46,800 / 878,200
ASSESSED: 46,800 / 878,200



Patriot
Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
187		WEBSTER ST, HUDSON

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
332	0.000	46,800			46,800

Legal Description	

User Acct
7257

OWNERSHIP

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

Total Card	0.000	46,800		46,800
Total Parcel	10.289	477,100	35,800	878,200
Source:	Market Adj Cost	Total Value per SQ unit /Card:		12.72 /Parcel: 47.50

Entered Lot Size	
Total Land:	10.418
Land Unit Type: AC	

GIS Ref

GIS Ref

GIS Ref

Insp Date

01/09/20

Parcel ID

147-016-000

!2569!

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
--------	-----	-----	------------	-----------	-----------	------------	-------------	---------------	-------	------

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

PRINT

Date	Time
12/15/21	13:29:37

LAST REV

Date	Time
01/13/20	12:56:23

krt

2569

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a WAREHOUSE Building built about 1975, having primarily CORR STEEL Exterior and 3680 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
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PAT ACCT.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment
------	--------	---------	--------	-----	------------	----------	-----------	---------

ACTIVITY INFORMATION

Date	Result	By	Name
1/9/2020	Meas/Inspect	18	KRT1
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/10/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	Inspected	2	AVITAR

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Influ	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
332	AUTO REPAI		0		SITE ACRE	SITE		0	0.	0.00	RD													

Sign: _____

Total AC/HA: 0.00000	Total SF/SM: 0	Parcel LUC: 031	COMM-RES	Prime NB Desc	C-GENERAL	Total:	Spl Credit	Total:
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EXTERIOR INFORMATION

Type: 43 - WAREHOUSE
 Sty Ht: 1 - ONE STY
 (Liv) Units: 2 Total: 9
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 18 - CORR STEEL
 Sec Wall: %
 Roof Struct: 7 - SHED
 Roof Cover: 4 - TAR/GRAVEL
 Color:
 View / Desir:

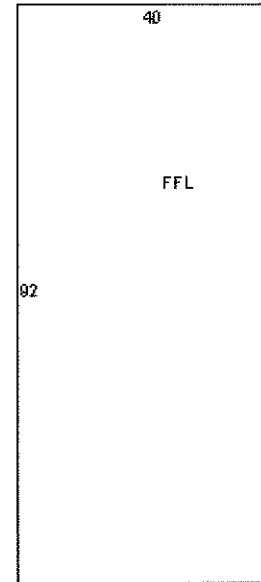
BATH FEATURES

Full Bath: Rating:
 A Bath: Rating:
 3/4 Bath: Rating:
 A 3QBth: Rating:
 1/2 Bath: 1 Rating: AVERAGE
 A HBth: Rating:
 OthrFix: Rating:

COMMENTS

1/20 NO DBA. SHED/ ROOF= CRACKS IN WALL, SURROUNDED BY DEBRIS. COND=POOR.

SKETCH



GENERAL INFORMATION

Grade: E - POOR
 Year Bilt: 1975 Eff Yr Bilt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

OTHER FEATURES

Kits: 1 Rating: AVERAGE
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

RESIDENTIAL GRID

1st Res Grid Desc: # Units
 Level FY LR DR D K FR RR BR FB HB L O
 Other
 Upper
 Lvl 2
 Lvl 1
 Lower
 Totals RMS: BRs: Baths: HB 1

CONDO INFORMATION

Location:
 Total Units:
 Floor:
 % Own:
 Name:

REMODELING

Exterior:
 Interior:
 Additions:
 Kitchen:
 Baths:
 Plumbing:
 Electric:
 Heating:
 General:

RES BREAKDOWN

No Unit	RMS	BRS	FL
Totals			

INTERIOR INFORMATION

Avg Ht/FL: STD
 Prim Int Wal: 5 - MINIMAL
 Sec Int Wall: %
 Partition: L - LIGHT
 Prim Floors: 12 - CONCRETE
 Sec Floors: %

DEPRECIATION

Phys Cond: PR - Poor 60. %
 Functional: D - DESIGN 20. %
 Economic: %
 Special: %
 Override: %
 Total: 68.4 %

CALC SUMMARY

Basic \$ / SQ:	52.00
Size Adj.:	1.17608690
Const Adj.:	0.96000999
Adj \$ / SQ:	58.711
Other Features:	12000
Grade Factor:	0.65
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	148236
Depreciation:	101394
Depreciated Total:	46843

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:		Ind.Val
Juris. Factor:		Before Depr:		38.16
Special Features:	0	Val/Su Net:		12.72
Final Total:	46800	Val/Su SzAd		12.72

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	3,680	58,710	216,056

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

Net Sketched Area:	3,680	Total:	216,056
Size Ad	3680	Gross Area	3680
		FinArea	3680

MOBILE HOME

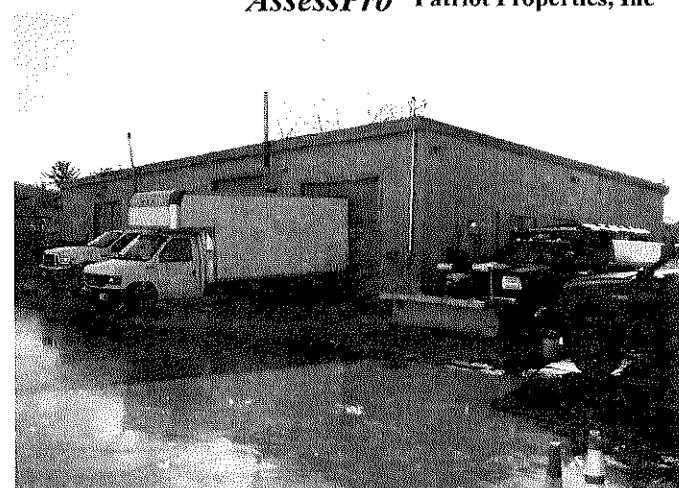
Make: Model: Serial #: Year: Color:

SPEC FEATURES/YARD ITEMS

PARCEL ID 147-016-000

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value

IMAGE



AssessPro Patriot Properties, Inc

147 016 000
 MAP LOT SUB

2 of 5 COMMERCIAL
 CARD Hudson

Total Card / Total Parcel
 APPRAISED: 44,000 / 878,200
 USE VALUE: 44,000 / 878,200
 ASSESSED: 44,000 / 878,200

PROPERTY LOCATION

No	Alt No	Direction/Street/City	
189		WEBSTER ST, HUDSON	
OWNERSHIP			
Owner 1:	DERRY & WEBSTER LLC		
Owner 2:			
Owner 3:			
Street 1:	253 MAIN ST.		
Street 2:			
Twn/City:	NASHUA		
St/Prov:	NH	Cntry	Own Occ:
Postal:	03060	Type:	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
316	0.000	44,000			44,000
Total Card	0.000	44,000			44,000
Total Parcel	10.289	477,100	35,800	365,300	878,200
Source:	Market Adj Cost	Total Value per SQ unit /Card:		5.00	/Parcel: 47.50

Legal Description
Entered Lot Size
Total Land: 10.418
Land Unit Type: AC

User Acct	7257
GIS Ref	
GIS Ref	
Insp Date	01/09/20



Patriot Properties Inc.

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

Parcel ID 147-016-000

PRINT	Date	Time
	12/15/21	13:29:17
LAST REV	Date	Time
	01/14/20	08:38:03
	krt	
	2569	

USER DEFINED

Prior Id # 1:	0023
Prior Id # 2:	0017
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	Cntry
Postal:	

NARRATIVE DESCRIPTION

This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a GARAGE Building built about 1975, having primarily METAL PANEL Exterior and 8800 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

TAX DISTRICT

PAT ACCT.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electri		
		Census:		Exmpt		
		Flood Haz:				
				Topo		
				Street		
				Gas:		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
1/9/2020	Meas/Inspect	18	KRT1
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
7/10/2007	Other Change	9	PVA
10/14/2001	Measured	0	PATRIOT
12/7/1990	inspected	2	AVITAR

Sign: _____

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
316	COMM WRHS		0		SITE ACRE	SITE		0	0	0.00	RD																

Total AC/HA:	0.00000	Total SF/SM:	0	Parcel LUC:	031	COMM-RES	Prime NB Desc	C-GENERAL	Total:		Spl Credit	Total:	
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EXTERIOR INFORMATION

Type: 30 - GARAGE
 Sty Ht: 1 - ONE STY
 (Liv) Units: 2 Total: 9
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 27 - METAL PANEL
 Sec Wall: 21 - CONC BLO 40 %
 Roof Struct: 1 - GABLE
 Roof Cover: 4 - TAR/GRAVEL
 Color: BEIGE
 View / Desir:

GENERAL INFORMATION

Grade: E - POOR
 Year Blt: 1975 Eff Yr Blt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/FL: STD
 Prim Int Wal: 5 - MINIMAL
 Sec Int Wall: %
 Partition: L - LIGHT
 Prim Floors: 12 - CONCRETE
 Sec Floors: %
 Bsmnt Flr:
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 1 - OIL
 Heat Type: 7 - UNIT HEATERS
 # Heat Sys: 4
 % Heated: 100 % AC: 0
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled

BATH FEATURES

Full Bath Rating:
 A Bath Rating:
 3/4 Bath Rating:
 A 3QBth Rating:
 1/2 Bath: 2 Rating: FAIR
 A HBth Rating:
 OthrFix Rating:

OTHER FEATURES

Kits Rating:
 A Kits Rating:
 Frpl Rating:
 WSFloe Rating:

CONDO INFORMATION

Location:
 Total Units:
 Floor:
 % Own:
 Name:

DEPRECIATION

Phys Cond: PR - Poor 64. %
 Functional: D - DESIGN 20. %
 Economic: %
 Special: %
 Override: %
 Total: 71.2 %

CALC SUMMARY

Basic \$ / SQ: 39.00
 Size Adj.: 0.89090908
 Const Adj.: 0.94052368
 Adj \$ / SQ: 32.679
 Other Features: 10500
 Grade Factor: 0.65
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 152625
 Depreciation: 108669
 Depreciated Total: 43956

COMMENTS

USE FOR PRODUCT (BEVERAGE) AND CONST
 EQUIP STORAGE, 16' CEIL. 1/20 FR/P COND.
 CRACKS IN WALL AND SETTLING. NO DBA
 LISTED.

RESIDENTIAL GRID

1st Res Grid Desc: # Units
 Level FY LR DR D K FR RR BR FB HB L O
 Other:
 Upper:
 Lvl 2:
 Lvl 1:
 Lower:
 Totals RMS: BRs: Baths: HB 2

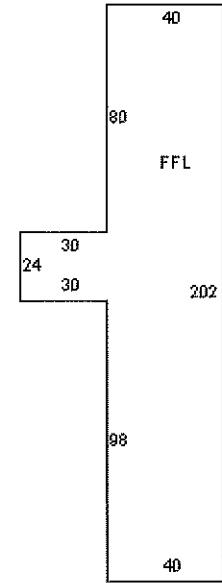
REMODELING

Exterior:
 Interior:
 Additions:
 Kitchen:
 Baths:
 Plumbing:
 Electric:
 Heating:
 General:

RES BREAKDOWN

No Unit RMS BRS FL
 Totals

SKETCH



COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	8,800	25,490	224,308

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
FFL	100	WHS	50	FR	

Net Sketched Area:	8,800	Total:	224,308
Size Ad	8800	Gross Area	8800
		FinArea	8800

MOBILE HOME

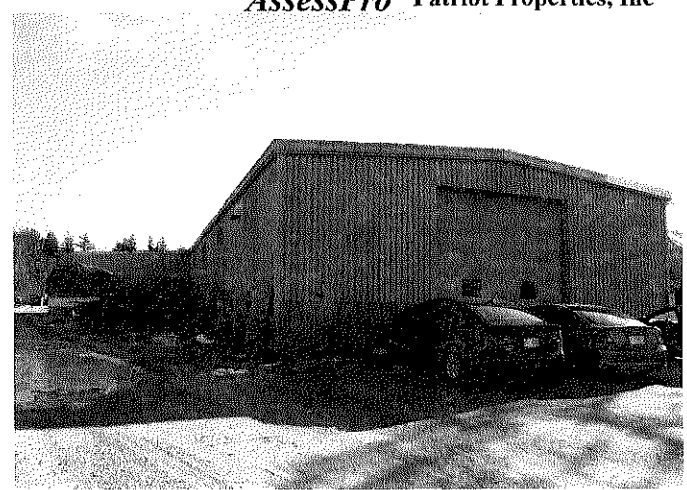
Make: Model: Serial #: Year: Color:

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value	

More: N Total Yard Items: Total Special Features: Total:

IMAGE



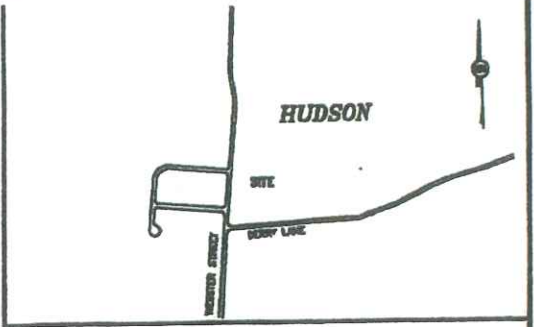
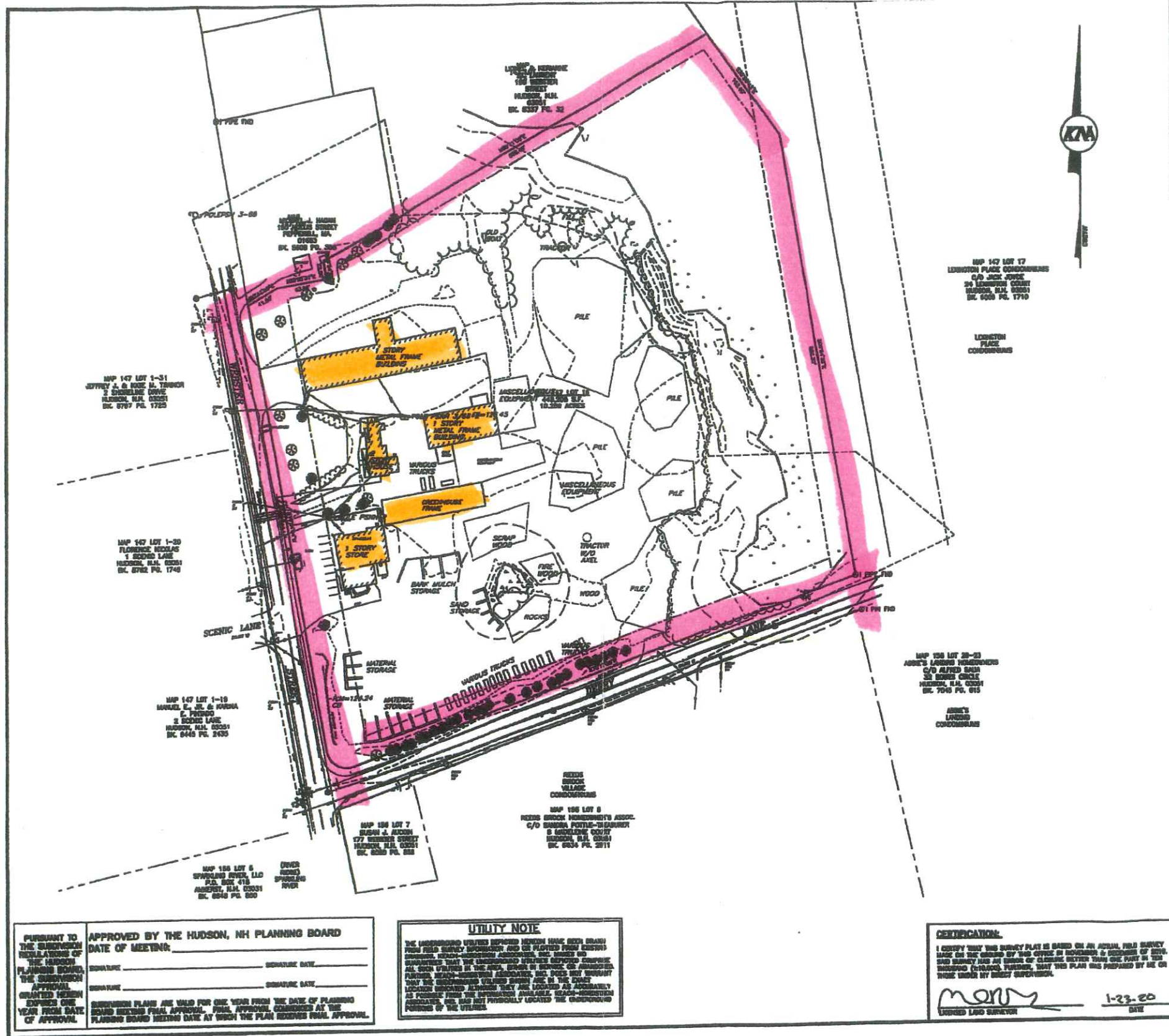
AssessPro Patriot Properties, Inc

316





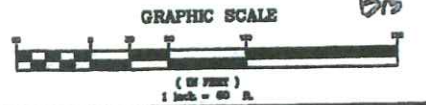
W:\project\1811021\Utility\Working Drawings\WORKSHEET.dwg, 1/23/2020 2:54:01 PM, JAVON M P W6700 P15



VICINITY MAP
SCALE: N.T.S.

TOWN OF HUDSON
DEC 27 2021
Zoning Department

Received on 1.23.20
B/B



EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 WASH STREET
NASHUA, N.H. 03060
WORD BC.0534 PG.1327

KMA
KEACH-WORSTROM ASSOCIATES, INC.
Civil Engineering and Surveying, Landscape Architecture
20 Commerce Park North, Suite 401, Bedford, NH 03110 Phone (603) 887-0881

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2020
PROJECT NO: 18-1105-1
SHEET 1 OF 1

PURSUANT TO THE SUBDIVISION REGULATIONS OF THE TOWN OF HUDSON, NH PLANNING BOARD, THE SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____

SIGNATURE: _____ SIGNATURE DATE: _____

SIGNATURE: _____ SIGNATURE DATE: _____

SUBDIVISION PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD REVIEW FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN DERIVED FROM FIELD SURVEY INFORMATION AND/OR FROM PUBLIC RECORDS. KEACH-WORSTROM ASSOCIATES, INC. MAKES NO REPRESENTATION THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE ACCURATELY LOCATED OR DEPTHS. KEACH-WORSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE AS ACCURATELY LOCATED AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-WORSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN HEREON.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE ORDER OF THE OFFICE OF RECORDS & REGISTRY OF NH. THIS SURVEY WAS AN ISSUE OF LICENSE EXCEPT THIS ONE PART BY THE SURVEYOR (KMA), FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Mark 1-23-20
LAND SURVEYOR DATE

Printed
12/27/2021
3:34PM
Created
12/27/2021
3:30 PM

Transaction Receipt

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

Receipt# 667,590
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-01/20/2022 ZBA Mtg 181-189 Webster Street Map/Lot 147-016-000 Special Exception	0.00	185.0000	0.00
			Total:	185.00

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK # 1449	185.00	0.00	185.00
			Total Due:		185.00
			Total Tendered:		185.00
			Total Change:		0.00
			Net Paid:		185.00