

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 <u>Greenhouse Building</u> 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 <u>Residential Building</u> 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 <u>Small Garage Building</u> 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 <u>Large Garage Building</u> 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

		JAN 03 2022		01 HH 03051-9938
SENDE	R:	TOWN OF HUDSON USPS 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 O O (5) Variances + Pl) Special Exception 181-189 Webster St 161 Map 147/Lot 0 6-000 1 of 1
			Name of Addressee, Street, and post office address	01/20/2022 ZBA Meeting USPS
1	ובחכ	ARTICLE NUMBER	DERRY & WEBSTER LLC	APPLICANT/OWNER NOTICE MAILED
-			253 MAIN ST., NASHUA, NH 03060	
2	702l	0350 0000 1884 4164	ST. LAURENT, LIONEL & KERIANNE	ABUTTER NOTICE MAILED
_			199 WEBSTER STREET, HUDSON, NH 03051	
3	7021	0350 0000 1884 4171	AUCOIN, SUSAN J.	ABUTTER NOTICE MAILED
4	7021	0350 0000 1884 4188	177 WEBSTER ST., HUDSON, NH 03051 WEBSTER, BENJAMIN & JANE	ABUTTER NOTICE MAILED
			1 SHORELINE DR., HUDSON, NH 03051	
5	1021	0350 0000 1884 4195 🚃	HAGAN, MICHAEL J.	ABUTTER NOTICE MAILED
			180 HOLLIS ST., PERPPERELL, MA 01463	
6	2027	0350 0000 1884 4201	NICOLAS, FLORENCE	ABUTTER NOTICE MAILED
			1 SCENIC LN., HUDSON, NH 03051	
7	2027	0350 0000 1884 4218	PINTADO, MANUEL E., JR & KARINA	ABUTTER NOTICE MAILED
			2 SCENIC LANE, HUDSON, NH 03051	
8	2027	0350 0000 1884 4225	TRAINOR, JEFFREY & KATE	ABUTTER NOTICE MAILED
			2 SHORELINE DR., HUDSON, NH 03051 LEXINGTON PLACE CONDOMINIUMS; C/O JACK	
9	7021	0350 0000 1884 4232	JOYCE	ABUTTER NOTICE MAILED
<u> </u>		Providence of the second se	24 LEXINGTON COURT, HUDSON, NH 03051	
10	2021	0350 0000 1884 4249	ABBIE'S LANDING HOMEOWNERS	ABUTTER NOTICE MAILED
10			32 BOWES CIRCLE, HUDSON, NH 03051	
in de la composition Na composition de la compos			REEDS BROOK HOMEOWNERS ASSOC.; C/O SANDRA	
11	ነበና ጉ	0350 0000 1884 4256	POTTLE - TREASURER	ABUTTER NOTICE MAILED
<u>a</u>		3	8 MADELEINE CT., HUDSON, NH 03051	
12	7021	0350 0000 1884 4263	SPARKLING RIVER CONDOMINIUM ASSOCIATION INC; C/O RICHARD FRESCURA	ABUTTER NOTICE MAILED
14			19 CRICKETFIELD LANE, HUDSON, NH 03051	
		Total Number of pieces listed by sender 12	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



			Case# 147-016 (5) Variances + (1) Special Exception
	TOWN OF HUDSON 12 SCHOOL STREET		181-189 Webster St
SENDER:	HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Map 147/Lot 016-000 1 of 1
		Name of Addressee, Street, and post office	
	ARTICLE NUMBER	address	01/20/2022 ZBA Meeting
1	Mailed First Class	MOCERI, PAUL & KIMBERLY	ABUTTER NOTICE MAILED
		6 SCENIC LANE, HUDSON, NH 03051	
2	Mailed First Class	PIGEON, BRIAN D.	ABUTTER NOTICE MAILED
		197 WEBSTER STREET, HUDSON, NH 03051	
3	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS	ABUTTER NOTICE MAILED
		7 WESTCHESTER COURT, HUDSON, NH 03051	
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	Total Number of pieces listed by	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	sender 3		NH 03057
			JAN 0 3 2022
			USPS

Non-Direct First Class



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.

<u>Case 147-016 (01-20-22)</u>: 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 <u>Variance</u> 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 <u>Variance</u> 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).]
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f. A <u>Special Exception</u> 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

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

January 03, 2022

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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: <u>www.hudsonnh.gov</u> 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 8b Meeting Date: January 20, 2022 パン

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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 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."

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 Used; *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)

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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



Unofficial Property Record Card - Hudson, NH

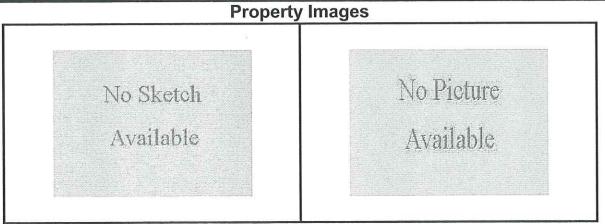
General Property Data

Parcel ID 147-016-000	Account Number 7257		
Prior Parcel ID 0023 -0017-0002			
Property Owner DERRY & WEBST	RLLC	Property Location 183 WEBSTE	RST
	-	Property Use COMM-RES	
Mailing Address 253 MAIN ST.	N	Most Recent Sale Date 2/7/2003	
		Legal Reference 6834-1327	
City NASHUA		Grantor SECOND GEI	NERATION PROPERTIES,
Mailing State NH Zip 03	3060	Sale Price 1,000,000	
ParcelZoning		Land Area 0.000 acres	
	Current Property	Assessment	
	current roperty /	A33635IIICIII	
	- ·		
Card 5 Value Building Value 0	Xtra Features _{19,000} Value	Land Value 0	Total Value 19,000
Total Parcel Building Value 477,100	Xtra Features 35,800 Value	Land Value 365,300	Total Value 878,200
	Building Des	cription	
	0		
Building Style	Foundation Type		Flooring Type N/A
# of Living Units 0	Frame Type	Ba	asement 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	Ai	r Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of	Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	i	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of (Other Fixtures 0
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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).



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

CARO #5

No History

Previous Assessments										
Year Co	de Build	ling Yard Item	s Land Value	Acres	Special Land	Total				

Unofficial Property Record Card - Hudson, NH

CARD #1

General Property Data

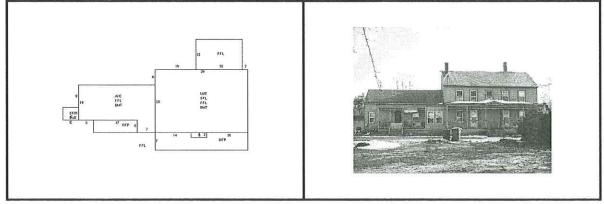
Parcel ID 147-016-000	Parcel ID 147-016-000 Account Number 7257								
Prior Parcel ID 0023 -0017-0002									
Property Owner DERRY & WEBSTER LLC Property Location 185 A, B, C WEBSTER ST									
		Property Use COMM-	RES						
Mailing Address 253 MAIN ST.	N	lost Recent Sale Date 2/7/2003	3						
		Legal Reference 6834-13	27						
City NASHUA		Grantor SECON	D GENERATION PROPERTIES,						
Mailing State NH Zip 0	3060	Sale Price 1,000,0	00						
ParcelZoning		Land Area 10.289	acres						
	Current Property A	Assessment							
	Xtra Features 16,200 Value								
Card 1 Value Building Value 129,800	Land Value 365,300	Total Value 511,300							
Total Parcel Value Building Value 477,100	Xtra Features 35,800 Value	Land Value 365,300	Total Value 878,200						
	Building Desc	cription							
	Dananig Door	silption							
Building Style MULTI-CONVER	Foundation Type BRIC	K/STONE	Flooring Type SOFTWOOD						
# of Living Units 3	Frame Type WOO	D	Basement Floor CONCRETE						
Year Built 1920	Roof Structure GAB	LE	Heating Type FORCED HW						
Building Grade AVERAGE	Roof Cover ASP	H SHING	Heating Fuel OIL						
Building Condition Fair	Siding ALU	MINUM	Air Conditioning 0%						
Finished Area (SF) 2483	Interior Walls DRY	WALL	# of Bsmt Garages 0						
Number Rooms 7	# of Bedrooms 4		# of Full Baths 3						
# of 3/4 Baths 0	# of 1/2 Baths 0		# of Other Fixtures 0						
	Legal Descr	intion							

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 warranteed.

CAED # 1

5006

	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
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B2

CARD # 1

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5051

Bz

Previous Assessments

	Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
(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



General Property Data

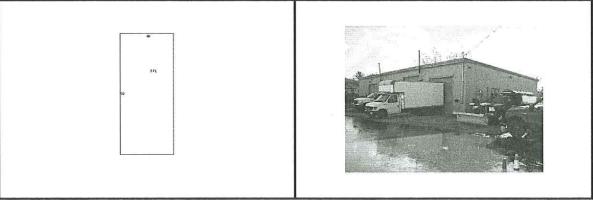
Parcel ID 147-016-000 Account Number 7257 Prior Parcel ID 0023 -0017-0002 Property Owner Property Owner DERRY & WEBSTER LLC Property Location 187 WEBSTER ST Property Use COMM-RES Mailing Address 253 MAIN ST. Most Recent Sale Date 2/7/2003									
		Legal Reference 6834-13							
City NASHUA		Grantor SECON	D GENERATION PROPERTIES,						
Mailing State NH Zip (3060	Sale Price 1,000,00	00						
ParcelZoning		Land Area 0.000 ac	cres						
Current Property Assessment									
Card 3 Value Building Value 46,800	Xtra Features ₀ Value	Land Value 0	Total Value 46,800						
Total Parcel Value Building Value 477,100	Xtra Features 35,800 Value	Land Value 365,300	Total Value 878,200						
	Building Des	cription							
Building Style WAREHOUSE # of Living Units 2 Year Built 1975 Building Grade POOR Building Condition Poor Finished Area (SF) 3680	Foundation Type SLA Frame Type STE Roof Structure SHE Roof Cover TAR Siding COR Interior Walls MINI	EL D /GRAVEL RR STEEL	Flooring Type CONCRETE Basement Floor N/A Heating Type UNIT HEATERS Heating Fuel OIL Air Conditioning 0% # 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						
	Logal Dece	disting the							

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 warranteed.

(DED #3

20005

	Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2	2006	316 - COMM WRHSE	61,500 🕚	0	0	0.00	0.00	61,500
6	2006	316 - COMM WRHSE	61,500	0	0	0.00	0.00	61,500

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Cz

CARD # 3

2021

-3

Previous Assessments

	Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
•	•	N-	-		. –			
		and the second secon)		·	<i>F</i> 4	-	2
ì	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



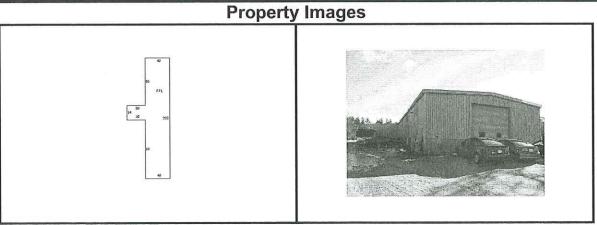
Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID147-016-000Account Number 7257Prior Parcel ID0023 -0017-0002Property Location 189 WEBSTER ST Property Use COMM-RESMailing Address253 MAIN ST.Property Use COMM-RES Legal Reference 6834-1327City NASHUA						
Mailing State NH Zip ParcelZoning	03060	Sale Price 1,000,00 Land Area 0.000 ac				
	Current Property					
	Current Property /	Assessment				
Card 2 Value Building Value 44,000	Xtra Features ₀ Value	Land Value 0	Total Value 44,000			
Total Parcel Value Building Value 477,100	Xtra Features 35,800 Value	Land Value 365,300	Total Value 878,200			
	Building Des	cription				
Building Style GARAGEFoundation Type SLABFlooring Type CONCRETE# of Living Units 2Frame Type STEELBasement Floor N/AYear Built 1975Roof Structure GABLEHeating Type UNIT HEATERSBuilding Grade POORRoof Cover TAR/GRAVELHeating Fuel OILBuilding Condition PoorSiding METAL PANELAir Conditioning 0%Finished Area (SF) 8800Interior Walls MINIMAL# of Bsmt Garages 0Number Rooms 0# of Bedrooms 0# of Full Baths 0# of 3/4 Baths 0# of 1/2 Baths 2# 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).



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

CARD#2

2	00	6

 D_{2}

Yea	r Code	Building	Yard Items	Land Value	Acres	Special Land	Total	
1 200	6 332 - AUTO REPAIR	59,000	0	0	0.00	0.00	59,000	
	6 332 - AUTO REPAIŔ		0 ·	0	0.00	0.00	59,000	

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		Pr	evious Asse	CARD 3	E Z		202
Year	Čode	Building	Yard Items	Land Value	Acres	Special Land	Total
			1	•			!
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	·			<		1	
2021	332 - AUTO REPAIR	46,800	0	0 3	0.00	0.00	46,800
2021	332 - AUTO REPAIR	46,800	0	0	0.00	0.00	46,800

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COLAY GEARCE

December 21, 1964

And the server Comme

Paul W. Juxton, Chairman

Board of Adjustment Town of Hudson

Hr. Seorge W. Colby, Jr. 137 Webster Street Eudson, New Hampshire

Dear Mr. Colby:

With reference to your letter dated December 1, 1964 and the public hearing held at the library building on October 16, 1 64 in regard to pair request to offer for sale at your seasonal farm produce stand on the Litchfield Read in Eudson Cortain mirelated items:

The Board of Adjustmenthas approved your request to off for sale during the seasonal operation of your stand the items emumerated in your latter mentioned above.

Yours very truly

JIP ja

cc: Mr. Alchard Millard, Hos Ente Mr. Kenneth Clark, Represent Ro Mr. Frank Yutting, Jr. 20 7 Wester over

HOTICE

BOARD OF ADJUSTMENT, TOWN OF HUDSON

. A.

You are hereby notified Town Office Building	thet a hearing will i	be held Thursday	7, February 23,1978	-7:30p.m.
at 12 School St.	concerning a	request by Geo	orge Colby, Jr	
Webster St.	for variance	concernii	ng hrticle_III	
Section d(1)	of the Zoning (Ordinance.		
Applicant proposes to	expand on a commerci	ial building	Will replace	
a 10' wide plastic gro	eenhouse with a 25'wid	ie X 40 addition	1.	
والمركز المحافظ والمحافظ والمركز والمركز والمركز والمركز والمركز والمحافظ والمحافظ والمحافظ والمحافظ والمحافظ والمحافظ		الإعر المتعاول عن السراري المراري المراري والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع		
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on property located at_	Netster St.	Prop Tax #7377	۲۰۰۳ (۲۰۰۲) میکند (۲۰۰۲) ۲۰۰۲ (۲۰۰۲) ۲۰۰۲ (۲۰۰۲) ۲۰۰۲ (۲۰۰۲)	
in the A-2 I	lesidential	Zon	8,	<u>N</u>

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, Sourd of Adjustment

Case Mader: 1

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inc. ist	and the second second second second second second second second	
Office	plication to be returned to the Selectown's accompanied by \$10.00 plus postage and e te list of abutters.	to not write in this space. Case No. 1 Date Filed $2-2-7$ S
	DARD OF ADJUSTMENT, TOWN OF HUDSON.	$= \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_$
	F APPLICANT: Stempe Coly	
ADDRES:	5: Junnon Jann alleliater I	2. Afudson.
	OF PROPERTY CONCERNED: <u>Jempe Colli</u>	y fri-
ADDRES:	S: 187 Webster st	
	ON OF PROPERTY: Webster Sti	TAX NO 7377
	PTION OF PROPERTY: Farm Stand	l located
· •	Jarrison Farm.	* \ \mathcapesed_shE_Minishap ==
lor siz	length of frontage, side, and rear lines) ZE:(square feet) ZONE OF PROPERTY:	32: Residential
PROPOSI	ED USE, OR EXISTING USE AFFECTED: Want to ru	eplace the lean-too
Sheenfi	use with anaddition to existing	Building
FIL	L OUT SECTION 1 OF 2 DO NOT FILL OUT MORE THAN OF	NE SECTION
	رویس اور می اور	ᆕ᠄ᡁᠣᠫᡡᡶᠴᡭ᠈ᡏᢗᡶᡧᡣᠿᡕᠫ᠆ᠿᢓᡧᡩᢤᠹᠮ᠅ᡣᡄᡘᡆᢓᢪ᠆ᢦᡩᢧᡁᢢᡕᠳᡊ᠅ᠸᠳᢧᢋᡫᡩᢦ᠘᠂ᠬ᠂᠃᠁ᡬᡫᡘᡡᡱᡄᠴᡭᡔᠮ
SECTIO		2
	he undersigned alleges that an error has been made on, or requirement by the Building Inspector on	
Sectio	(person requesting Permit) in relation to Articie	
SECTIO	N 11 APPLICATION FOR VARIANCE	ter 26 Lana Latina Latina Para Para Latina papa para dia kaominina dia kaominina dia kaominina dia kaominina di
T Sectio	he undersigned hereby requests a variance to the te $m = \frac{g}{g} - \frac{g}{g} \frac{g}{g}$ and asks that said terms be waived by	rms of Article
the pr	he undersigned alleges that the following circumstan oper enjoyment of his land under the strict terms o hus constitutes an unnecessary hardship.	f the Soning Ordinance
	SIGHED Lorr	pe Collay f.
The Bu	rilding inspector has refused to issue a permit on t	his request.
	SIGNED /////	1. Millard Inspector
Th	is has been a farmer sincer	the touse come
to b	le. We have farmed it for lee before us and his fa	2 30 years and
Igal	le before us and his fa	thei befal bini
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THOMATAL .			Date	
tsaldentiat	Subdivision	Yes No	Hew	Permit Number
Commercial	Plonning Ed. Appr	aval Sub Div. Yes No	Alter	
ndustrial Josepa	Water Pollution A	pproral Sub Div. No.	Addition	
realized	Septic Coestruction	m Parmit No.	Repuir	·
da. af Units	Nucessary Rands I	osted Yes No	-	
••••••	Ed. of Adl. Varia	Act Gronted If Nec.	[<u>i</u> i	
Name of Owner Altor	00	Address (U)	CHAR SL	
ocation Webster	st.	Property Tax N	o. <u>7377</u> .	······································
lame of General Contracto		A	No. 23 la	9 17
Name of Heating Contr. 🔎	stipled_	Name of Electri	cal Contractor	
Type of Heat Dil -	it air	Name of Plumbi	ing Contractor	
Name of Fireplace Mason _		Name of Mason	ry Contractor	
Material of Building Wo	d.	Style of Roof	Roof Cove	ring asphall this
Size of Foundation -2.5.	<u>40</u>	Living Floor Area	No. of Sto	ries
Size of Garage		_ Water	Sewer	
	mant.	_ Width 3 / Heigh	nt Footings	Yes No
oundation Material	ues	Size	Chimney Material_	······································
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oundation Material	م مىرونىرى	A + + at inter	Chimney Material	tic green fouse

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.

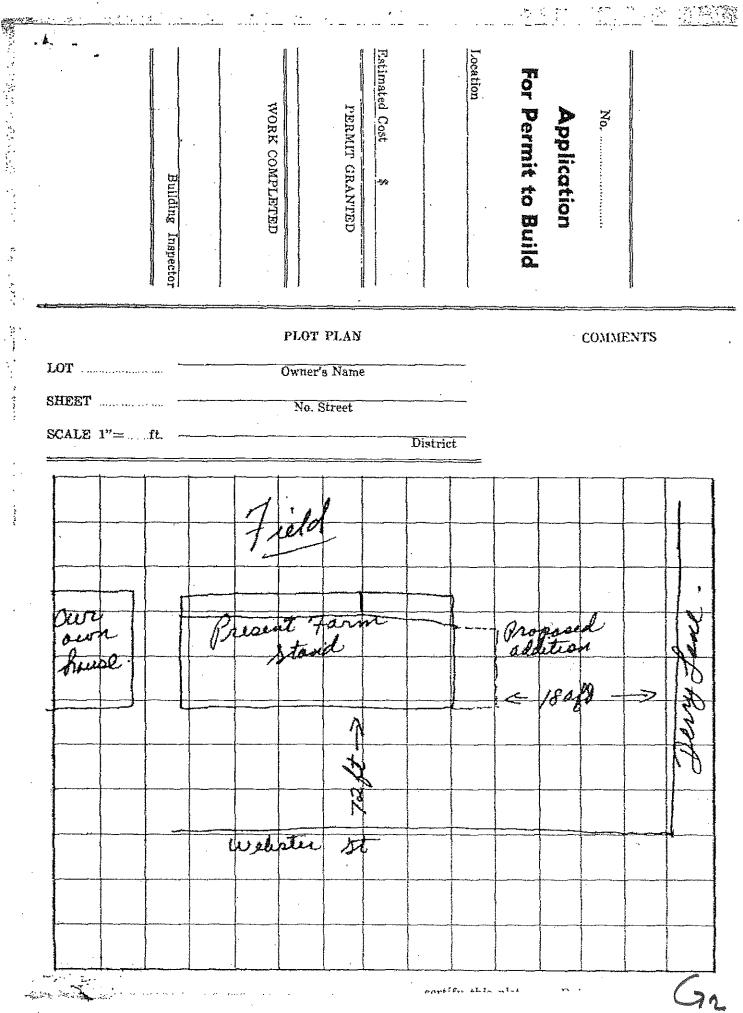
OVER

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

Owner's Signature	lay h.
Contractor's Signature	
Address	·····

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STATE OF NEW HAMPSHIRE

Hillsborough ss.

3

Superior Court

89-E-00727

TOWN OF HUDSON

٧.

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-

CAW OFFICE OF SOUCE, LESUE, ZELIN, SAYWARD 6 LOUGHMAN 220 MAIN STREET SALEM, NEW HAMPSHRE 03079 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 Lanscaping'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,

Date:

LOUGHMAN Barbara F. Loughman By: Gerald Prunier, attorney for Samuel A. Tamposi Samuel A. Tamposi Samuel A. Tamposi, Jr. Elizabeth M. Tamposi Celina M. Tamposi Michael A. Tamposi Nicholas E. Tamposi Nicholas E. Tamposi Sharon R. Tamposi, Trustee Michael A. Tamposi, Jr. d/b/a Surewood Excavation

TOWN DR HUDSON, by its attorneys SOULE, MESLIE, ZELIN, SAYWARD &

Presiding Justice

LAW OFFICE OF SOULE, LESLIE ZELIN, SAYWARD & LOUGHMAN 200 MAIN STREET SALEM ORW MAMPSHRE 193079

Doc # 200013544 03/23/2020 11:16:18 AM Book 9273 Page 1600

Page 1 of 1

Edward Sapienza Register of Deeds, Hillsborough County

Hudson Zonikg 10.50 2.00 PSES: SIRCHART 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.

Month

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.

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 <u>Variance</u> for 185 Webster St., Hudson, NH for a <u>Greenhouse Building</u> 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:

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.

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 <u>and</u> <u>also</u> 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:

Y

Y

Date

Stipulations:

DEC	FOR A VARIANCE
To: Zoning Board of Adjustment To: Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. $\frac{ 47-0 6a(01-20-22)}{ 22 22 2 }$
Name of Applicant <u>Derny + Webster, UL</u> Att: Vatche Manoukian, manager Telephone Number (Home)	Map: <u>147</u> Lot: <u>000</u> Zoning District: <u>R-2</u> Cell (Work) <u>(003-81eD- 681eD</u>
Mailing Address 253 Main St N	hushua NH 03060
Owner <u>Derry + Mebster, UL</u>	с.
Location of Property 183 Webster St (Street Address)	HUDSON, NH 03051 12-15-2021
Signature of Applicant	Date
Signature of Property-Owner(s)	<u>12-15-202</u> Date

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

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

	and the second	
Items in this box are to be filled out by La COST:	nd Use Division p Date receive	
Application fee (processing, advertising & recording) Abutter Notice:		\$_ 185.00
12 Direct Abutters x Certified postage rate \$	<u>4.33</u> = 2.58 =	\$_51,96 \$_1,74 \$_238.70
	Amt. received:	\$ 238.70
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By determination of the Zoning Administrator, the follow Engineering Fire Dept Health Officer	wing Departmental r PlannerOth	eview is required: .er

TOWN OF HUDSON, NH Variance Application Checklist

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

Staff Applicant Initials Initials M TG Please review the application with the Zoning Administrator or staff. The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson. If the applicant is not the property owner(s), the applicant must provide to the Town NA 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.) 16- (\cdot, \cdot) 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.) 16 V GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office) A copy of the Zoning Administrator's correspondence confirming either that the see cou doc. files requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. 11/30/20 If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.

CERTIFIED PLOT PLAN:

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

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

The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. uses or The plot plan shall be up-to date and dated, and shall be no more than three years old. The plot plan shall have the signature and the name of the preparer, with his/her/their seal. Plan dat 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 1-23-20 copy of the GIS map of the property. (NOTE: A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use) The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions.

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

Signature of Applicant(s)

Signature of Property Owner(s)

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	Lionels Kerianne St. Laurent	1996 Webster St Hudson, NH 03051
156	007	susan J. Aucoin	Hudson. NH 03051
MJ	١٤٥	Benjamin + Jane Webster	1 Shoreline Br Hudson, NH 03057
L M J	215	Michael Hugar	180 LOUIS ST- Repperell, MA 01-163
147	100	Fbrence Michas	1 Scinic Lane Hudson, NH 03051
147	1001	Manuel E. Pintado Sr Karing E. Pintado	2 Scenic Laine Hudson, NH 03051
147	001	Jeffrey J Kurk M. Trainos	2 Storeline Dr Hudson, NH 030571
147	016	Dermowiebster, LLC	253 Maun St Nashua, NH 03060
147	017	Loxington Place (Jod) Clo Jack Joyce	24 Locington Court Hudson, NH 03051
147	029	Abbuers Landing Condo c/o Atfreel Salvi	32 Brues Circle Hidson, NH 03051
150	008	Reeas Brock Honkawki Assoc Cle Scother Pottle, Trecsore "	8 Modeline CT Muchson, NH 03051
152	004	Spar KIINI ZILLES, Lardo association Up zinard Frescura	19 Cricket-Freich Lane Hudson, NH 03051

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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 Moceri	6 Sanic Lane Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster st Hudson, NH 03057
147	072	Westchester Place Condo	7 Westchester CT Hudson, NH 02,051

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APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V Permillect USES of HZO Section(s) Section 334-21 (E-8) in order to permit the following change or use: allow warehousing of 10 erial Ma arlento ure $\hat{\mathcal{P}}$ Stud 03051 $\rho \cap$ Whore th DORMIN 20ne. Allow 1505 garage or purking of two or more vehicles and heavy commercial connercial 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 taw 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.

 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")

.....

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 irue-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 som modernization and landscaping. There will be no change. A and A results of the second s

Postage Rev. 11 12 20

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 <u>and also</u> 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.

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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. <u>Parties</u>

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

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

 $\mathbf{2}$

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 <u>as permitted under the ordinance</u>, 2) a convenient store <u>as it has been operated in the past</u>, 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. <u>Convenient Store</u> (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. <u>Three-Family Residence</u> (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. <u>Other Violations: Mixed Uses</u>. 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 in 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, multifamily 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: 11-13 2020

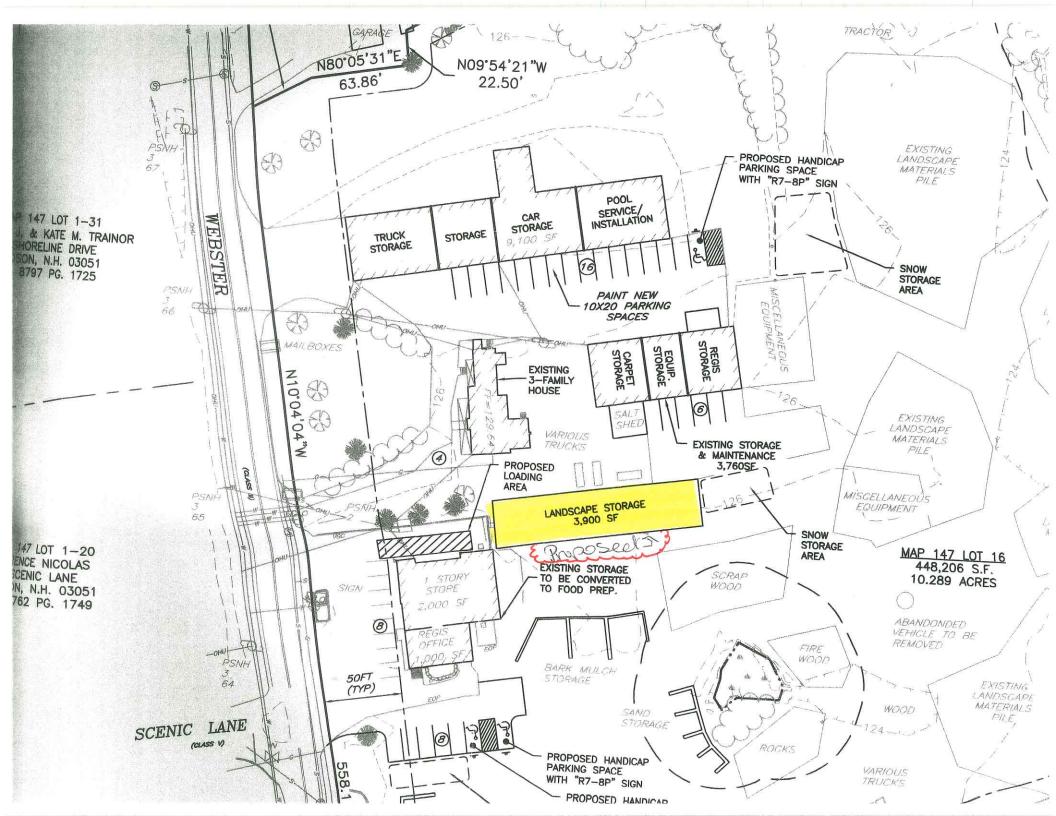
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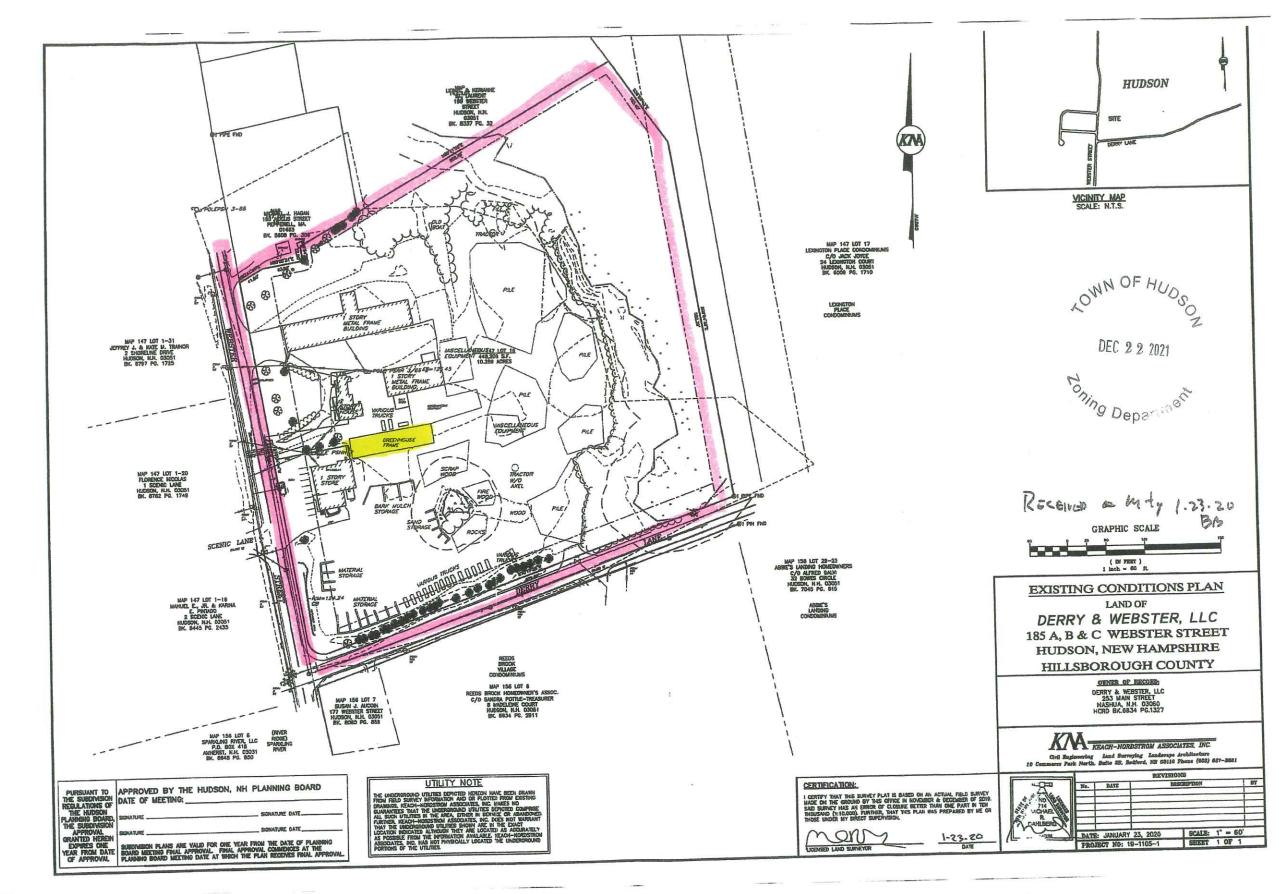
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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 11-06-18)

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 <u>Variance</u> for 185 Webster St., Hudson, NH for a <u>Residential Building</u> 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 proposed use does not conflict with the explicit does not alter the essential character of the neight welfare, or otherwise injure "public rights."	or implicit purpose of the ordinance and
Y	N	2. The proposed use will observe the spirit of the not conflict with the explicit or implicit purpose essential character of the neighborhood, thread otherwise injure "public rights."	e of the ordinance and does not alter the
Y	N	3. Substantial justice would be done to the propthe benefits to the property owner are not outwe other individuals.	perty-owner by granting the variance, and sighed by harm to the general public or to
Y	Ν	4. The proposed use will not diminish the value	es of surrounding properties.
Y	Ν	5. Special conditions exist such that literal enformance unnecessary hardship, either because the restordinance does not serve the purpose of the restordinance does not serve the purpose of the restordinance does not serve the special conditions of the preasonable, or, alternatively, there is no reasonat that would be permitted under the ordinance, property.	striction applied to the property by the riction in a "fair and reasonable" way <u>and</u> property cause the proposed use to be able use that can be made of the property
Member Signed:	Decisio	on: ng member of the Hudson ZBA	Date

Stipulations:

DEC 2 2 LOS	FOR A VARIANCE ORIGINA
Toninfo.Department Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. $147 - 016b(01 - 20 - 22)$ Date Filed $12/22/21$
Name of Applicant <u>Dern + Webster, UL</u> Att: Vatche Manoukian, manacyer Telephone Number (Home)	Map: <u>147</u> Lot: <u>000</u> Zoning District: <u>R-2</u> Cell (Work) <u>LOB-SleD-LoSteD</u>
Mailing Address 253 Main St	Nashva NH 03060
Owner Derry + Mebster, UL	
Location of Property 185 A, B, C We (Street Address)	
Signature of Applicant	Date
Signature of Property-Owner(s)	12-15-2021 Date

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

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

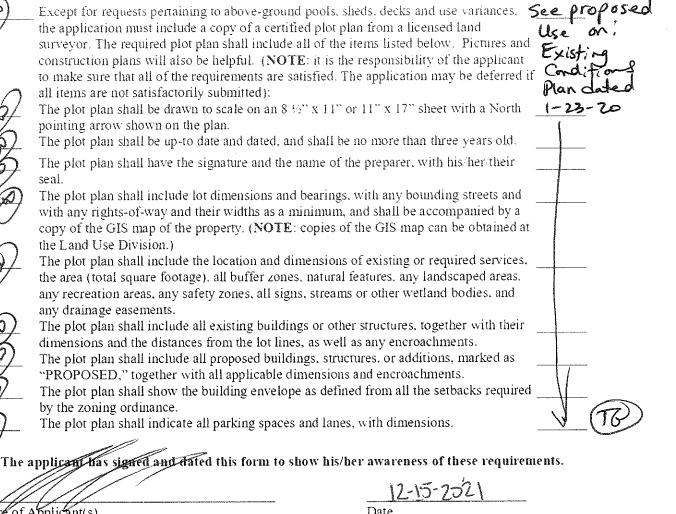
Items in this box are to be filled out by L	and Use Division p	ersonnel
COST:	Date receive	d: <u>12/22/2</u> /
Application fee (processing, advertising & recording)	(non-refundable):	\$ 185.00
Direct Abutters x Certified postage rate \$ 3 Indirect Abutters x First Class postage rate \$	$\frac{4.33}{10.55} =$	\$
Total amount due		\$ 185 -
	Amt. received:	\$ 185 -
Received by: 156	Receipt No.:	
By determination of the Zoning Administrator, the folle Engineering Fire Dept Health Officer		

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:

Staff Applicant Initials Initials The applicant must provide 13 copies including the original of the filled-out application T(-W) form, together with this checklist and any required attachments listed. (Paper clips, no staples) 16 Before making the 13 copies, please review the application with the Zoning Administrator or staff. 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 paving by check, make the check payable to the Town of Hudson. If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.) 76-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 A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office) tis see court dec, filed 11/30/20 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. 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.

PLOT PLAN-



Signature of Applicant(s)

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, firstserved 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 + Kerlanne St. Laurent	1996 Webster St Hudson, NH 03051
156	007	susan J. Aucoin	Hudson, NH 03051
JMJ	1001	Benjamin + Jane Webster	1 Storeline Br Hudson, NH 03057
TUI	215	Michael Hugar	180 160105 St- Repperell, MA 01-163
147	ا دو	Fbrence Micolas	1 scinic Lane Hudson, NH 03051
147	1001	Manuel E. Pintado Js Kasing E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J Kuck M. Trainss	2 Storeline Dr Hudson, NH 03057
147	016	Derayouiebster, LLC	253 Maun St Nachua, NH 03000
147	017	Loxington Place (Jol) Clo Jack Jonce	24 Locington Court Hudson, NH 03051
147	029	Abbuels Lounding Condo clo Alfreel Salvi	32 Brues Circle Hidson, wH 03051
150	008	Reeas Brock Hower with Aser Clo Scribter Pottle, Trecsure "	8 Madeline CT Hudson, NH 03051
152	004	Spur KIINY DULLS, cardo association Up zunura Frescura	19 cricket heid 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 Moceri	6 Sance Lane Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster St Hudson, NHI DBOST
147	072	Westchester Place (oral)	7 Westchester CT Hudson, NH 025051

Postage Rev. 1/27/19

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 Decoulted USES 14-3
in order to bernut the tottowing custoffe of life:
To allow a third apartment in the building located
at 185 A, B, C Webster 3t 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.

 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.)

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 <u>and also</u> 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

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

 $\mathbf{2}$

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. <u>Three-Family Residence</u> (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. <u>Other Violations: Mixed Uses. Junkyard, Outdoor Storage. Parking, Wetland Violations</u>
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 in 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, multifamily 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:

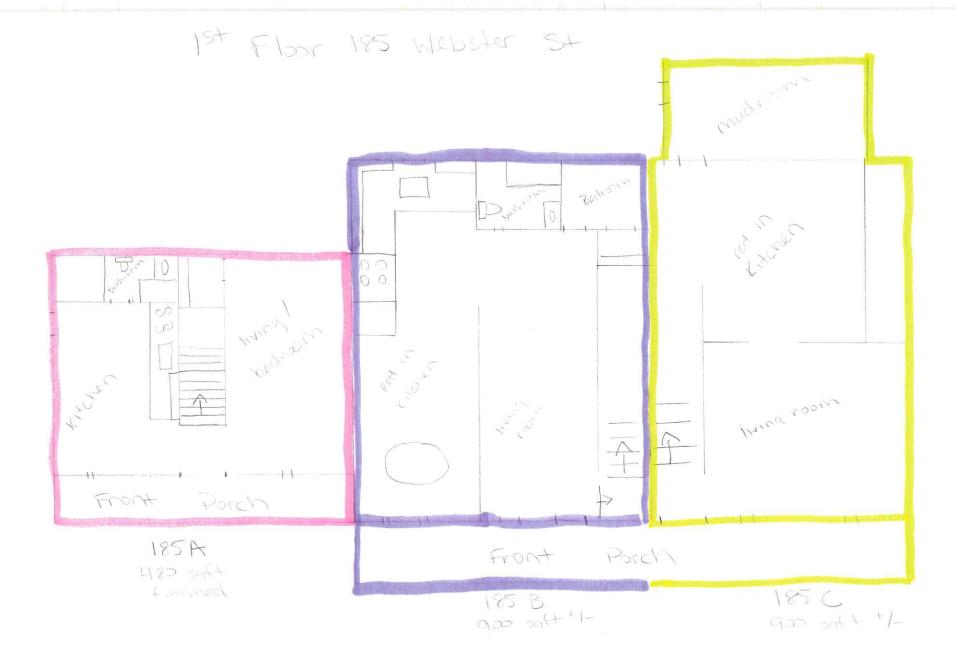
> PAMELA BISBING NOTARY PUBLIC - NEW HAMPSHIRE My Commission Expres September 13, 2022

147 016 000 MAP LOT SUI					of 4 F ARD	RESIDENTIAL	ludson	USE \	AISED: /ALUE: ESSED:	Total Ca 569,8 569,8 569,8	964,400
PROPERTY LOCATION	IN PROCESS AP	PRAISAL SU	MMARY	d Items Lan	d Value	Total Value	enal	Description	User	Acct	
No Alt No Direction/Street/City		the second s	ing Value Yari 97,950	74,200	348,750	520,900	Logu		725	57	
185 A, B, C WEBSTER ST, HUDSON	325	8.192	32,650	14,200	16,250	48,900			GIS	Ref	
WNERSHIP	105	2.064	32,030						1		
Owner 1: DERRY & WEBSTER LLC	1								GIS	Ref	
Owner 2:		10.256	130,600	74,200	365,000	569,800	Ent	tered Lot Size	0.0		
Owner 3:	Total Card Total Parcel	10.256	525,200	74,200	365,000	964,400	Total	Land: 10.256	Insp	Date	Datriot
Street 1: 253 MAIN ST.	Source: Marke			er SQ unit /Card	229.48	/Parcel: 52.16	Land Unit	Type: AC	12/07/90	Date	Properties Inc.
Street 2	Source: Marke	AUJCUST	Total Value p		<u>.</u>		- <u>L</u>	71.01			USER DEFINED
Twn/City: NASHUA	PREVIOUS ASS	ESSMENT				Tarocrie	147-016-000	in the second second		!	Prior Id # 1: 0023
St/Prov: NH Cntry Own Occ:	Tax Yr Use Cat	Bldg Value	Yrd Items Land S	ize Land Value	Total Value	Asses'd Value	Notes	Date	_		Prior Id # 2: 0017
Postal: 03060 Type:	2019 031 FV	500,500		256 365,000			ear End Roll	9/16/2019	PRINT		Prior Id # 3: 0002
	2019 031 JB	510,500	74200 10.	256 365,000			ear End Roll	5/8/2019	Date	Time	Prior Id # 1:
PREVIOUS OWNER	2018 031 FV	438,800	1.4 (1998) S (5.1) (1994)	256 365,000			ear End Roll	8/27/2018 5/9/2018	01/02/20	13:25:16	Prior Id # 2:
Owner 1: SECOND GENERATION PROPERTIES -	2018 031 JB	438,800	1 1 2 0 0	256 365,000			ear End Roll	10/26/2017	LAST RE	V	Prior Id # 3:
Owner 2: CMP PROPERTIES -	2017 031 FV	438,800		256 365,000			ear End Roll	8/28/2017	Date	Time	Prior Id # 1:
Street 1: 20 TRAFALGAR SQ. SUITE #602	2017 031 PV	438,800		256 365,000			ear End Roll ear End Roll	5/10/2017	08/29/19	14:35:39	Prior Id # 2:
Twn/City: NASHUA	- 2017 031 JB	440,100		256 365,000			ear End Roll	8/30/2016	miker		Prior Id # 3:
St/Prov: NH Cntry	2016 031 FV	440,100	42900 10	256 365,000	848,000) 040,000 1	Ear End rom		the second se	And in case of the local division of the loc	ASR Map:
Postal: 03063	SALES INFORM	ATION	Т	AX DISTRICT				PAT ACCT.	256	99	Fact Dist:
ARRATIVE DESCRIPTION	Grantor	Legal Rel	Type Date	Sale Code			Verif	Notes			
This parcel contains 10.256 ACRES of land mainly classified as	SECOND GENERAT		2 2/7/2003			00,000 No No					Reval Dist:
COMM-RES with a MULTI-CONVER Building built about 1920,		5686-1423	1/17/1996			No No					Year
having primarily ALUMINUM Exterior and 2483 Square Feet, with 3 Units, 3 Baths, 0 3/4 Bath, 0 HalfBath, 7 Rooms, and 4	TAMPOSI, SAMUEL	5542-902	4/25/1994			67,000 No No					LandReason:
with 3 Units, 3 Baths, 0 3/4 Bath, 0 Haltbalh, 7 Robins, and 4	TAMPOSI, ET AL	5437-1452	5/28/1993	and the second se	ED	No No					BldReason:
OTHER ASSESSMENTS		5078-0788	12/23/198	38		NO NO					CivilDistrict:
Code Descrip/No Amount Com. Int		i i									Ratio
									IN TION		
	BUILDING PER	MITS						ACTIVITY INFOR	Result	By	Name
	Date Numb	er Descrip		Last Visit Fed	Code F. De	escrip Co	mment	Date 6/11/2017 Field Revie		9	PVA
PROPERTY FACTORS		109 EXT RENO	20.000 C					2/24/2017 I&E Mailed		7	DC
Item Code Description % Item Code Description		052 ELECTRIC	C					8/5/2014 Abate Den		1	CHIEF ASSESS
Z R2 RESD TWO water 3 TOWN WAT			1,500 C					5/10/2012 Field Revie		9	PVA
O Sewer 2 TOWN SEW			1,800 C					1/20/2010 Permit Vis		10	APPRAISER II
n Electri	8/1/2001 2002-58		C					7/10/2007 Other Cha		9	PVA
Census: Exmpt	6/26/2001 2001-52	8 SIGNS	0					5/31/2006 Other Cha	inge	1	CHIEF ASSESS
Flood Haz: C								4/27/2006 Permit Vis	it	1	CHIEF ASSESS
D Topo 1 LEVEL	-							6/27/2005 New Maps	3	1	CHIEF ASSESS
s Street Gas:								Sign:	Q1.		_//
LAND SECTION (First 7 lines only)			A1-1	ab Noigh			Appraised	Alt Spec	J	Line Value	Notes
Lise LUC Depth/	and Tuno	ise Unit	Adi Neigh	gh Neigh Iu Mod Infi 1	% Infl	2 % Infi 3	% Value	0/2	Code	Use Value	NOLES
	Factori Va	lue Price	Inf	IU MOU						300,000	LISE
Code Description Fact No of Units PriceUnits Onit Type		0 400 000	1 00 140				300,00	00		200.000	1002
Code Fact No of Units PriceUnits Unit Type 225 STORE 2 SITE ACRE SI		0 150,000.	1.00 MG 0.53 MG	TOPO	-25			16 105 25			TOPO

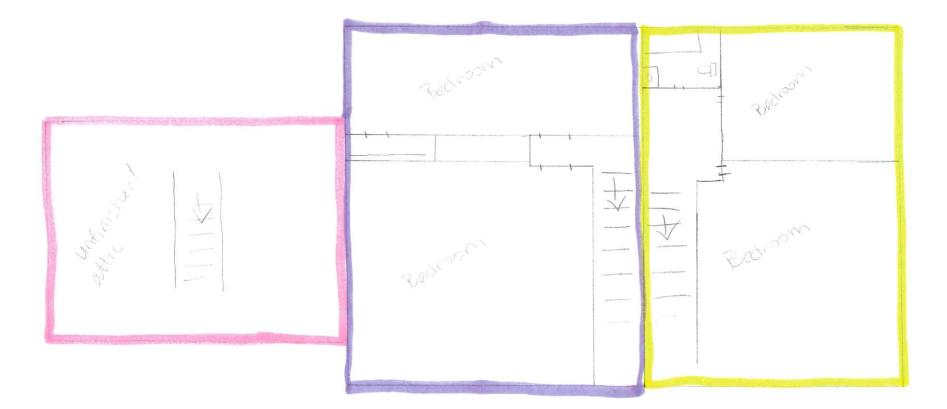
365,000 365,016 Spl Credit Total: Total: Prime NB Desc RES AV/FR Parcel LUC: 031 COMM-RES Total SF/SM: 446751 Total AC/HA: 10.25600 amym

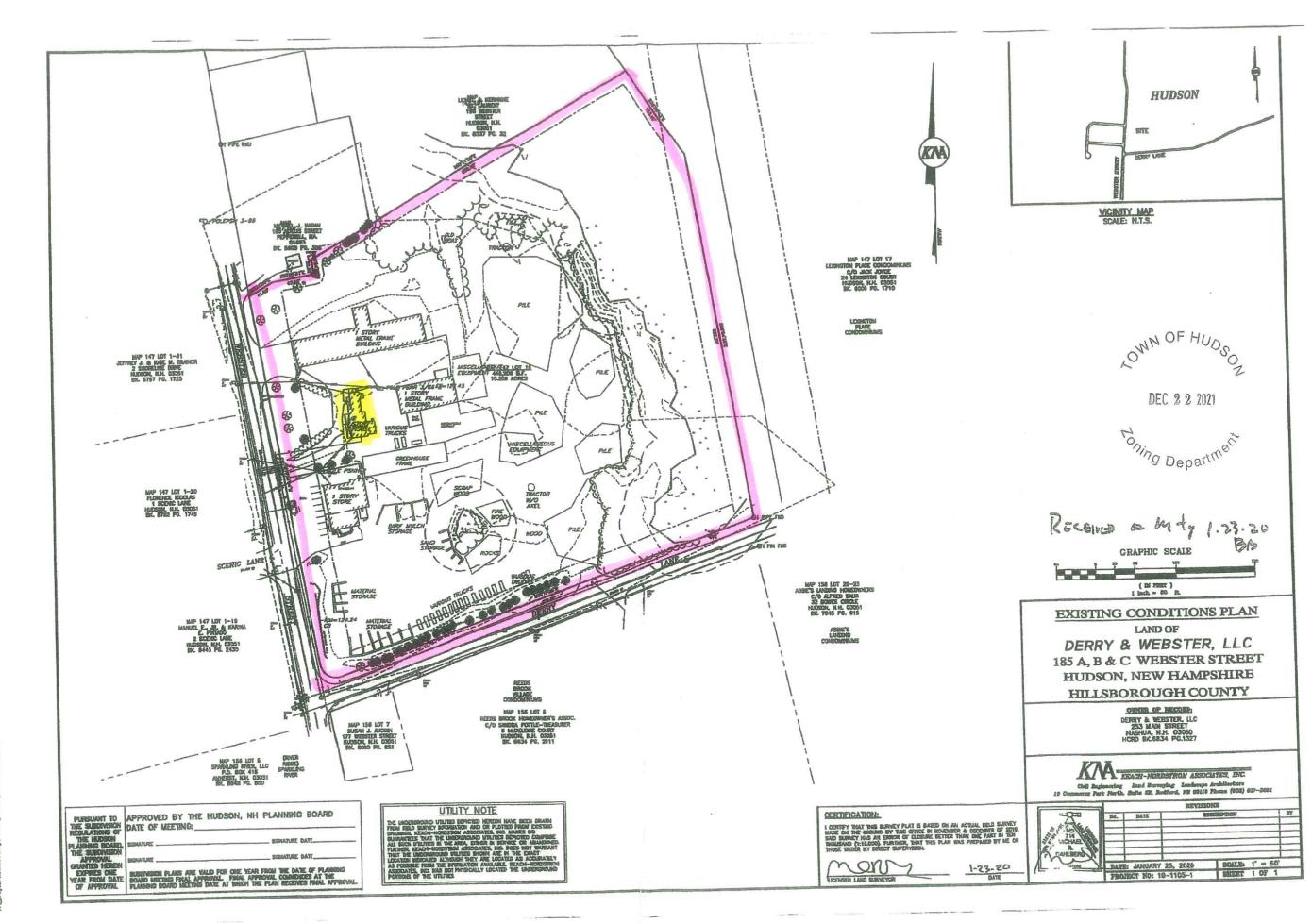
EXTERIOR INFORMATION	BATH FEATURES	COMMENTS	SKETCH		
Type: 12 - MULTI-CONVER	Full Bath 3 Rating: AVERAGE	GRY, GRNHS 108X30=GLASS, OTHERS			
	A Bath: Rating:	PLASTIC, 96X26 HAS NO COVERING, JUST			
Sty Ht: 2 TWO STY	3/4 Bath: Rating:	TUBE STEEL FRAME. EST INT, func = excess			18
(Liv) Units: 3 Total: 9		capacity.			
Foundation: 3 - BRICK/STONE	and the second				12 FFL
Frame: 1 WOOD	1/2 Bath. Rating:				(216)
Prime Wall: 03 - ALUMINUM	A HBth: Rating:	RESIDENTIAL GRID			16 2
Sec Wall:	6 OthrFix: Rating:	1st Res Grid Desc: CONV #Units 1		ſ	36
Roof Struct: 1 - GABLE	OTHER FEATURES	Level FY LR DR D K FR RR BR FB HB L 0		d	
Roof Cover: 1 - ASPH SHING	Kits: 3 Rating: AVERAGE	Other			
Color:	A Kits: Rating:	Upper		30	
View / Desir:	Frpl: Rating		CT C	ATC	TAU
GENERAL INFORMATION	WSFlue: Rating:				SFL 25 FFL
Grade: C - AVERAGE	CONDO INFORMATION	Lower	14	BMT 19	8MT
Year Bit 1920 Eff Yr Bit	Location:	Totals RMs: 7 BRs: 4 Baths: 3 HB	5 EFP	(465)	(900)
Alt LUC 105 Alt % 25	Total Units:				
Junsdict: Fact	Floor	REMODELING RES BREAKDOWN	6	17 OFP 5	
Const Modi	<u>% Own:</u>	Exterior No Unit RMS BRS FL		(85) 7	
Lump Sum Adj	Name:	Interior: 1 7 4 M			14 12 6 16
	DEPRECIATION	Additions			7 OFP
INTERIOR INFORMATION		9.% Kitchen:		FFL	(240)
Avg HVFL: STD		0. % Baths:		(12)	
Prim Int Wal 1 - DRYWALL		0.% Plumbing:			
SAME THE STREET	Special:	%			8
Partition: T TYPICAL	Overnde:	% Heating			ለነበግ ልጎንዮል የኦሮችል።
Prim Floors: 02 - SOFTWOOD	Total: 50 S	59 % General 1 7 4	SUB AREA		SUB AREA DETAIL
Sec Floors: 04 - CARPET 50	CALC SUMMARY		Code Description		Undepr Value Sub % Descrip % Qu. #Ten 122.272 Area Usbl Type
Bsmnt Fir 12 - CONCRETE	Basic \$ / SQ: 98.00	COMPARABLE SALES Bate Parcel ID Typ Date Sale Price	FFL FIRST FLOOR	1,583 77.240	20.932 ATC 100 UNF 100 AV
Subfloor	Size Adj.: 0.84658706	Rate Parcel ID Typ Date Sale Price	DIAL DAOCIARDA	1,355 15.450 900 77.240	69,517
Bsmnt Gar.	Const Adj.: 0.93099999		SFL SECOND FLR	900 77,240 325 27.040	8,789
Electric 3 TYPICAL	Adj \$ / SQ: 77.241		OFP OPEN PCH	J2J 21.040	
Insulation: 2 TYPICAL				225 27 010	5 UR 5
Int vs Ext: S -	Other Features: 29500		UAT ATTIC/SFL	225 27.030 114 38.620	6,083 4 393
1973. (# M. Sec. 1974)	Other Features: 29500 Grade Factor: 1.00		ATC ATTIC	114 38.620	4,393
Heat Fuel 1 - OIL	loss and a transmission of the second s				
server and the server	Grade Factor: 1.00	WIAVS/SO: AvRate: Ind.Val	ATC ATTIC	114 38.620 30 94.940	4,393
Heat Fuel: 1 - OIL Heat Type: 3 - FORCED HW # Heat Sys: 2	Grade Factor: 1.00 NBHD Inf: 1.00000000		ATC ATTIC EFP ENC PORCH Net Sketched Area	114 38.620 30 94.940 g: 4,532 Total:	4.393. 2.848. 234.833.
Heat Fuel: 1 - OIL Heat Type: 3 - FORCED HW # Heat Sys: 2 % Heated: 100 % AC: 0	Grade Factor: 1 00 NBHD Int: 1 0000000 NBHD Mod: LUC Factor: 1 00	Juris Factor: Before Depr: 77.24	ATC ATTIC	114 38.620 30 94.940 g: 4,532 Total:	4,393 2,848 234,833 a 2483
Heat Fuel: 1 - OIL Heat Type: 3 - FORCED HW # Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: NO	Grade Factor: 1 00 NBHD Inf: 1 00000000 NBHD Mod	Juris Factor: Before Depr. 77.24 Special Features: 0 Val/Su Net: 28.82	ATC ATTIC EFP ENC PORCH Net Sketched Area	114 38.620 30 94.940 g: 4,532 Total:	4,393 2,848 234,833 a 2483
Heat Fuel: 1 - OIL Heat Type: 3 - FORCED HW # Heat Sys: 2 % Heated: 100 % AC: 0	Grade Factor: 1 00 NBHD Int: 1 0000000 NBHD Mod: LUC Factor: 1 00 Adj Total: 264334 Depreciation: 133727	Juris Factor: Before Depr: 77.24	ATC ATTIC EFP ENC PORCH Net Sketched Area Size Ad 2596.75 Gros	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4,393 2,848 234,833
Heat Fuel: 1 OIL Heat Type: 3 FORCED HW # Heat Sys: 2 % Heated: 100 % AC: Solar HW: NO Central Vac: % Com Wal % Sprinkled	Grade Factor 1 00 NBHD Int: 1 0000000 NBHD Mod LUC Factor: 1 00 Adj Total: 264334 Depreciation: 133727 Depreciated Total: 130607	Juris Factor Before Depr. 77.24 Special Features 0 Val/Su Net 28.82 Final Total: 130600 Val/Su SzAd 50.29 Serial # Year: Year:	ATC ATTIC EFP ENC PORCH Net Sketched Are: Size Ad 2596.75 Gros	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4,393 2,848 234,833 a 2483
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Heat Fuel: 1 OIL Heat Type: 3 FORCED HW # Heat Sys: 2 % Heated: 100 % AC: % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEMS Code Description A Y/S Qly 25 GRNHSE-GLS D	Grade Factor: 1 00 NBHD Int: 1 0000000 NBHD Mod: LUC Factor: 1 00 Adj Total: 264334 Depreciation: 133727 Depreciation: 133727 Depreciated: Total: 130607 Model: Size/Dim Qual Con Year Unit DX100 AV FR 1965	Juris Factor: Before Dep: 77.24 Special Features: 0 Val/Su Net [28.82 Final Total: 130600 Val/Su SzAd [50.29 Serial # Year: PARCE Price D/S Dep LUC Fact NB Fa Appr Value 40.09 7 50 325 60.100	ATC ATTIC EFP ENC PORCH Net Sketched Area Size Ad 2596.75 Gros Color: L ID 147-016-000 JCodJFact Juns Value 0 60,100	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4,393 2,848 234,833 a 2483
Heat Fuel: 1 OIL Heat Type: 3 FORCED HW # Heat Sys: 2 % Heated: 100 % AC: % Com Wail % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEMS Code Description A Y/S Qly 25 GRNHSE-GLS D 26 GRNHSE-PLS D Y	Grade Factor: 1.00 NBHD Int: 1.0000000 NBHD Mod:	Juris Factor: Before Dep: 77.24 Special Features: 0 Val/Su Net [28.82 Final Total: 130600 Val/Su SzAd [50.29 Serial # Year: PARCE Price D/S Dep LUC Fact NB Fa Appr Value 40.09 T 50 325 60.100 0.00 T 95 325 4100	ATC ATTIC EFP ENC PORCH Net Sketched Area Size Ad 2596.75 Gros Color: L ID 147-016-000 JCod JFact Juris. Value 0 60,100	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4,393 2,848 234,833 a 2483
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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 Make: SPEC FEATURES/YARD ITEMS Code Description A Y/S Qly 25 GRNHSE-GLS D 1 1 66 85 PAVING-ASPH D Y 1 66 3 GARAGE D Y 1 36 831 SIGN-NV D Y 1 36	Grade Factor 1 00 NBHD Int; 1 0000000 NBHD Mod:	Juris Factor Before Depr. 77.24 Special Features 0 Val/Su Net 28.82 Final Total 130600 Val/Su SzAd 50.29 Serial # Year Price D/S Dep LUC Fact NB Fa Appr Value 40.09 T 50 325 60.100 0.0100 0.00 T 95 325 1.400 23.3 T 90 325 1.400 26.26 T 50 325 11.800	ATC ATTIC EFP ENC PORCH Net Sketched Area Size Ad 2596.75 Gros Color: L ID 147-016-000 JCod JFact Juris. Value 0 60,100 0 1,400 0 11.800	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4,393 2,848 234,833 a 2483
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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 Make: SPEC FEATURES/YARD ITEMS Code Description A Y/S Qly 25 GRNHSE GLS D Y 1 30 26 GRNHSE-PLS D Y 1 66 85 PAVING-ASPH D Y 1 66 3 GARAGE D Y 1 30 831 SIGN-NV D Y 1 80	Grade Factor 1 00 NBHD Int; 1 0000000 NBHD Mod:	Juris, Factor. Before Depr. 77.24 Special Features: 0 Val/Su Net: 28.82 Final Total: 130600 Val/Su SzAd 50.29 Serial # Year: PARCE Price D/S Dep LUC Fact NB Fa Appr Value 40.09 T 50 325 60.100 0.00 T 95 325 1.400 26.26 T 50 325 11.800 0.00 T 0 325 11.800	ATC ATTIC EFP ENC PORCH Net Sketched Area Size Ad 2596.75 Gros Color: L ID 147-016-000 JCod JFact Juris. Value 0 60,100 0 1,400 0 11.800	114 38.620 30 94.940 a: 4.532 Total: as Area 5548 FinAre	4.393 2.848 234.833 a 2483 AssessPro Patriot Properties, Inc
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		Description		Current Invoice	Payment	Balance	Due
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		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
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					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 <u>Variance</u> for 185 Webster St., Hudson, NH for a <u>Small Garage Building</u> 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:

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.

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 <u>and</u> <u>also</u> 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:

Y

Y

Date

Stipulations: -	
-	
-	
-	

W.	OF HUDSOL			
1-	APPLICATION	FOR A VARIA	NCE ORIGII	IAL
8	Toning Departing To: Zoning Board of Adjustment	Entries in this I Land Use Divisi	box are to be filled out by on personnel	7
	To? Zoning Board of Adjustment Town of Hudson	Case No. 147-	- 016C (01-20-22)	
		Date Filed	12/22/21	
	Name of Applicant <u>Dern + Webster, UL</u> Att: Vatche Manoukian, manager Telephone Number (Home)	Cel	_Lot: <u>000</u> Zoning District: <u>R-7</u> 11 11	
	Mailing Address 253 Main St N	lashua Nt	4 03060	
	Owner Derry + Meloster, UL			i
	Location of Property 187 Webster S (Street Address)		NH 03051 12-15-2021	
	Signature of Applicant		Date	
	Signature of Property-Owner(s)		12-15-2021 Date	
			Date	

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

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

Items in this box are to be filled out by Land	
COST:	Date received: <u>12/22/</u> 21
Application fee (processing, advertising & recording) (non Abutter Notice:	n-refundable): \$ <u>185.00</u>
12 Direct Abutters x Certified postage rate \$ 4.3 3 Indirect Abutters x First Class postage rate \$ 0.5	<u>33</u> = <u>\$</u> <u>56</u> = <u>\$</u>
Total amount due:	\$ 185
Am	t. received: \$ <u>/85</u>
Received by: TSC Rec	ceipt No.:
By determination of the Zoning Administrator, the following	g Departmental review is required
Engineering Fire Dept Health Officer P	PlannerOther

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:

Staff Applicant Initials Initials The applicant must provide 13 copies including the original of the filled-out application TG form, together with this checklist and any required attachments listed. (Paper clips, no staples) Before making the 13 copies, please review the application with the Zoning Administrator or staff. 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. N/A(TG 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.) TG 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.) 76 A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office) TG see court doc. filed 11/50/20 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. N/A 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.

PLOT PLAN-

<u>see propose</u> 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 Existing construction plans will also be helpful. (NOTE: it is the responsibility of the applicant Condition to make sure that all of the requirements are satisfied. The application may be deferred if loted all items are not satisfactorily submitted): 1-23-20 The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. The plot plan shall be up-to date and dated, and shall be no more than three years old. The plot plan shall have the signature and the name of the preparer, with his/her/their seal. The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) 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. The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions. She applicant has signed and dated this form to show his/her awareness of these requirements. 12-15-2021 Date

Signature of Applicant(s)

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, firstserved 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	1996 Webster St Hudson, NH 0305 1
156	007	susun J. Aucoin	Hudson. NH 03051
TM1	160	Benjamin + Jane Webster	1 Storeline Br Hudson, NH 03057
TMI	015	Michael Hugari	180 16/10 St- Repperell, MA 01-163
147	100	Fbrence Micolas	1 Scinic Lane Hudson, NH 03051
147	1001	Manuel E. Pintack Ss" Karink E. Pintadis	2 Scenic Lane Hudson, NH 03051
ILIN	001	Jeffrey J Kuck M. Trainos	2 Storeline Dr Hudson, NH 0305-1
147	016	Derayouiebster, LLC	253 Man St NOSTUR, NH OBOD
147	017	Lexington Place (Jod) Clo Jack Joyce	theory in the source of the second se
147	029	Abbuels conding Condo c/o Attract Salvi	32 Bruns Circle Hidson, wH 03051
150	008	Reeas Brock Honora. 1411 Aser Cle Scribter Pottle, Trecsure F	- 3 Hadeline CT Hudson, NH 03051
150	004	Spur Kning Quer, Lardo association Up zunna Frescura	19 Cricket heid 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 & Kimberk Moceri	6 Sanic Lane Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster st Hudson, NH 03057
147	072	Westchester Place Condic	7 Westchester CT Hudson, NH 02,051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V tor mitted 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 RZ zone Allow sermitted accessory uses of garaging or parting 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 taw 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.

 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")

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.)

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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.

Postage Rev. 11 12 20

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 <u>and also</u> 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. <u>Parties</u>

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

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

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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 <u>as permitted under the ordinance</u>, 2) a convenient store <u>as it has been operated in the past</u>, 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. <u>Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations</u>
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 in 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, multifamily 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 Express September 13, 2022

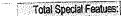
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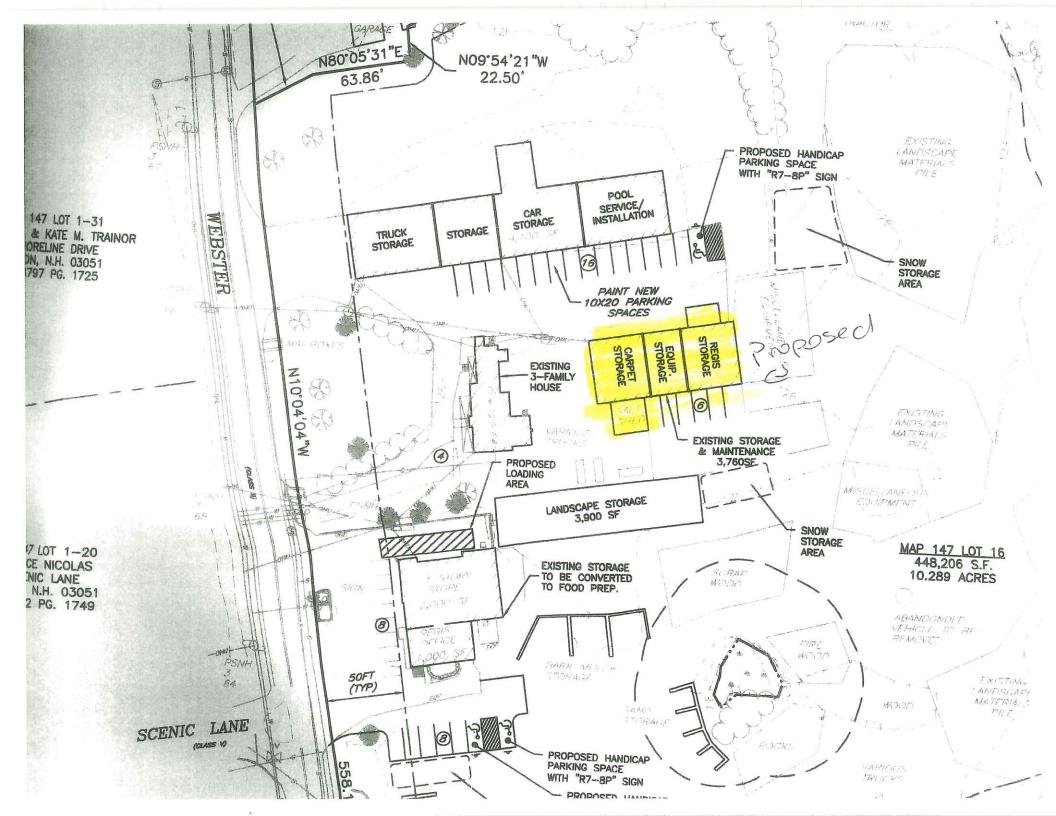
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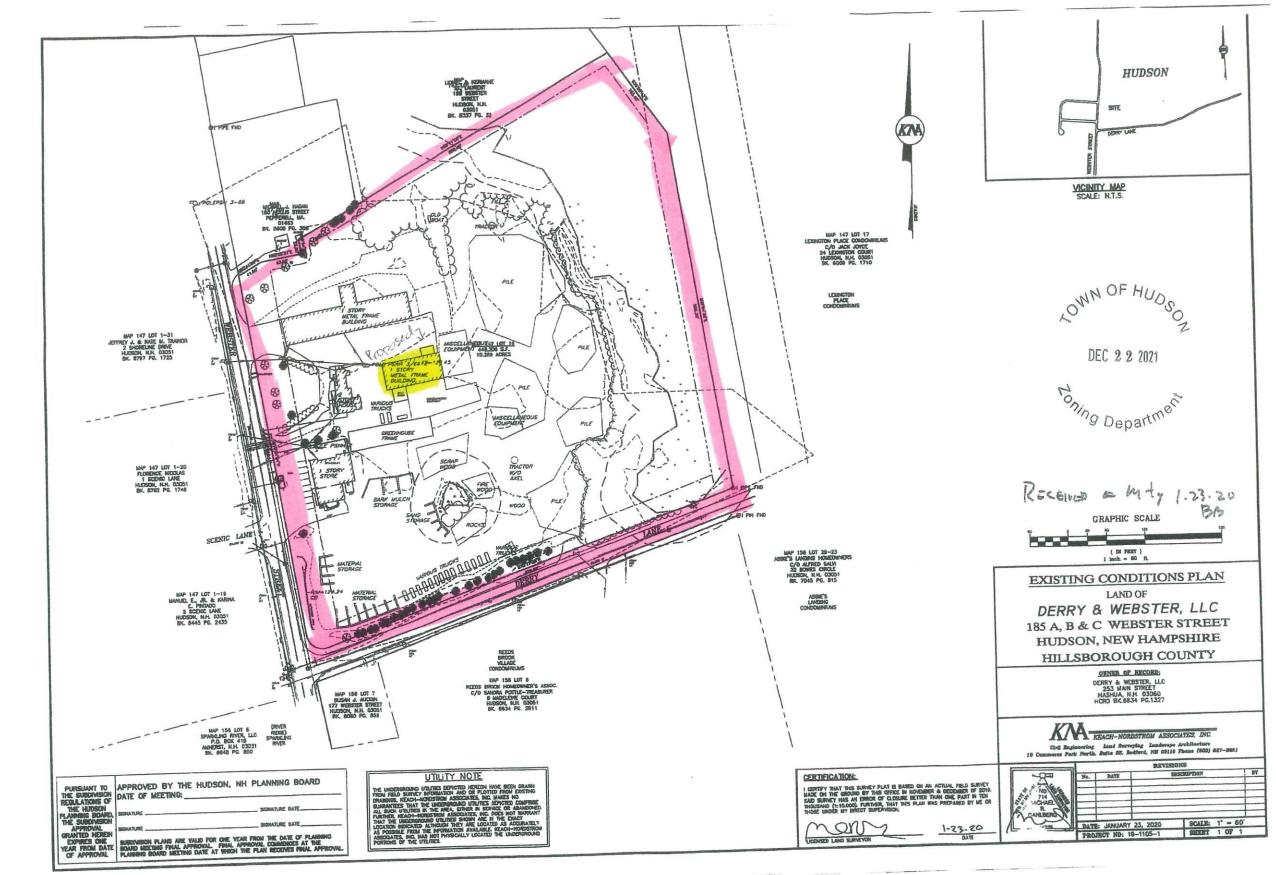
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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 11-06-18)

On 01/20/2022, the Zoning Board of Adjustment heard Case 147-016d, being a case brought by Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a <u>Variance</u> for 185 Webster St., Hudson, NH for a <u>Large Garage Building</u> 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. [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:

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.

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 <u>and</u> <u>also</u> 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:

Y

Y

Date

Stipulations: -	
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DEC 2 2 2021 APPLICATION	FOR A VARIANCE ORIGINA
Toning De Zoning Board of Adjustment Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. <u>147-016d</u> (01-20-22) Date Filed <u>12/22/21</u>
Name of Applicant <u>Serry + Webster, UL</u> Att: Vatche Manoukian, manager Telephone Number (Home)	Map: <u>147</u> Lot: <u>000</u> Zoning District: <u>R-2</u> Cell (Work) <u>LeO3-SleD- LoSleO</u>
Mailing Address 253 Main St Moviner Derry + Webster, UC	Nushua NH 03060
Location of Property 189 Webster 5 (Street Address)	
Signature of Applicant Signature of Property-Owner(s)	Date 12-15-202 Date
Signature of Property-Owner(s)	Date

10

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	n personnel
Date rece	eived: $12/22/21$
Application fee (processing, advertising & recording) (non-refundable	e): \$ <u>185.00</u>
$\begin{array}{ c c c c c } \hline \underline{12} & \underline{Abutter Notice}: \\ \hline \underline{12} & \underline{Direct Abutters x Certified postage rate} & \underline{4.33} = \\ \hline \underline{3} & \underline{Indirect Abutters x First Class postage rate} & \underline{0.58} = \\ \hline \hline$	\$ \$ \$
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By determination of the Zoning Administrator, the following Department Engineering Fire Dept Health Officer Planner	5/

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:

Staff pplicant Initials Initials The applicant must provide 13 copies including the original of the filled-out application 76^{-1} form, together with this checklist and any required attachments listed. (Paper clips, no staples) 7G-Before making the 13 copies, please review the application with the Zoning Administrator or staff. 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. If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.) 76 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.) A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office) A copy of the Zoning Administrator's correspondence confirming either that the See court doc. filed 11/30/20 requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. 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.

PLOT PLAN-Except for requests pertaining to above-ground pools, sheds, decks and use variances, See proposed the application must include a copy of a certified plot plan from a licensed land Use surveyor. The required plot plan shall include all of the items listed below. Pictures and Exis construction plans will also be helpful. (NOTE: it is the responsibility of the applicant Cond to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted): 1-23-26 The plot plan shall be drawn to scale on an 8 ¹/₂" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. The plot plan shall be up-to date and dated, and shall be no more than three years old. The plot plan shall have the signature and the name of the preparer, with his/her/their seal. The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) 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. The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions. ant has signed and dated this form to show his/her awareness of these requirements. The applic 12-15-2021

Signature of Applicant(s)

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, firstserved 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 & Kerlanne St. Laurent	1996 Webster St Hudson, NHI 03051
156	007	SUSAN J. AUCOIN	Hudson, NH 03:051
IMJ	100	Benjamin + Jane Webster	1 Shoreline Br Hudson, NH 03057
147	015	Michael Hagan	180 Hollis St- Repperell, MA 01-163
147	ا ون	Fbrence Micolas	1 scenic Lane Hudson, NH 03051
147	1001	Manuel E. Pintado JST Karing E. Pintado	2 Scenic Laine Hudson, WH 03051
147	001	Jeffrey J. & Kark M. Trainds	2 Shoreline Dr Hudson, NH 03057)
147	016	Derayo webster, LLC	253 Maun Bt Nashua, NH OBOLU
147	017	Lexington Place (Ind) Cho Jack Joyce	24 Locington Court Hudson, NH 03051
147	029	Abbue's landing Condo c/o Alfred Salvi	32 Brues Circle Hidson, WH 03051
150	008	Reeas Brock Howca. I KIT ASSOC Clo Scarchige Pottle, Treasure T	- 3 Madeline CT Muchson, NH 03051
150	004	Spar Kling Duer, cardo association Up zichard Frescura	19 Cricket field 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 & Kimberty Moceri	6 Sanic Lane Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster St- Hudson, NH 03057
INJ	022	Westchester ? lace (or ci)	7 Westchester CT Hudson, NM 025051

Postage Rev. 1/27/19

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 moderial and equipment with
the garage building at 189 Webster St. Hudson, NH
where this use is not permitted in the R2 zone. Allow
permitted allesson uses of garaging or parting 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.

 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.")

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.) <u>The warehouses can be kept and used as such.</u> 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. 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 <u>and also</u> 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

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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

۷.

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. <u>Parties</u>

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

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

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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 warchouse, 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. <u>Three-Family Residence</u> (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. <u>Other Violations: Mixed Uses, Junkyard, Outdoor Storage, Parking, Wetland Violations</u>
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 in 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, multifamily 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.

m Cutte

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: 11-19 2020

Notary Public My_Commission Expires:

> PAMELA BISBING NOTARY PUBLIC - NEW HAMPSHIRE My Commission Express Segrember 13, 2022

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Color:	Frpl: Rating:	Upper		
View/Desir:	WSFlue: Rating:			
GENERAL INFORMATION	CONDO INFORMATION	Lower		
Grade: E - POOR	Location:	Totais RMs: BRs: Baths: HB 2		
Year Bit: 1975 Eff Yr Bit: Ait LUC: Alt %:	Total Units:			0
Contraction of the second s	Floor:	REMODELING RES BREAKDOWN	9	ö
	% Own:	Exterior: No Unit RMS BRS FL		
Const Mod:	Name:	Interior		
Lump Sum Adj:	DEPRECIATION	Additions:		
INTERIOR INFORMATION		. % Kitchen:		40
Avg Ht/FL: STD	Functional: D - DESIGN 2	D. % Baths:	L	
Prim int Wal 5 - MINIMAL	Economic:	% Plumbing:		
Sec int Wall: %	Special:	% Electric Z-t-L		
Partition: L - LIGHT	Override:			SUB AREA DETAIL
Prim Floors: 12 - CONCRETE		8 % General:	SUB AREA Code Description Area - SQ Rate - AV	Index Makes Rub %
Sec Floors: %	CALC SUMMARY	COMPARABLE SALES	Code Description Area - SQ Rate - AV FFL FIRST FLOOR 8,800 27.780	244,438 Area Usbi
Bsmnt Fir:	Basic \$ / SQ: 39.00	Rate Parcel ID Typ Date Sale Price	FFL FIRGITIEVVO THE	FFL 100 WHS 50 AV
Subfloor:	Size Adj.: 0.89090908	Kale Faller D		1
Bsmnt Gar	Const Adj :: 0.94052368			
Electric: 3 - TYPICAL	Adj \$ / SQ: 32.679			
Insulation: 2 - TYPICAL	Other Features: 10500			
Int vs Ext: S	Grade Factor: 0.65			
Heat Fuel: 1 - OIL	NBHD Inf: 1.00000000		Not Sketcherl Area: 8 800 Tota	1: 244,438
Heat Type: 7 - UNIT HEATERS	NBHD Mod:	WtAv\$/SQ: AvRate: Ind.Val		
# Heat Sys: 4	LUC Factor: 1.00	Juris, Factor: Before Depr. 21.24	Size Ad 8800 Gross Area 8800 FinA	
% Heated: 100 % AC: 0	Adj Total: 165710	Special Features: 0 Vat/Su Net: 8.14	IMAGE	AssessPro Patriot Properties, Inc
Solar HW: NO Central Vac: NO	Depreciation: 94123	Final Total: 71600 Val/Su SzAd 8.14		ASSESSETU Turnet top
% Com Wal % Sprinkled	Depreciated Total: 71587		Color:	
MOBILE HOME Make:	Model		LID 147-016-000	
SPEC FEATURES/YARD ITEMS		to the second	JCod JFact Juris. Value	
Code Description A Y/S Qty	Size/Dim Qual Con Year Unit	Price D/S Dep LUC Fact NB Fa Appr Value		
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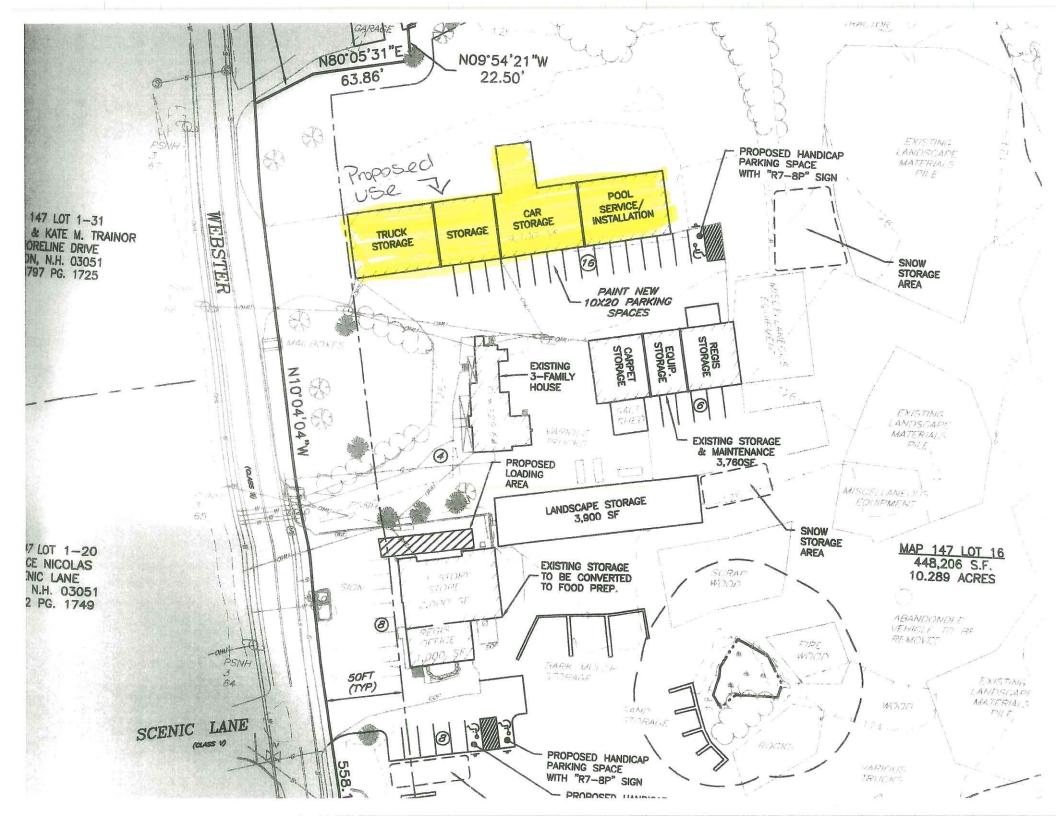


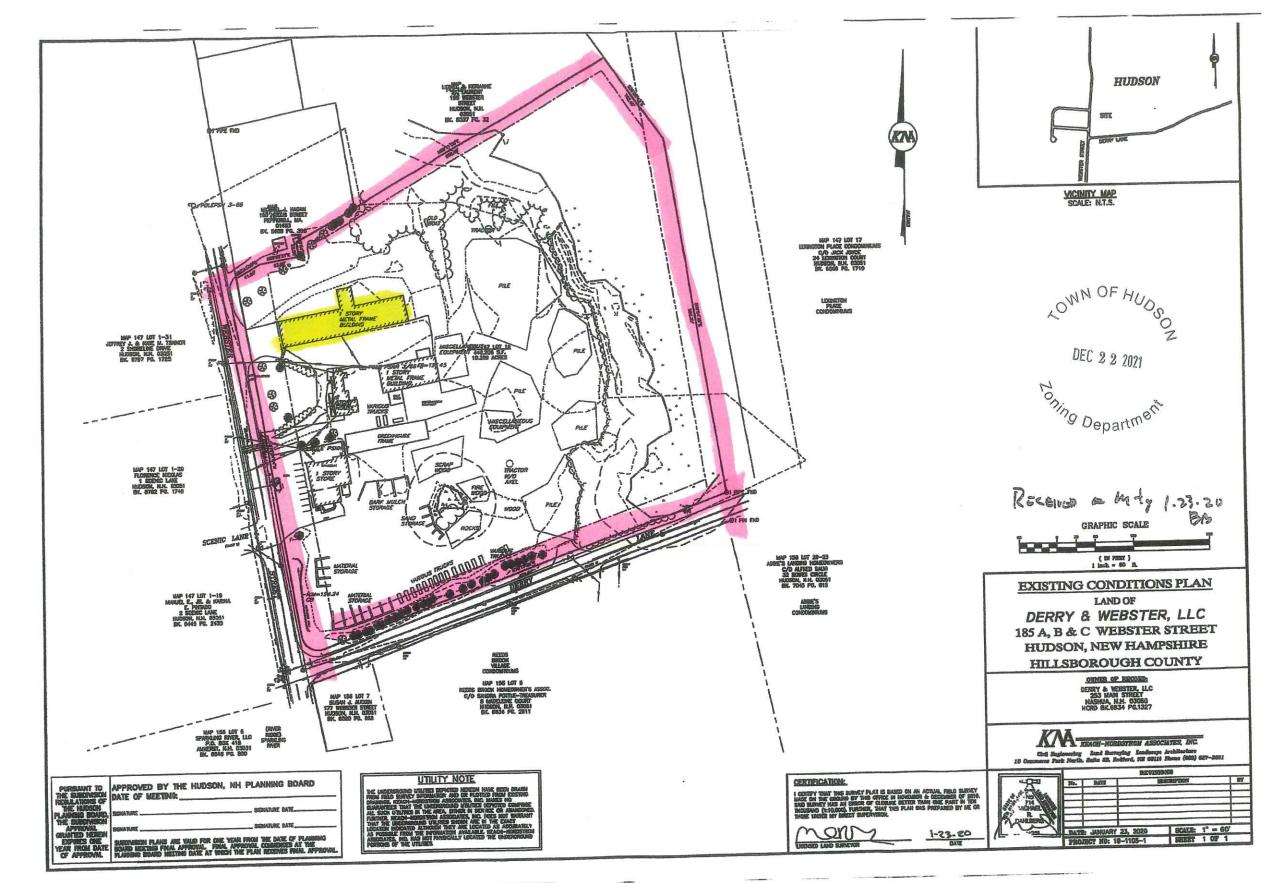
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Town of Hudson, NH - GIS







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Printed 12/23/2021 3:38PM Created 12/23/2021 3:24 PM			Town o 12 So	tion Receipt f Hudson, NH chool Street NH 03051-4249		<mark>(Receipt#</mark>	<mark>667,312</mark> tgoodwyn
		Description		Current Invoice	Payment	Balance	Due
	1.00	Zoning Applications- 01, 181-189 Webster Street Map/Lot 147-016-000		leeting			
		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
F	Remitter		Рау Туре	Reference	Tendered	Change	Net Paid
C	Derry & W	ebster, 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 <u>Variance</u> 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 Ν **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." _____ 2. The proposed use will observe the spirit of the ordinance, since the proposed use does Y Ν 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 Ν **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 Ν **4.** The proposed use will not diminish the values of surrounding properties. Y Ν **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:

OFHUDSON	
9.4	FOR A VARIANCE ORIGINA
- Departi	Entries in this box are to be filled out by Land Use Division personnel
Town of Hudson	Case No. $\frac{147 - 016e(01 - 20 - 22)}{12/22/21}$
Name of Applicant Derry + Webster, UL Att: Votche Manoukian, manager	Map: 147 Lot: 016- Cell
Telephone Number (Home) Mailing Address 253 Main St N	(Work) 603-8100-68100 105/100 NH 03060
Owner Derry + Mebster, UL	
Location of Property 181 - 189 Webster (Street Address)	r St Hudbon, NH 03051
Signature of Applicant	<u> 2-15-202 </u> Date
Signature of Property-Owner(s)	Date

TOWN

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

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

Items in this box are to be filled out by Land U	se Division pe	rsonnel
COST:	Date received	1: 12/22/21
Application fee (processing, advertising & recording) (non - Abutter Notice:	refundable):	\$ 185.00
12 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 -
Received by: TG Recei	pt No.:	
By determination of the Zoning Administrator, the following I Engineering Fire Dept Health Officer Pla	Departmental re nnerOthe	eview is required: er

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:

Staff Applicant Initials Initials The applicant must provide 13 copies including the original of the filled-out application $\mathcal{T}_{\mathcal{F}}$ form, together with this checklist and any required attachments listed. (Paper clips, no staples) TG-Before making the 13 copies, please review the application with the Zoning Administrator or staff. 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. 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.) TG-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.) A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office) is see courtdoc filed 11/30/20 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. N/A 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.

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 Eall items are not satisfactorily submitted): The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. The plot plan shall be up-to date and dated, and shall be no more than three years old. The plot plan shall have the signature and the name of the preparer, with his/her/their seal. The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) 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. 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. Propo The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions. The applicant has signed and dated this form to show his/her awareness of these requirements. 12-15-2021 Signature of Applicant(s)

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, firstserved 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 Huclson, NH 03051
156	007	susun J. Aucoin	Hudson, NH 03051
MJ	160	Berjamin + Jane Webster	1 Storeline Br Hudson, NH 03057
147	215	Michael Hugar	180 Hollis St- Repperell, MA 01-163
147	100	Fbrence Miolas	1 Scinic Lane Hudson, NH 03051
147	1001	Manuel E. Pintado JS" Kasing E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J Kute M. Trainos	2 Storeline Dr Hudson, NH 0305-1
147	016	Dermowiebster, LLC	253 Maun St NOSTUCA, NON OBCOU
147	017	Lexington Place (Jod) Clo Jack Joyce	24 Locington Court Hudson, NH 03051
147	029	Abbue's Landing Condo c/o Atfred Salvi	32 Brues Circle Hidson, wH 03051
150	008	Reeds Brock Honkawer Assoc Clo Scorthan Pottle, Mecsure 17	8 Madeline CT Muchson, NH 03051
152	004	Spur Kning Diver, Lardo association Up zinura Frescora	19 cricketfield Lane Hudson, NH 03051.

公布

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	021	Poul & Kimberk Moceri	6 Sanic Lance Hudson, NH 03051
ИЛ	014	Bran D. Rgeon	197 Webster st Hudson, NH 03057
147	072	Westchester ? lace (oracl)	7 Westchester CT Hudson, NM 02,051

Postage Rev. 1/27/19

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article _______ of HZO Section(s) ______ 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.

 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.")

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.

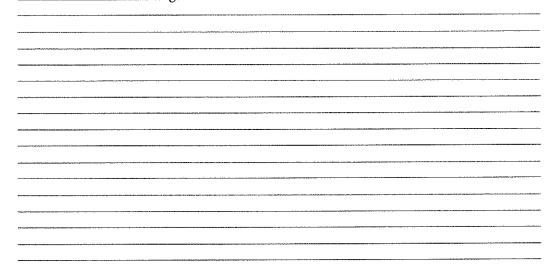
4. The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values. including personal knowledge of the members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

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

 $\mathbf{2}$

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: [1]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 <u>as permitted under the ordinance</u>, 2) a convenient store <u>as it has been operated in the past</u>, 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. <u>Three-Family Residence</u> (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 in 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, multifamily 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

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 Disclaimer:
 This Information is believed to be correct but is subject to change and is not warranteed.
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185 A. B. C	WEBSTER ST,	HUDSON	19 	325			8.192		950	74,200		348,750		520,900 48,900	54 B				7257	
WNERSHIP		Unit#		105			2.064	32,	650			16,250		48,900	J: 1			G	IS Ref	
wner 1: DERRY & W	EBSTER LLC																		IC Def	
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wner 3:				Total Pa			10.256	525	200	74,200	2	65,000		964,400	Tot	al Land:	10.256	lin	sp Date	Datrie
treet 1: 253 MAIN ST	Γ.			5	ource:	Market /	Adj Cost	Tot	al Value p	er SQ uni	it /Card: 2	29.48	/Parce	al: 52.16	3 Land Ur	it Type:	AC			- Properties
treet 2:						£							Der	and in	147-016-000			12/07/		USER DEFINED
In/City: NASHUA	Catal	104	In Occ:				SMENT				Males T	tal Value			Notes		Date	!25	691	Prior Id # 1: 0023
St/Prov. NH	Cntry		pe:	Tax Yr	Use 031	Cat FV	Bidg Value 500.5		and the later is the second		Value T(65,000	939,700			Year End Roll		9/16/2019	- DBINE		Prior Id # 2: 0017
Postal: 03060		1 19	PG.	2019	031	JB	510,50			29338	65,000	939,700			Year End Roll		5/8/2019	PRINT		- Prior Id # 3: 0002
EVIOUS OWNER		SOBCO CONTRACTOR		2019	031	FV	438.8			0.0223. N	65,000	878,000			Year End Roll		8/27/2018	Date		- Phorid # 1.
vner 1: SECOND GE vner 2: CMP PROPE		YOPER IIE	:5 -	2018	031	JB	438.80		102	CO. 100 CO.	65,000	878,000	8	78.000	Year End Roll		5/9/2018	01/02/20		Prior Id # 2:
and the second se	and other speed \$ 1. second states in the second states in the	4000		2017	031	FV	438.80			100 BAR 100 BAR 100 B	65,000	878,000	8	78,000	Year End Roll		10/26/2017	LAST	and the second sec	Prior Id # 3:
reet 1: 20 TRAFALG	SAR SU. SUITE	#602		2017	031	PV	438,80	0 7420	0 10.3	256 3	65,000	878,000	8	78,000	Year End Roll		8/28/2017	Date	Time	Prior Id # 1:
n/City: NASHUA	1 Ontral			2017	031	JB	440,10	0 4290	See Contra	C 26 C 1	65,000	848,000			Year End Roll		5/10/2017	08/29/19	14:35:3	9 Prior Id # 2:
t/Prov: NH Postal: 03063	Cntry	-		2015	031	FV	440,10	0 4290	0 10.	256 3	65,000	848,000	8	48,000	Year End Roll		8/30/2016	mi	kep	Prior Id # 3:
And a first start of the second start	OIDTION	-		SALE	S INF	ORMAT	ION		T	AX DISTR	RICT	[PA"	T ACCT.		2569	ASR Map:
RRATIVE DESCR s parcel contains 10.3		lond moint	u oloepitiad oo		Grante		Legal F	Ref Type	Date	Sale	e Code	Sale Pri	ce V	Tst	Verif		Notes			Fact Dist:
MM-RES with a MUL				SECON	ID GEN	ERATI	6834-132	/ 2	2/7/2003			1,000	0,000 No							Revat Dist:
ing primarily ALUMIA							5686-1423	and a second beauty stated of	1/17/1996		SSIFIED		Course the strength of the strength	No						Year
3 Units, 3 Baths, 0 3				TAMPO			5542-902		4/25/1994		SSIFIED	167	7,000 No							LandReason
ms.				TAMPO	SI, ET.	Al.	5437-145		5/28/1993		SSIFIED		No	No						BidReason:
HER ASSESSME							5078-0788	5	12/23/198	á			NO	NO						CivilDistrict
ode Descrip/No	Amount		Com. Int				f													Ratio
				RUIT	ING F	PERMIT	2									ACTIV	ITY INFOR	MATION		
				Date		Number	Descrip	Amoun	t C/O I	ast Visit	Fed Cod	e F. Desc	сгір	Co	mment	Date		Result	В	
OPERTY FACTO				11/1/20	18 20	18-01109	EXT RENO	20.00	00 C							- CC	017 Field Revie	500	9	PVA
m Code Descript			e Description	1/22/20			ELECTRIC		C							1000000	017 I&E Mailed		7	DC
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		wer 2	TOWN SEWE	6/21/20			INT RENO	1,80	00 C							1	012 Field Revie		9	PVA
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Census: Flood Haz: C	EX	mpt		6/26/20	11 200	01-528	SIGNS		С								007 Other Cha 006 Other Cha		9	CHIEF ASSESS
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ND SECTION (Fi																Sign:	1	14 h		
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Depth /	Unit Type Land	d Type	LT Factor	Base Value	Unit Price	Adj Nei	gh Neigh Influ	Neigh Mod	Infi 1 9	6 Infl 2	%	infi 3	% Appraised Value	Alt Class	% Spec % Land	J Code Fact	Use Value	Notes
Decontion	No of Units Pi	riceUnits			CLUI	AGIRC	1 1100			1 Interest			1000					and the second second	and the second se	
	No or Units Pi	iceunits	ITE ACRE SITE		BUIUI		150,000.	1.00 MG 0.53 MG			OPO -	25			300,00	0 6 105	25		300.00	0 USE 0 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 warranteed.
 Database: Assesspro - HudsonNH
 amym
 2

EXTERIOR INFORMATION	BATH FEATURES	COMMENTS		KETCH			
	Full Bath 3 Rating: AVERAC			1 4204 5 10 7 5			
Type 12 - MULTI-CONVER	(a) Interference (Interference) (PLASTIC, 96X26 HAS NO C	OVERING, JUST				
Sty HL 2 TWO STY	A Bath: Rating:	TUBE STEEL FRAME. EST	INT, func = excess			18	
(Liv) Units: 3 Total: 9	3/4 Bath: Rating:	capacity.					100 C
Foundation 3 BRICK/STONE	A 308th Rating	oupsony.				12 FFL	a de la compañía de l
Frame: 1 - WOOD	1/2 Bath Rating:		2			(216)	
Prime Wall: 03 - ALUMINUM	A HBth: Rating:	OF CLOPATELAS OF STR	······································				
Sec Wall: %	OthrFix: Rating:	RESIDENTIAL GRID	At I inite 4			18 1	<u> </u>
Roof Struct 1 - GABLE	OTHER FEATURES	1st Res Grid Desc: CONV	#Units 1			30	
Roof Cover 1 - ASPH SHING	Kits: 3 Rating: AVERAC		RR BR FB HB L O			6	
Color	A Kits: Rating:	Other			30	und	
View / Desir:	Frpl: Rating:	Upper Lvi 2	:			UAT	
GENERAL INFORMATION	WSFlue: Rating:			9	ATC	SFL	and the second
Grade C - AVERAGE	CONDO INFORMATION	Lower		14	FFL	25 FFL	and the second se
Year Bit 1920 Eff Yr Bit	Location:	Totals RMs: 7 BRs: 4	Baths: 3 HB		BMT	ај амт	
All LUC 105 All % 25	Total Units:	Proteita [1 1 1 0 10. 7	Lastrone - Charles	5 EFP	(465)	(909)	
Jurisdict Fact.	Floor:	REMODELING RES	BREAKDOWN	6 <u>(30)</u>	17		
Const Mod	1 % Own:		IT RMS BRS FL	Ŭ 5	OFP 5		
Lump Sum Adj.	Name:	Interior:	1 7 4 M		<u>(85) 7</u>	14 12 6 18	
······································	DEPRECIATION	Barrow and the second se				14 <u>2.6</u> 16	
INTERIOR INFORMATION	Phys.Cond. FR - Fair	39. % Additions: Kitchen:				17	
Avg HVFL: STD	Functional D - DESIGN	ENTINE STORES			FFL (12)		
Prim Int Wal 1 - DRYWALL	Economic: L - LOCATION				(12)		
Sec int Wall: %	Special	C. Internet and Control of the second s					~
Partition: T TYPICAL	Overnde:		Totals				ु
Prim Floors 02 - SOFTWOOD	1	A FOLA	1 7 4	0100 ADCA		SUB AREA DETAIL	-,
Sec Floors: 04 - CARPET 50%	CALC SUMMARY	General:	and an and a second second	SUB AREA	Area DA Date 33/	A REAL PROPERTY OF A REAL PROPER	%
Bsmnt Fir 12 - CONCRETE	Basic \$/ SQ: 98.00	COMPARABLE SALES		FFL FIRST FLOOR	Area - SQ Rate - AV 1,583 77.240	105020	™ Qu #Ten voe
Sublicor	Size Adj.: 0.84658706		Date Sale Price	FFL FIRST FLOOR BMT BASEMENT	1,355 15.456		100 AV
Bsmnt Gar			and we appreciate the state of	SFL SECOND FLR	900 77.240		
Electric: 3 TYPICAL	Const Adj.: 0.93099999			OFP OPEN PCH	325 27 040		
Insulation: 2 TYPICAL	Adj \$7/SQ: 77.241	•••		UAT ATTIC/SFL	225 27.030		
int vs Ext: S	Other Features: 29500	* 		ATC ATTIC	114 38.620		
Heat Fuel: 1 - OIL	Grade Factor 1.00			EFP ENC PORCH	30 94.940		
	NEHD Inf: 1.00000000	***				212.10	
	NBHD Mod:	WtAv\$/SQ: AvRate:	ind.Val	Net Sketched Area:	4,532 Tota	: 234,833	
#Heat Sys 2	LUC Factor 1.00		Defee Dens 77 04	Size Ad 2596.75 Gross		and the second	
% Heated: 100 % AC 0	Adj Total 264334	familie international product in the second s	Before Depr: 77.24	halling of the solution of the	<u></u>	, Guit and Annual C	
Solar HW. NO Central Vac. NO	Depreciation: 133727	Special Features: 0	Val/Su Net: 28.82		IMAGE	AssessPro Patriot Prop	erties, Inc
% Com Wai % Sprinkled	Depreciated Total: 130607	Final Total: 130600	Val/Su SzAd 50.29		· · · · ·	.455633170	
MOBILE HOME Make	Model:	Serial #	Year	Color:	-1 -		
SPEC FEATURES/YARD ITEMS		and an	PARCEL ID	147-016-000			
- A CONTRACTOR TO STATE AND A CONTRACTOR OF A CONTRACT AND A CO	Size/Dim Qual Con Year Ui	nit Price D/S Dep LUC Fact N		And a state of the second	4		
25 GRNHSE-GLS D Y 130X	A second s	40.09 T 50 325	60,100	60,100			
26 GRNHSE-PLS D Y 160X		0.00 T 95 325	55,105	301.04			No des such a su
		2.33 T 90 325	1,400	1,400	:	The second second second	
3 GARAGE DY 130X		26.26 T 50 325	11.800	11,800		and the second	Tel anna ar
831 SIGN-NV D Y 1988		0.00 T 0 325					
-83 SIGN D Y 16X6		29.56 T 12 325	900	900:		and the second sec	
THE PROPERTY OF LONG	24 24 2V09	40.00 i i i uzv	000			and a second	in the second
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More N Total Ya	rd Items: 74,200	Total Special Features:		Total: 74,200			and the second second

		220					3 of 4	INDUSTRIAL				AISED:	Total Ca 67,0		400
147	016	000					CARD	ŀ	ludson		6.000 Contraction 199	VALUE:	67,0		
MAP	LOT	SUB					GUID					ESSED:	67,0		400
PROPERTY LOCA	TION		IN PROCES	S APPRAISAL S	UMMARY		Land Value	Total Value	Logs	al Descri			r Acct	AND DESCRIPTION OF THE OWNER	
No Alt No	Direction/St	reet/City	Use Code		Iding Value 67,000	Yard Items	Land value	67,000	Leye	21 0 0 0 0 1	Priori		257		
187	WEBSTER ST, HUDS	ON	332	0.000	07,000			Į				GI	S Ref		
OWNERSHIP	Uni#:	1											0.0-6	L MARK	
Owner 1: DERRY & I	WEBSTER LLC							67,000	Fr	ntered Lot	Size	G	S Ref	Contraction (Second	
Owner 2:			Total Card	0.000	67,000 525,200	74,200	365,000	964,400	Concession and an and an and and	al Land: 10	Contraction of the local division of the loc	Ine	p Date	Patrio In Properties Int	t
Owner 3: Street 1: 253 MAIN S	PT		Total Parcel	10.256	JZJ,200	alue per SQ unit		/Parcel: 52.16	Land Uni	it Type: AC	;	12/07/9	n	A Properties In	.c.
Street 2:	51.		Source:	Market Adj Cost	TURN VE	and per out and		Parcel ID				Langer		USER DEFINED	
Twn/City: NASHUA			PREVIOUS	ASSESSMENT					Notes		Date	!256		Prior Id # 1: 0023	
St/Prov: NH	Cntry	Own Occ:	Tax Yr Use		Yrd Items La	and Size Land	Value I otal Valu	ie Asses'd Value	HUIGS			PRINT	Ļ	Prior Id # 2: 0017 Prior Id # 3: 0002	
Postal: 03060		Туре:	1			1						Date	Time	Prior ld # 1:	
PREVIOUS OWNE	R											01/02/20	13:25:25	Prior 1d # 2:	
Owner 1:												LAST R	and an and a second sec	Prior Id # 3:	
Owner 2:												Date	1	Prior 1d # 1:	
Street 1:												01/25/19	08:00:23	Prior Id # 2:	
Twn/City:	Cntry	·····										Second Se	haud	Prior Id # 3:	
St/Prov:	Unity						167		1	PAT	ACCT.	2	569	ASR Map	
Postal:	ADIOTION	1	SALES INFO	ORMATION		TAX DISTR		Price V Tst \	/esif		Notes			Fact Dist:	
NARRATIVE DES	0.256 ACRES of land m	nainly classified as	Grante	or Legal R	ef Type	Date Sale	COUC COIC	11100						Reval Dist:	
COLALA DES with a Mi	ARFHOLISE Building D	Unit about 1970,	1											Year:	
houing primorily COR	R STEEL Exterior and 3	3680 Square Feel,												LandReason:	
with 2 Units, 0 Bath, 0) 3/4 Bath, 1 HalfBath, 0	Rooms, and v												BidReason:	
OTHER ASSESSI	AFNTS													CivilDistrict:	
Code Descrip/N	o Amcunt	Com. Int												Ratio:	
(
				20001170						ACTIVIT	TY INFOR				manan
			BUILDING I Date	Number Descrip	Amount	C/O Last Visit	Fed Code F.I	Descrip Cor	nment	Date		Result	By 9	Name PVA	
PROPERTY FACT	TORS		Uale	Number Doump							17 Field Revi 12 Field Revi		g	PVA	
item Code Desc	ription 1 % item	Code Description	-								07 Other Cha		9	PVA	
	TWO water		4								01 Measured		0	PATRICT	
0	Sewer	2 TOWN SEWE	4							12/7/19	90 inspected		2	AVITAR	
n	Electri		4							1					1
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Flood Haz:	Торо		1												
D s	Streat]							Cian				1 1	Street.
9	Gas:									Sign:	<u> </u>	ir ir Maria			<u> </u>
LAND SECTION	(First 7 lines only)		LT	Base Unit		Neigh Neigh	i-D 4 04 14	nfi 2 % Infi 3	Appraise		% Spec	J. Fact	Use Value	Notes	
Use Description L	UC No of Linits Depth		nd Type Factor		Adj Neigh	Infiu Mod	inii 1 % i	111 Z 70 1111 3	⁷⁶ Value	Class	Land	Code			
Code F 332 AUTO REPAI	act PriceU	SITE ACRE SITE	and the second se	0 0.	0.00 RD										
332 AUTO NEFAI															

the second s

Total AC/HA: 0.00000 Total SF/SM: 0 Parcel LUC: 031 COMM-RES Prime NB Desc RES AV/FR	Totai: Spi Credit Totai.	2019
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	6 a 491 a 671 a 771 65#0	COMMENTS		SKETCH			
EXTERIOR INFORMATION	BATH FEATURES	LUNAMENIO			4	10	
Type: 43 WAREHOUSE	Full Bath Rating:						
Sty Ht 1 · ONE STY	A Bath: Rating: 3/4 Bath: Rating:	· ·· ·				l l	
(Liv) Units: 2 Total: 9	A 308th Rating:	gan a san ang ang ang ang ang ang ang ang ang a					2 1
Foundation: 6 SLAB	1/2 Bath: 1 Rating: AVERAGE						1
Frame: 2 - STEEL	A HBth: Rating:		······				1
Prime Well: 18 - CORR STEEL	Christic Rating:	RESIDENTIAL GRID				FFL	
MOD STONE	OTHER FEATURES	1st Res Grid Desc.	# Units				
Roof Struct 4 - FLAT	Kits: 1 Rating: AVERAGE		R RR BR FB HB L 0				
Roof Cover: 4 - TAR/GRAVEL	A Kits: Rating:	Other	-				
Color:	Frpl: Rating:	Upper			92		
View / Desir	WSFlue: Rating:	Lvi2					
GENERAL INFORMATION	CONDO INFORMATION	Lvi 1					
Grade: E - POOR	Location:	Totals RMs: BRs:	Baths: HB1				
Year Bil: 1975 Eff Yr Bit	Total Units:	TUISS NWS. LINS.					
AITLUC: AIT %:	Floor		S BREAKDOWN				
Junsdict Fact:			Init RMS BRS FL				
Const Mod:	Name	Interior:					
Lump Sum Adj: j	DEPRECIATION	Additions:					
INTERIOR INFORMATION	Phys Cond: FR - Fair 4	13. % Kitchen:	•				
Avg Ht/FL: STD	Functional: D - DESIGN	20. % Baths:					
Prim Int Wal 5 - MINIMAL	Economic:	[%] Plumbing:					
Sec Int Wall:	Special:	% Electric:	Totals				
Partition: L - LIGHT	Override:	% Heating:	L COLLO		·····	SUB AREA DE	TAIL
Prim Floors: 12 - CONCRETE	Total: 5	4.8 % General:		SUB AREA Code Description	Area - SQ Rate - AV	the terre ticker Cub Ct	Scrip % Qu #Ten
	CALC SUMMARY	COMPARABLE SALES		Code Description	3,680 58,710	216.056 Area Usbl	Type
Bsrant Fir:	Basic 5 / SQ: 52.00	Rate Parcel ID Typ	Date Sale Price				
Sublicor:	Size Adj.: 1.17608690	1		- •			
Bsmit Gar: Electric: 3 - TYPICAL	Const Adj.: 0.96000999						
Insulation: 2 - TYPICAL	Adj \$ / SQ: 58.711 Other Features: 12000						
int vs Ext: S	Grade Factor: 0.65						
Heat Fuel: 1 - OIL	NBHD Inf. 1.0000000						
Heat Type: 7 - UNIT HEATERS	NBHD Mod:	WtAvS/SQ: AvRate:	ind.Val	Net Sketched Area:	3.680 Total:	216,056	
# Heat Sys: 2	LUC Factor: 1.00	Astraction:		Size Ad 3680 Gross	and the second s		
% Heated: 100 % AC: 0	Adj Total: 148236	Juris, Factor.	Before Depr. 38.16				
Solar HW: NO Central Vac: NO	Depreciation: 81234	Special Features: 0	Val/Su Net: 18.21	20110-12	IMAGE	AssessPro Patri	ot Properties. Inc
% Com Wal % Sprinkled	Depreciated Total: 67003	Final Total: 67000	Val/Su SzAd 18.21				
MOBILE HOME Make:	Mcdel	Serial #	Year.	Color:	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -		
	······································		PARCEL	ID 147-016-000			
SPEC FEATURES/YARD ITEMS	Size/Dim Qual Con Year Uni	Price D/S Dep LUC Fact	NB Fa Appr Value J	CodJFact Juris. Value			
Code Description A Y/S Qty	CARGINALIT CLARK CASE CART LEA				•		Contraction of the second
					No. and the second		·
					Martin P		
					A TON HO		

Total:

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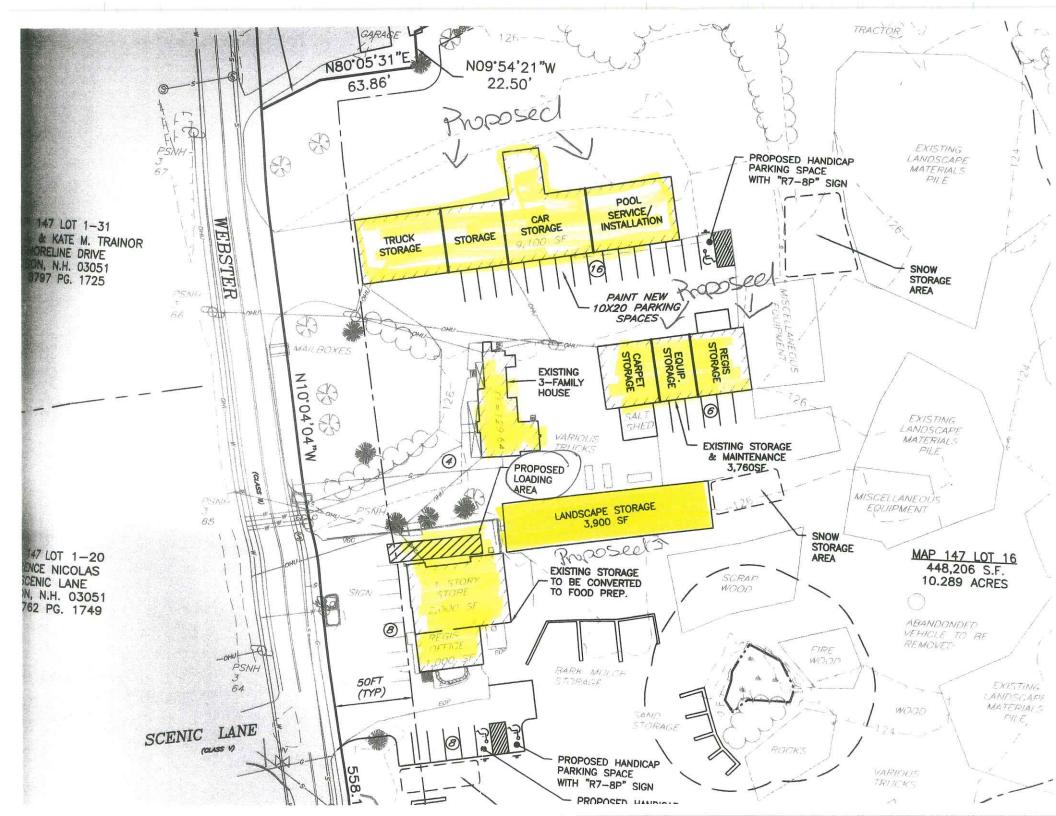
Total Special Featues:

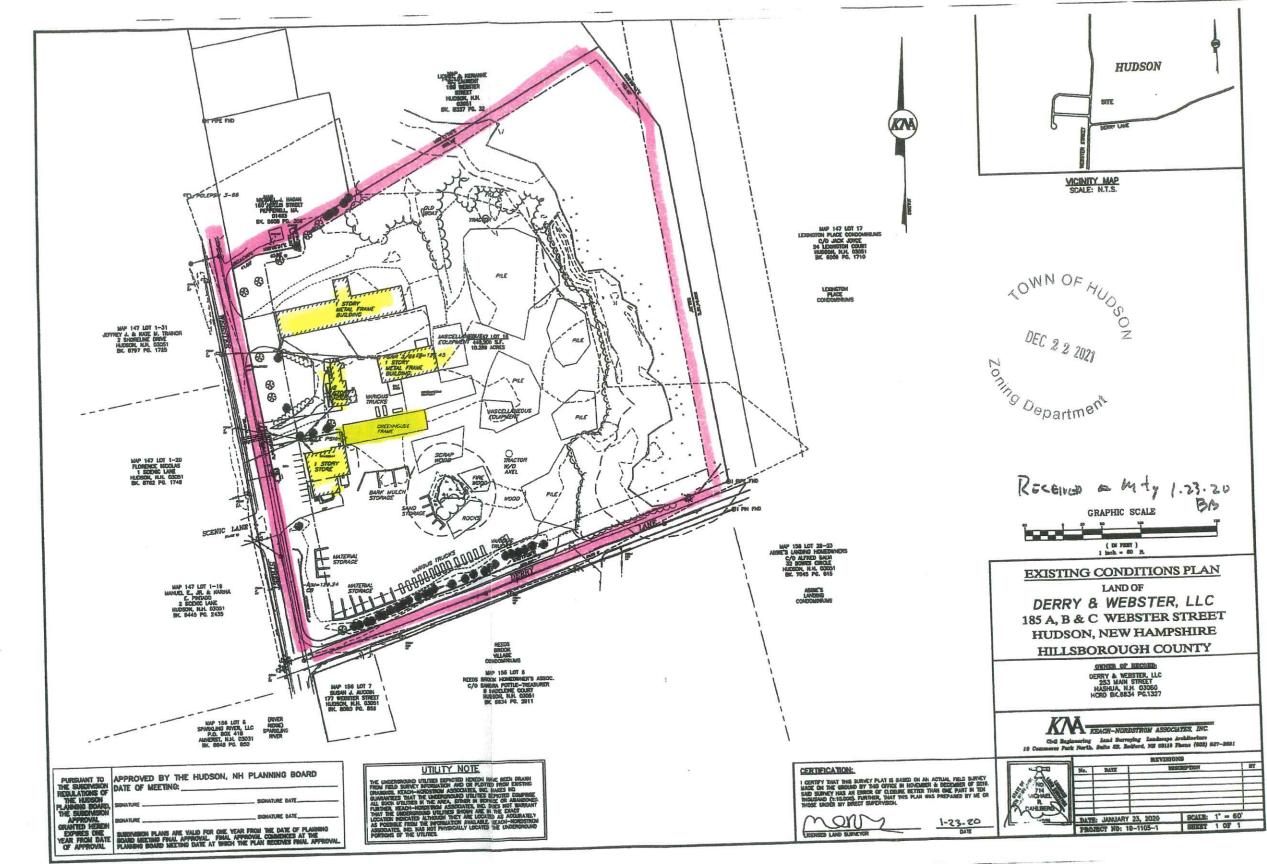
							2 of 4	COMMERCIAL			111211-01122-02270		I otal C		
147	016	000)						Hudson			AISED:			964,400 964,400
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No Alt No	Direction/S	treei/City		nd Size Bu	uilding Value	Yard Items	Land Value	Total Value	Lega	al Descri	iption		Acct		
189 W	VEBSTER ST. HUDS		316	0.000	71,600			71,600					257		
hand the second se	Unit		1									Gla	Ref		
OWNERSHIP Owner 1: DERRY & WE	and the second se	1 1										010	Ref	A CONTRACTOR	
Owner 2:	-DOLPH FRA			0.000	71,600			71,600	E	ntered Lot	Size	- 613	rker	Martine	•
Owner 3:			Total Card Total Parcel	10.256	525,200	74,200	365,000	a contract of the second	Tota	al Land: 10	418	Inen	Date	Datr	'iot
Street 1: 253 MAIN ST.		and the second se	Source: Marke	The second s		alue per SQ unit /	Card: 8.14	/Parcel: 52.16	Land Uni	it Type: AC	2	12/07/90		L Properti	ies Inc.
Street 2:			Ource.jwant	a Auj Ousi	rotar ve			2	147-016-000			L.		USER DEFIN	ED
Twn/City: NASHUA			PREVIOUS ASS	ESSMENT					Notes		Date	12569	} !	Prior Id # 1: 00	
St/Prov: NH	Cntry	Own Occ:	Tax Yr Use Cat	Bidg Value	Yrd Items Li	and Size Land V	alue Total Vali	ue Asses'd Value	NOICES		Date	DOMIT		Prior Id # 2: 00	
Postal: 03060		Туре:				1						Date	Time	Prior Id # 3: 00	102
PREVIOUS OWNER			-										13:25:21	Prior Id # 1:	
Owner 1:			-									1	A	Prior id # 2:	
Owner 2:			-									LAST RE		Prior 1d # 3:	
Street 1:			-									Date	Time	Prior Id # 1: Prior Id # 2:	
Twn/City.	Onter		-										07:59:57	Prior 10 # 2.	
St/Prov:	Cntry											jmich	and the second second	ASR Map:	
Postal:			SALES INFORM	ATION		TAX DISTRI	and and a start of the second se			PAT	ACCT.	25	99	Fact Dist:	
NARRATIVE DESCR This parcel contains 10.2	RIPTION	nainhy classified as	Grantor	Legal R	lef Type I	Date Sale (Code Sale	Price V Tst	Venf		Notes			Reval Dist:	
COMM-RES with a GAR	AGE Building built a	bout 1975, having												Year	
primarily METAL PANEL	Exterior and 8800 S	quare Feet, with 2												LandReason:	
Units, 0 Bath, 0 3/4 Bath,	, 2 HalfBaths, 0 Room	ms, and 0 Bdrm.												BidResson	
OTHER ASSESSME	NTC		-											CivilDistrict:	
Code Descrip/No	Amount	Com. Int	71											Ratio:	
			1										I		
										4 670.07	MINCODA	17101			
			BUILDING PERI				F. 10-1- F1	Denoria Co	mment	Date	Y INFORM	Result	By	Name	e
			Date Numbe	er Descrip	Amount C	2/O Last Visit	Fed Code F. I	Jescrip Gu	Intern		7 Field Review		9	PVA	
PROPERTY FACTO		Code Description			1				1		2 Field Review		9	PVA	
Z R2 RESD TV											7 Other Chang	je	9	PVA	-
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n	Electri									12/7/199	10 Inspected		2	AVITAR	1
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Flood Haz:			-												
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\$	Street		-							Sign:		3 29	1.1	1	1
LAND SECTION (Fin	Gas:		_1							lanner de la company		1.99			
Lice LUC	Denth	1	LT Bas	se Unit	Adj Neigh	Neigh Neigh	n61 % In	nfi 2 % Infi 3	% Appraised		% Spec % Land C	J Fact	Use Value	Notes	
Code Description Fact	NO OF LIDITS	its Official type La	Factor Val	and the second division of the second divisio		influ Mod			⁷⁵ Value	Class	Lang (soue]			
316 COMMWRH!	0	SITE ACRE SITE	E	0 0.	0.00 RD										
										44) er (er (e) (e) (e)					10-07884

Total AC/HA: 0.00000 Total SF/SM: 0	Parcel LUC: 031 COMM-RES	Prime NB Desc RES	S AV/FR	Total:	Spl Credit	Total:
Disclaimer: This Information is believed to be correct but	a more service as a surple of the service of the se	warranteed. Da	atabase: Assesspro - Hudsi	onNH am	/m	2019

an a share an an a share an a share an a share a			SKETCH	۱
EXTERIOR INFORMATION	BATH FEATURES	USE FOR PRODUCT (BEVERAGE) AND CONST		40
Type: 30 - GARAGE	Full Bath Rating:	EQUIP STORAGE, 16" CEIL.		
Sty Ht 1 - ONE STY	A Bath: Rating:			
(Liv) Units: 2 Total: 9	3/4 Bath: Rating:		180	
Foundation: 6 - SLAB	A 30Bth Rating:			
Frame: 2 - STEEL	1/2 Bath: 2 Rating: FAIR	an		FFL
Prime Wall: 27 - METAL PANEL	A HBIh: Rating:	RESIDENTIAL GRID		
Sec Wall: 21 - CONC BLO 40%	OthrFix: Rating:	1st Res Grid Desc: # Units		
Roof Struct: 1 - GABLE	OTHER FEATURES	Level FY LR DR D K FR RR BR FB HB L 0	30	
Roof Cover: 4 - TAR/GRAVEL	Kits: Rating:	Other	24 30	202
Color:	A Kits: Rating:	Upper		202
View / Desir:	Frol: Rating:			
GENERAL INFORMATION	WSFlue: Rating:			
Grade: E - POOR	CONDO INFORMATION	Lower Totals BMs BRs Baths: HB2		
Year Bit: 1975 Eff Yr Bit:	Location	Totals RMs: BRs: Baths: HB 2		
Alt LUC: Alt %:	Total Units:		93	
Jurisdict: Fact	Floor	REMODELING RES BREAKDOWN		
Const Mod:	% Own:			
Lump Sum Adj:	Name	Interior	1	
	DEPRECIATION	Additions		40
INTERIOR INFORMATION	E REDGE GOVERNMENT	6.% Kitchen: 0.% Battis	L	-0
Avg Ht/FL: STD Prim int Wal 5 - MINIMAL	and the state of t			
A THE REPORT OF	Economic	% Plambing:		:
Sec Int Wall: 7	° Special:	I DIBIS	······································	
Partition:L -LIGHT	Override:		SUB AREA	SUB AREA DETAIL
Prim Floors: 12 - CONCRETE		3.8 % General:	Code Description Area - SQ Rate - AV	Undepr Value Sub % Descrip % Ou #Ten 244 438 Area Usbl Type
Sec Floors: 7	CALC SUMMARY Basic S/SQ 39.00	COMPARABLE SALES	FFL FIRST FLOOR 8,800 27.760	244,438 Area Usbi Type F=1 100 WHS 50 AV
Bsmnt Fir:	Size Adj.: 0.89090908	Rate Parcel ID Typ Date Sale Price		Per instance contro
Subfloor: Eismnt Gar	Const Adj.: 0.94052368		1	
Electric: 3 - TYPICAL	Adj \$/ SQ: 32.679			
Insulation: 2 - TYPICAL	Other Features: 10500			
Insulation 2 -) TFICAL	Grade Factor: 0.65			
Heat Fuel: 1 - OIL	NBHD Inf: 1.00000000			
	NBHD Mod:	WtAvS/SQ: AvRate: Ind.Val	Net Sketched Area: 8,800 Total	244,438
Capital and an entering of the second s	LUC Factor: 1.00		Size Ad 8800 Gross Area 8800 FinAre	a 8800
# Heat Sys: 4 % Heated: 100 % AC: 0	Adj Total: 165710	Juris, Factor: Before Depr. 21.24		
% Heated: 100 % AC: 0 Solar HW: NO Central Vac: NO	Depreciation: 94123	Special Features: 0 Val/Su Net: 8.14	IMAGE	Assess Pro Patriot Properties. Inc
and a second statement of the second statement with the second statement with the second statement with the second statement of th	Depreciated Total: 71587	Final Total: 71600 Val/Su SzAd 8.14		
	Model:	Serial# Year:	Color:	
MOBILE HOME Make:		PARCEL	ID 147-016-000	
SPEC FEATURES/YARD ITEMS			CodJFact Juris. Value	
Code Description A Y/S Qty	Size/Dim Qual Con Year Uni	t Price D/S Dep LUC Fact NB Fa Appr Value JI		and the second
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				A STATE AND A STATE OF







Printed 2/23/2021 3:38PM Created 2/23/2021 3:24 PM			Town o 12 So	tion Receipt f Hudson, NH chool Street NH 03051-4249		(Receipt#	<mark>667,312</mark> tgoodwyn
		Description		Current Invoice	Payment	Balance	e Due
	1.00	Zoning Applications- 01 181-189 Webster Stree Map/Lot 147-016-000		leeting			
		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		Рау Туре	Reference	Tendered	Change	Net Paid
	Derry & W	/ebster, 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	Ν	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	Ν	2.	The proposed use meets all the applicable requirements established in this Ordinance.
Y	Ν	3.	The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.
Y	Ν	4.	The proposed use is compatible with the character of the surrounding neighborhood.
Y	Ν	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

APPLICATION FOR	
APPLICATION FOR	RASPECIAL EXCEPTION
DEC 27 2021	
1. No.	Entries in this box are to be filled out by Land Use Division personnel
Tor Zoning Board of Adjustment Town of Hudson	Case No. 147-016f (01-20-22)
	Date Filed 12/27/21
Name of Applicant <u>Der(y + Webster, L</u> Att: Vaterie Manoukian, marayer Telephone Number (Home)	<u>LC</u> Map: <u>147</u> Lot: <u>055</u> Zoning District: <u>2-2</u> Cell (Work) <u>603-860-6860</u>
Mailing Address 253 Main St	Nushua NH 03060
Owner Derry + Webster, UL	
(ter of Hudson NH 03051 ss)
<u>/////</u>	12-15-2021
Signature of Applicant	Date
	12-15-2021
Signature of Property-Owner(s)	Date

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

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

	Division personnel Date received: <u>12/27/21</u>
COST: Application fee (processing, advertising & recording) (non-re	efundable): \$ <u>185.00</u>
<u>Abutter Notice</u> : <u>Direct Abutters x Certified postage rate</u> <u>\$4.33</u> <u>Indirect Abutters x First Class postage rate</u> <u>0.58</u> <u>Total amount due:</u>	= \$ = \$ \$ <u>{85</u>
Amt. re	eceived: \$ 185 - Chec
Received by: TSC Receipt	t No.: <u>667, 590</u> 144
By determination of the Zoning Administrator, the following De Engineering Fire Dept Health Officer Plan	

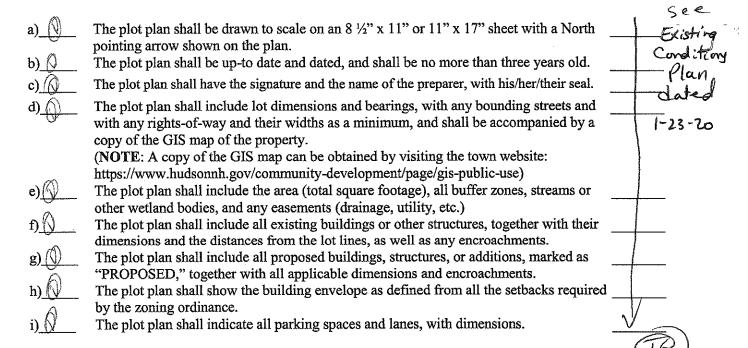
TOWN OF HUDSON, NH Application Checklist

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

Applicant Staff Initials Initials Please review the application with the Zoning Administrator or staff. (1)TG-The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson. (\mathbf{A}) 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.) 16-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.) 16 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-Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office) A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.

CERTIFIED PLOT PLAN:

Requests <u>other than</u> above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).



The 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)

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	Lionels Kerlanne St. Laurent	1991 Webster St Hudson, NH 03051
156	007	susun J. Aucoin	Hudson, NH 03051
MJ	ادں	Berjamin + Jane Webster	1 Storeline Br Hudson, NH 03057
LM1	015	Michael Hugari	180 Hollis St- Pepperell, MA 01-163
147	100	Fbrence Micolas	1 Scinic Lane Hudson, NH 03051
147	1001	Manuel E. Pintado Sr Karink E. Pintado	2 Scenic Laine Hudson, NH 03051
147	001	Jeffrey J Kute M. Trainos	2 Storieline Dr Hudson, rune 03057)
147	016	Derayouiebsser, LLC	253 Maun Bt Noshua, NH 03000
147	017	Lexington Place (Jol) Clo Jack Joyce	24 Locington Court Hudson, NH 03051
147	029	Abbuciscanding Cordo c/o Atfrect Salvi	32 Brues Circle Hidson, wH 03051
150	008	Reeas Brock Hower wir Assoc Clo Scientific Pottle, Trecsure "	- 3 Madeline CT Hudson, NH 03051
150	004	Spiri Kling River, Lando association Up Zichard Frescura	19 Cricket heid 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 & Kimberk Moceri	6 Sanic Lance Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster st Hudson, NHI 03057
147	022	Westchester Place Conclus	7 Westchester CT Hudson, NH 03,051

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), § <u>334-21</u>, Table of Permitted Principal Uses, or § <u>334-22</u>, Table of Permitted Accessory Uses, or § <u>334-10</u> 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 as 2 Family dwelling - propose to
allow a .	third apartment dwelling where 3-family/multi-
- Emily dive	llings aren't permitted in the P-2 zone per the Table of
Permitted us	es (A-3). Within the building converting from 2 to 3
	mathble. Exterior apprais as eingle family residential.
Residential	uses are in the neighborhood and the additional
unt will b	we 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 upless by variance (R-2) which has been due to max 2 frequest Fund

Rev. July 22, 2021

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 isoking 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.

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 <u>permitted</u> under the <u>ordinance</u>, 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, nursely 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. <u>Convenient Store</u> (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."

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

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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. <u>Warehouse</u> (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 in defined, in any district.

60. Junkyards are also prohibited under RSA § 236:111 et seg

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, multifamily 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

7L. 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. fown of Hudson, By and through its Attomeys. LARBHEL& BRODICH, P.A.

Dated: November 23, 2020

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

VERIFICATION

1, 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.

Royan Carl Cha 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 behef.

Dated: 11-13 2020

Notary Public McCommission Expires:

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МАР	LO	т	SUB		(CARD	Hudson	USE V		000/ 878,200
PROPERTY LOCAT	ION			IN PROCESS APPRAISAL SUMM	ARY				-	000/ 878,200
No Alt No		tion/Street/City		Use Code Land Size Building		nd Value Total Value		al Description	User Acct	
L	WEBSTER ST,			325 0.000	19,000		,000		7257	
OWNERSHIP		Unit #:			<u>(</u>		J.		GIS Ref	
Owner 1: DERRY & W	EBSTERLLC					· ····			GIS Ref	
Owner 2: Owner 3:	electronic contractor			Total Card 0.000	19,000	and the second		ntered Lot Size		
Street 1: 253 MAIN ST	naenaer		I		477,100 35,800			al Land:	Insp Date	Datriot
Street 2:	Setteração para			Source: Market Adj Cost	Total Value per SQ unit /Caro	d: N/A /Parcel: 4	7.50 Land Un	nit Type:		Properties Inc.
Twn/City: NASHUA		······		PREVIOUS ASSESSMENT		Parcel	ID 147-016-000		_ !2569!	USER DEFINED
St/Prov: NH	Cntry	Own Occ:			Items Land Size Land Value	Total Value Asses'd Val	ue Notes	Date	7 123031	Prior ld # 1: 0023
Postal: 03060		Туре:						·	PRINT	Prior ld # 2: 0017
PREVIOUS OWNER									Date Time	Prior Id # 3: 0002
Owner 1:									12/15/21 13:30:12	Prior Id # 2:
Owner 2:									LAST REV	Prior Id # 3:
Street 1:						at ann an an a' a' an ann a' a' Th			Date Time	Prior Id # 1:
Twn/City: St/Prov:	Cntry								07/28/21 09:38:42	Prior Id # 2:
Postal:							·		jmichaud	Prior Id # 3:
NARRATIVE DESCH				SALES INFORMATION	TAX DISTRICT			PAT ACCT.	2569	ASR Map:
This parcel contains 10.2		and mainly classifie	d as	Grantor Legal Ref 1	Type Date Sale Code	e Sale Price V	Tst Verif	Notes	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	Fact Dist:
COMM-RES with a N/A	Building built ab	out , having primari	ly							Reval Dist:
N/A Exterior and Square		nit, 0 Bath, 0 3/4 Ba	ith,			· · · · · · · · · · · · · · · · · · ·				Year:
0 HalfBath, 0 Rooms, an	id 0 Bdrm.			· · · · · · · · · · · · · · · · · · ·						LandReason:
OTHER ASSESSME	NTS									BidReason:
Code Descrip/No	Amount	Com, li	nt							CivilDistrict:
									and the second	Ratio:
·····							<u> </u>			
			:	BUILDING PERMITS	mount C/O Last Visit Fed	Code F, Descrip	Comment	ACTIVITY INFORM	ALION Result By	Name
PROPERTY FACTO	RS			Date Number Descrip An	HOURT C/O Last visit red	Code r. Descrip	Comment	Date	Nesuri Dy	Nanc
Item Code Descrip		em Code Desc		, <u>, , , , , , , , , , , , , , , , , , </u>						
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LAND SECTION (Fi	rst 7 lines on	Dopth /		LT Base Unit	Noich Noich	- Herzier - Antonio II	Appraised		e na Statut Astronoma	
Code Description Fac	2 No of Units P	Depth / riceUnits	e Lan	ld Type LT Base Unit Adj Factor Value Price	Neigh Neigh Influ Mod	% Infl 2 % Infl	3 % Appraised Value	d Alt Spec Class Land (J Fact Use Value	Notes
325 STORE	0	SITE ACF	RE SITE) MG					· · · · · · · · · · · · ·
1										I
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$e_{\rm e} = -i E_{\rm e}$										
Total AC/HA: 0.00000	T	otal SF/SM: 0		Parcel LUC: 031 COMM-RES	Prime NB Desc C-GENE	RAL	Total:	Spl Credit	Totai:	
	I		rect bu	It is subject to change and is not wa	1	ase: AssessPro - Huds		mrotast		2022

EXTERIOR INF	ORMATION	BATH FEA	TURES	COM	MENTS		[SKETCH				
Type:		Full Bath	Rating:			to carry the dilapidate						
Sty Ht:		A Bath:	Rating:	greenh	ouse and gara	ge attached to it						
(Liv) Units:	Total: 9	3/4 Bath:	Rating:									
Foundation:		A 3QBth	Rating:									
Frame:		1/2 Bath:	Rating:									
Prime Wall:		A HBth:	Rating:]					
Sec Wall:		OthrFix:	Rating:	RESI	DENTIAL GI	RID						
Roof Struct:		OTHER FE			Grid Desc		# Units					
Roof Cover:		Kits:	Rating:	Level	FY LR DR	D K FR RR BR FB	HBLO					
Color:		A Kits:	Rating:	Other]							
View / Desir:		Frpi:	Rating:	Upper								
GENERAL INF		WSFlue:	Rating:	L.vl 2	.							
Grade:		CONDO IN	FORMATION	Lvl 1	de des i col		and damage					
Year Blt.	Eff Yr Blt:	Location:		Totals	RMs:	BRs: Baths:	HB					
Alt LUC:	Alt %:	Total Units:			TANS.	DNS. Dauis.						
Jurisdict:	Fact:	Floor:		REMO	DELING	RES BREAKD						
Const Mot		% Own:		Exte			BRS FL					
Lump Sum Ad		Name:			rior:							
		DEPRECIA	TION	Additi		-						
INTERIOR INFO	ORMATION	Phys Cond:		0.0% Kitc	~ ~ ~		· · · · · ·					
Avg Ht/FL:		Functional:			itins:							
Prim Int Wal		Economic:		Plumt								
Sec Int Wall:	%	Special:		Elec		-						
Partition:		Override:		Hea	*****	Total	<u>s</u>					
Prim Floors:	[Total:	0% Gen				SUB AREA				SUB AREA DETAIL
Sec Floors:	%	CALC SUM		t					escription	Area - SQ	Rate - AV Undepr Value	Sub % Descrip % Qu #Ten
Bsmnt Flr:		Basic \$			RABLE SAL		0.1.0.				:	Area Usbi Descrip Type Qu # Ten
Subfloor:			Adj.: 1.00000000	·····	arcel ID	Typ Date	Sale Price	-				
Bsmnt Gar:			: Adj.: 1,0000000) I		and the second			1			
Electric:		Adj \$	********			and a second second				· · · · · · · · ·		
Insulation:		Other Feat						Maria de la		· · · · · · · · · · · · · · · · · · ·		
Int vs Ext: Heat Fuel:		Grade Fa							· · · · · ·	· · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
Heat Type:			D Inf: 1.00000000						· · · · ·		2 ¹	
# Heat Sys:		NBHD		WtAv\$/SQ:	Av	Rate: Ind.V	al	Net Sk	etched Area:	T	Total:	
% Heated:	% AC:		actor: 1.00	Juris. F	actor:	Before Dep		Size Ad	Gross	Area	FinArea	
Solar HW: NO			Total: 0	Special Fea		Val/Su Ne		······		•		
% Com Wal	% Sprinkled	Deprecia			Total: 0	Val/Su SzA				IMAGE	Asses	SSPro Patriot Properties, Inc
		Depreciated 1										
MOBILE HOME			Model:		Serial #		Year:	Color:				
	ES/YARD ITEMS							147-016-000				
		Size/Dim Qu		Unit Price D/S		Fact NB Fa Ap	pr Value JCo	d JFact Juris. V				
	GLS D Y 1 30x		R PR 1965	(1) (1) (2) (2) (2) (2) (2) (2) (2) (2) (2) (2	90 325		7,200		7,200			
3 GARAGE	DY 130x	30 FI	R FR 1965	26,26 T	50 325		11,800	· ·	11,800			
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More: N	Total Ya	rd Items:	19,000	Total Special	Featues:			Total:	19,000			
		1 A A A A A A A A A A A A A A A A A A A		1	and the second			·				

147	016	000						1 o	10	ESIDENTIAL	ludeen	APPR	AISED:	Total C 511,	
MAP	LOT	SUB	1					CA	RD	r	ludson	USE V	ALUE:	511,	300/ 878,2
PROPERTY LOCATION			IN PROCE	SS APPF	RAISAL SU	MMARY						ASSE	ESSED:	511,	300/ 878,2
No Alt No	Direction/Street/C	Xity	Use Code	Land	Size Build	ling Value	Yard Items			Total Value	Lega	I Description	User	Acct	
185 A, B, C WEBST	TER ST, HUDSON		325		8.217	97,350	16,2	200	348,975	462,525			72	a la guerra de contrata a regionne e	
OWNERSHIP	Unit #:		105		2.072	32,450			16,325	48,775			GIS	Ref	
Owner 1: DERRY & WEBSTE	RLLC		[]							1				·····	
Owner 2:			Total Card	10	10,289	129,800	16,2	200	365,300	511,300	l Lectro de Caloriere	tered Lot Size	GIS	Ref	
Owner 3;			Total Parcel	2V	10.289	477,100			365,300	878,200	A 10	Land: 10.289			Datrio
Street 1: 253 MAIN ST.			and the art of the second s	e: Market A			and the second sec	unit /Card:		/Parcel: 47.50	- Construction of the Cons		Insp	Date	Properties Inc
Street 2:	he se an	그다는 사람은 문화를						<u></u>		·	Loave en	Type: AC	01/09/20		-
Twn/City: NASHUA			PREVIOUS	S ASSES	SMENT					Parcel ID	147-016-000		12569	ŀ!	USER DEFINED
St/Prov: NH Cn		n Occ:	Tax Yr Use			Yrd Items L	and Size L	and Value 7	otal Value	Asses'd Value	Notes	Date		•	Prior Id # 1: 0023
Postal: 03060	Тур	re:	2021 031	FV	477,100	35800	10.289	365,300	878,200	878,200 Ye		9/27/2021	PRINT		{
PREVIOUS OWNER			2021 031	JB	477,100	35800	10.289	365,300	878,200	878,200 Ye		5/12/2021	Date	Time	Prior Id # 3: 0002
Owner 1: SECOND GENERA			2020 031	FV	477,100	35800	10.289	365,300	878,200	878,200 Ye		8/27/2020	12/15/21	13:28:54	Prior Id # 1: Prior Id # 2:
Owner 2: CMP PROPERTIES			2020 031	JB	477,100	35800	10.289	365,300	878,200	878,200 Ye		5/6/2020	LAST RE		· · · · · · · · · · · · · · · · · · ·
Street 1: 20 TRAFALGAR SO). SUITE #602		2019 031	FV JB	500,500	74200	10.256	365,000	939,700	,	ear End Roll ear End Roll	9/16/2019 5/8/2019	Date	Time	Prior Id # 3: Prior Id # 1:
Twn/City: NASHUA			2019 031		510,500 438,800	74200 74200	10.256 10.256	365,000 365,000	949,700 878,000	949,700 Ye 878,000 Ye		5/8/2019 8/27/2018	1		1
St/Prov: NH Cn	ıtry		2018 031 2018 031	JB	438,800 438,800	74200	10.256	365,000	878,000 878,000		ear End Roll	5/9/2018	07/28/21	09:36:05	le income and a second se
Postal: 03063			1			14200			010,000	610,000 N		······································	jmicha		Prior Id # 3:
NARRATIVE DESCRIPTIC)N		SALES INF	-ORMAT			TAX DIS	STRICT		,		PAT ACCT.	250		ASR Map:
This parcel contains 10.289 AC		lassified as	Gran		Legal Ref			Sale Code	Sale Pric		erif	Notes	e di seda		Fact Dist:
COMM-RES with a MULTI-COM	NVER Building built a	about 1920,	SECOND GE	NERATI	6834-1327		2003		1,000	,000 No No					Reval Dist:
having primarily ALUMINUM Ex					5686-1423			CLASSIFIED	407	No No			~		Year:
with 3 Units, 3 Baths, 0 3/4 Bath	h, 0 HalfBath, 7 Roon	ns, and 4	TAMPOSI, S/		5542-902			CLASSIFIED	167	,000 No No No No					LandReason:
Bdrms.			TAMPOSI, E	TAL	5437-1452 5078-0788		8/1993 UNO 23/1988	CLASSIFIED		No No					BidReason:
OTHER ASSESSMENTS Code Descrip/No	Amount	Com. Int	1		5010-0700	12/2	.0/1000								CivilDistrict:
Code Descrip/No	AIIDUIR	Com. an			L										Ratio:
		4	!												
				DEDAUT								ACTIVITY INFORM			
			BUILDING Date	Number	Descrip	Amount (C/O Last Vi	isit Fed Cr	de F. Desc	rin Com	iment	Date	Result	By	Name
PROPERTY FACTORS					9 EXT RENO	20,000 C	······		00 1.0000	001	anone	3/5/2020 Info Fm Pla		<u> </u>	CHIEF ASSESS
Item Code Description	% Item Code	Description					2								
Z R2 RESD TWO	water 3		111/22/2018 - 2	7018-00052		(2			and 2002 I	;	and a second	· • · • • • • • • • • • • • • • • • • •	18	KRT1
	Water o	TOWN WATE	11		2 ELECTRIC	(1,500 C						1/9/2020 Meas/Inspe 6/11/2017 Field Revie	ect	18 9	KRT1 PVA
0 K2 KESD 1WO	Sewer 2	TOWN WATE TOWN SEWE	10/2/2009 2	2018-00052 2009-454 2005-528		(1,500 (1,800 (c					1/9/2020 Meas/Inspe	ect		
	Sewer 2 Electri		10/2/2009 2 6/21/2005 2 8/1/2001 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO SIGNS	1,500 C 1,800 C	c					1/9/2020 Meas/Inspe 6/11/2017 Field Revie	ect w		PVA DC CHIEF ASSESS
0 n Census:	Sewer 2		10/2/2009 2 6/21/2005 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO	1,500 C 1,800 C	0					1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie	ed	9 7 1 9	PVA DC CHIEF ASSESS PVA
0 n Census: Flood Haz: C	Sewer 2 Electri Exmpt	TOWN SEWE	10/2/2009 2 6/21/2005 2 8/1/2001 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO SIGNS	1,500 C 1,800 C		****				1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit	ed w	9 7 1 9 10	PVA DC CHIEF ASSESS PVA APPRAISER II
o n Census: Flood Haz: C D	Sewer 2 Electri Exmpt Topo 1		10/2/2009 2 6/21/2005 2 8/1/2001 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO SIGNS	1,500 C 1,800 C						1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char	ed w w ige	9 7 1 9	PVA DC CHIEF ASSESS PVA APPRAISER II PVA
0 n Census: Flood Haz: C D s	Sewer 2 Electri Exmpt Topo 1 Street	TOWN SEWE	10/2/2009 2 6/21/2005 2 8/1/2001 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO SIGNS	1,500 C 1,800 C						1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Chan 5/31/2006 Other Chan	ed w w ige	9 7 1 9 10	PVA DC CHIEF ASSESS PVA APPRAISER II
o n n Census: Flood Haz: C D	Sewer 2 Electri Exmpt Topo 1 Street Gas:	TOWN SEWE	10/2/2009 2 6/21/2005 2 8/1/2001 2	2009-454 2005-528 2002-58	2 ELECTRIC SIGNS INT RENO SIGNS	1,500 C 1,800 C						1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Chan 5/31/2006 Other Chan	ed w w ige	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I	Sewer 2 Electri Exmpt Topo 1 Street Gas: lines only	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 Base	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS	1,500 C 1,800 C C	C C C Neigh Neig		% Infl 2	% Infl 3	% Appraised	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA
o n n Census: Flood Haz: C D b S t LAND SECTION (First 7 I Use Description LUC Code Description Fact	Sewer 2 Electri Exmpt Topo 1 Street Gas: Imes only Depth / PriceUnits	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS	1,500 C 1,800 C C C	2 2 2 2		% Infl 2	% Infl 3	% Value	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I Use Description LUC Fact Ode Store	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG	C C C Neigh Neig	od non r		% Infl 3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C	C C C Neigh Neig		% Infl 2 -25	% Infl 3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I Use Description LUC Code Fact No of 325 STORE Fact	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG	C C C Neigh Neig	od non r		% infl 3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I Use Description LUC Fact Ode Store	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG	C C C Neigh Neig	od non r		% infl 3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I Use Description LUC Code Fact No of 325 STORE Fact	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG	C C C Neigh Neig	od non r		% infl3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o n Census: Flood Haz: C D s t LAND SECTION (First 7 I Use Description LUC Fact Ode Store	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG	C C C Neigh Neig	od non r		% Infl 3	% Value 300,00	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	ct w w ige ige J	9 7 1 9 10 9 1	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS
o	Sewer 2 Electri Electri Exmpt Street Gas: Imes only Innes only Depth / PriceUnits Y 2 SI 8.289 AC	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 or Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000. 0.15,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG 0.53 MG	C C C C C C C C C C C C C C C C C C C	TOPO	-25	% Infl 3	% Value 300,00 65,27	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	cct w uge uge <u>Godé</u> Fact	9 7 1 9 10 9 1 1 Use Value 300,000 65,300	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS // Notes TOPO
o	Sewer 2 Electri Exmpt Topo 1 Street Gas: Innes only) Depth / PriceUnits 2 SI	TOWN SEWE	6/21/2009 2 6/21/2005 2 8/1/2001 2 6/26/2001 2 6/26/2001 2	2009-454 2005-528 2002-58 2001-528 Base or Value	2 ELECTRIC SIGNS INT RENO SIGNS SIGNS Unit Price 0.150,000.	1,500 C 1,800 C C C Adj Neigh 1.00 MG 0.53 MG	C C C C C C C C C C C C C C C C C C C	od non r	-25	% Infl 3	% Value 300,00 65,27	1/9/2020 Meas/Inspe 6/11/2017 Field Revie 2/24/2017 I&E Mailed 8/5/2014 Abate Denii 5/10/2012 Field Revie 1/20/2010 Permit Visit 7/10/2007 Other Char 5/31/2006 Other Char Sign:	cct w uge uge <u>Godé</u> Fact	9 7 1 9 10 9 1 1 Use Value 300,000 65,300	PVA DC CHIEF ASSESS PVA APPRAISER II PVA CHIEF ASSESS

EXTERIOR INFORMATION	BATH FEATURES	COMMENTS	SKETCH
Type: 12 - MULTI-CONVER	Full Bath 3 Rating: AVERAC	E GRY, GRNHS 108X30=GLASS, OTHERS	
Sty Ht: 2 - TWO STY	A Bath: Rating:	PLASTIC, 96X26 HAS NO COVERING, JUST	
(Liv) Units: 3 Total: 9	3/4 Bath: Rating:	TUBE STEEL FRAME. EST INT. func = excess	
Foundation: 3 - BRICK/STONE	A 3QBth Rating:	capacity. 1/20 REPLACED WINDOWS. SIDING=F	12 FFL
Frame: 1 - WOOD	1/2 Bath: Rating:	COND=F / adj size land 2020 per plan submitted	
Prime Wall: 03 - ALUMINUM	A HBth: Rating:		
Sec Wall:	% OthrFix: Rating:	RESIDENTIAL GRID	
Roof Struct: 1 - GABLE	OTHER FEATURES	1st Res Grid Desc: CONV # Units 1	
The second se	Kits: 3 Rating: AVERAG	https://www.warehouter.com/archanology.	
Roof Cover: 1 - ASPH SHING	A Kits: Rating:	Other	
Color:		Upper	UAT
View / Desir:	Frpl: Rating:		S ALC SFL
GENERAL INFORMATION	WSFlue: Rating:		14 FFL 25 FFL BMT
Grade: C - AVERAGE	CONDO INFORMATION		BMT
Year Bit: 1920 Eff Yr Bit:	Location:	Totals RMs: 7 BRs: 4 Baths: 3 HB	ST05
Alt LUC: 105 Alt %: 25	Total Units:		
Jurisdict: Fact:	Floor:	REMODELING RES BREAKDOWN	E 6 17 OFP 5
Const Mod:	% Own:	Exterior: No Unit RMS BRS FL	7
Lump Sum Adj:	Name:	Interior: 1 7 4 M	
· · · · · · · · · · · · · · · · · · ·	DEPRECIATION	Additions:	7 OFP
INTERIOR INFORMATION	Phys Cond: FR - Fair	39. % Kitchen:	FFL
Avg Ht/FL: STD	Functional: D - DESIGN	10. % Baths:	
Prim Int Wal 1 - DRYWALL	Economic: L - LOCATION	10. % Plumbing:	
Sec Int Wall:	% Special:	% Electric	
Partition: T - TYPICAL	Override:	% Heating:	
Prim Floors: 02 - SOFTWOOD	Total: 5	0.59 % General 1 7 4	SUB AREA SUB AREA DETAIL
	[%] CALC SUMMARY	<u> </u>	Code Department Area SO Pate AV Lindent Value Sub %
Bsmnt Fir: 12 - CONCRETE	Basic \$ / SQ: 98.00	COMPARABLE SALES	FFL FIRST FLOOR 1,583 77.240 122,272 Area Usb Type
Subfloor:	Size Adj.: 0.84658706	Rate Parcel ID Typ Date Sale Price	BMT BASEMENT 1,385 15.450 21,396 ATC 100 UNF 100 AV
Bsmnt Gar:	Const Adj.: 0.93099999		SFL SECOND FLR 900 77.240 69,517
Electric: 3 - TYPICAL	Adj \$ / SQ: 77.241		OFP OPEN PCH 325 27.040 8,789
Insulation: 2 - TYPICAL	Other Features: 29500		UAT ATTIC/SFL 225 27.030 6,083
int vs Ext: S -	Grade Factor: 1.00		ATC ATTIC 114 38.620 4,393
Heat Fuel: 1 - OIL	NBHD Inf: 1.00000000		ENT ENTRY 30 3.860 116
Heat Type: 3 - FORCED HW	NBHD Mod:	WtAv\$/SQ: AvRate: Ind.Val	STG STORAGE 30 23.170 695 Net Sketched Area: 4,592 Total: 233,261
# Heat Sys: 2	LUC Factor: 1.00		
% Heated: 100 % AC: 0	Adj Total: 262760	Juris. Factor: Before Depr: 77.24	Size Ad 2596.75 Gross Area 5608 FinArea 2483
Solar HW: NO Central Vac: NC	Depreciation: 132930	Special Features: 0 Val/Su Net: 28.27	IMAGE Assass Dro. Patriot Properties Inc.
% Com Wal % Sprinkled	Depreciated Total: 129830	Final Total: 129800 Val/Su SzAd 49.99	AssessPro Patriot Properties, Inc
MOBILE HOME Make:	Model:	Serial # Year:	-\
SPEC FEATURES/YARD ITEMS		PARCEL	L ID 147-016-000
Code Description A Y/S Qty			JCod JFactoria Juris, Value and the second
	0X26 PR PR 1965	0.00 T 95 325	
the second se	000 AV PR 1965	2.33 T 90 325 1,400	1,400
BOX BOX TRAILER D Y 1	GD AV 2010	6,251.25 T 0 325 6,300	6,300
BOX BOX TRAILER D Y 2	FR AV 1990	4,250.85 T 0 325 8,500	8,500
	· · · · · · · · · · · · · · · · · · ·		
		···· ··· · · · · · · · · · · · · · · ·	
la de la construcción de la constru			
More: N	Yard Items: 16,200	Total Special Features	Total: 16,200

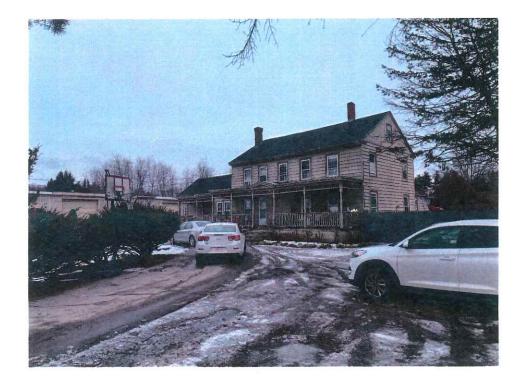
	147			16		00						of 5	INDUSTRIAL	lludaan		APPRA	ISED:	Total Ca 46,8	rd / Tot 1 00 /	tal Parcel 878,200
I	MAP		L	от	S	JB					C	CARD		Hudson		USE V/	ALUE:	46,8	00/	878,200
PROPER	TY LOCA	TION				IN PRO	CESS A	PPRAISAL S	UMMARY							ASSES	SSED:	46,8	007	878,200
No	Alt No	a a nana			reet/City	Use Co	de L		uilding Value	Yard	ltems Lar	nd Value	Total Value	Leg	al Descripti	on	User	Acct	X.We	
187		WEBS	TER ST	, HUDS	ON	332		0.000	46,80)0			46,800				72	257	182-6 21	Sector Sector
OWNERS	HIP			Unit #:].[GIS	Ref		
Owner 1: [DERRY &	WEBSTE	RLLC			T														
Owner 2:						Total Can	<u>.</u>	0.000	46,80	20			40.000		1		- GIS	Ref	Source Source States	
Owner 3:			a da Sa			Total Par	999999	10.289	40,00	1	35,800	365,300	46,800 878,200		ntered Lot Siz				19 % ~~~	4
Street 1: 2	253 MAIN	ST.				1		ket Adi Cost			SQ unit /Card		/Parcel: 47.50		al Land: 10.41	8	- Insp	Date		triot
Street 2:	1121-124 1	er billige fan de skriver	stational and		de gerereten.			Ket Auj Cost	1 TOLA	value per		. 12.72	/FaiCel. 47.50	I Land Un	it Type: AC		01/09/20		-	erties Inc.
	NASHUA						US ASS	SESSMENT					Parcel ID	147-016-000			, !2569	ار ا	JSER DE	
St/Prov: 1		Cn	try		Own Occ:		Use Cat		Yrd Items	Land Size	e Land Value	Total Value	Asses'd Value	Notes	per de la preserve	Date	1 .2000	/:	Prior Id # 1	
Postal: (03060				Type:					[PRINT		Prior Id # 2	
PREVIOU	S OWNE	R										and the second second second					Date	Time	Prior Id # 3	
Owner 1:												- 	· · · · · · · · · · · · · · · · · · ·				12/15/21	13:29:37	Prior Id # 1	
Owner 2:								.!		1.1.1		: 					LAST RE		Prior Id # 2	
Street 1:								: 									Date	Time	Prior Id # 3	
Twn/City:									4						···· ···			4 1	Prior Id # 1	
St/Prov:		Cn	itry								· · · · · · · · · · · · · · · · · · ·						01/13/20	12:56:23	Prior Id # 2	
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NARRATI						SALES					X DISTRICT				PAT AC		25	<u>69</u>	ASR Map	
This parcel of	contains 10	0.289 AC	RES of	land ma	inly classified as		Grantor	Legal F	tef Type	Date	Sale Code	Sale	Price V Tst	Vent		Notes			Fact Dis	
					lt about 1975,												••	 	Reval Dis	
					80 Square Feet,							· · · · · · · · · · · · · · · · · · ·							a part a ser a po	ar:
Bdrm.	, u Bath, u	3/4 Bath	, 1 Halt	Bath, U F	Rooms, and O			·				i							LandRease	on:
OTHER A	SSESSM	ENTS					• • • • • • • • •	· · · · · · · · · · · · · · · · · · ·			··;· ···· · · · · ·								BidReas	on:
Code	Descrip/No		Amou	nt	Com. Int						·								CivilDistric	t
<u> </u>						-		:											Ratio):
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						BUILDI	NG PER	MITS							ACTIVITY	NFORMA	TION	ſ		
				1		Date	Num		Amount	C/O La	ast Visit Fed	Code F. De	escrip Co	mment			Result	By	line street in the	Name
PROPERT			n/ 1	14	0.1.1.0										1/9/2020	Aeas/Inspect	t	18	KRT1	
}	le Descr RESD			i	Code Descriptio			:							6/11/2017 F			. 9	PVA	
Z R2	IKE OD			water 3 Sewer 2	TOWN WAT										5/10/2012 F			9	PVA	
n			·····		TOWNSEW	E									7/10/2007 0		e	.9	PVA	
Cens				Electri Exmpt					1						10/14/2001			0	PATRIOT	
Flood H				-verbe											12/7/1990	nspected		2	AVITAR	
D				Торо			· . · · ·		anta a sua T			n de la composición de la comp			I					. I
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LAND SE	CTION (I	First 7 I										·· · · ·			Sign:	- 20 ST 5 C 5 S			/.	/
	ription El	JC Act No of	Units	Depth / PriceUni	unit Type	and Ivno	and the straight of	ase Unit alue Price	Adj Neig	h Neigh	Neigh Mod Infi 1	% Infl	2 % Infl 3	% Appraised Value	Alt Class	Spec Land C	J ode Fact	Use Value	Note	S
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Total AC/H	IA: 0.0000	0	1	Total SF	/SM: 0	Parce	LUC: 03	1 COMM-RE	S Pr	ime NB De	esc C-GENER	RAL		Total:	Spl	Credit	Τ	otal:		
					d to be correct			1					 sPro - HudsonN	£	mrotast		<u> </u>] 202	0

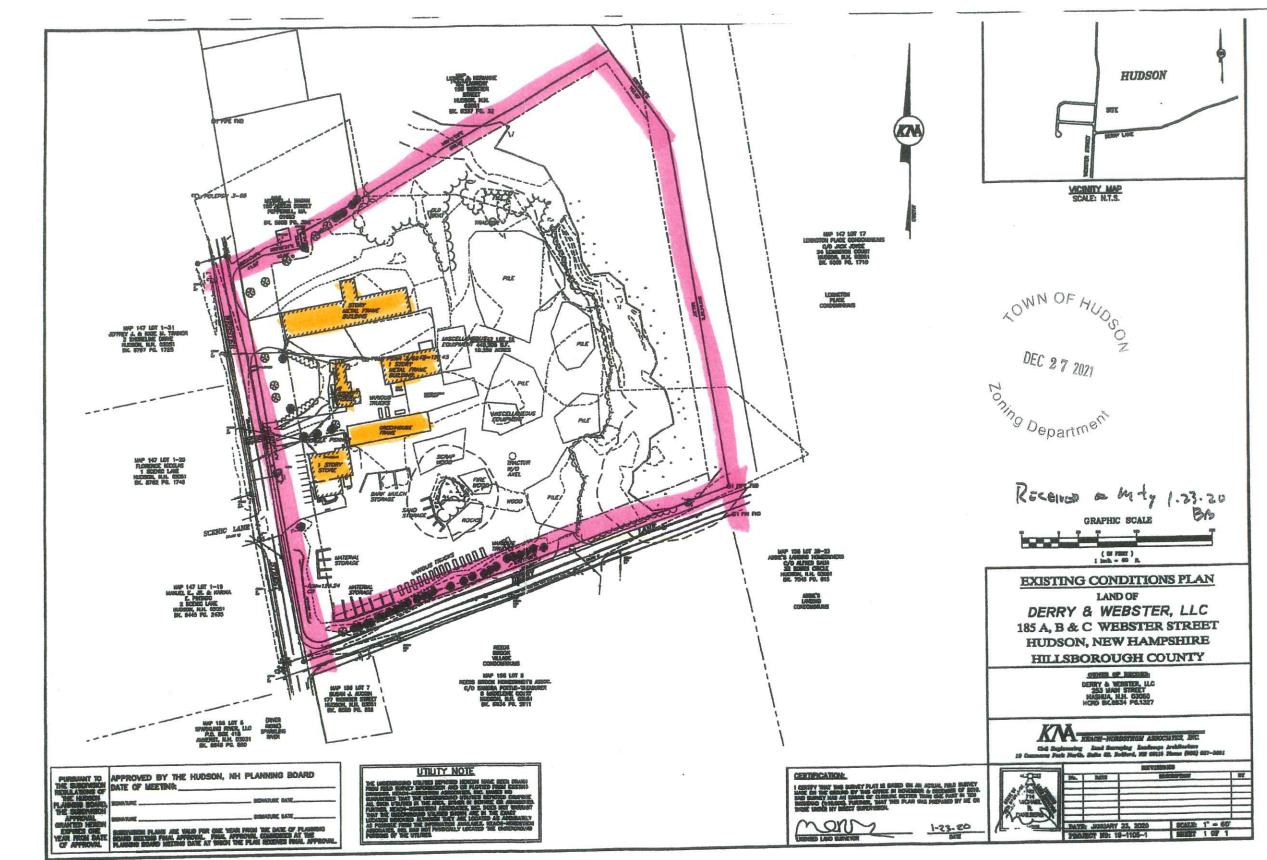
EXTERIOR INFORMATION	BATH FEATURES	COMMENTS	SKETCH
		1/20 NO DBA. SHED/ ROOF= CRACKS IN WALL,	
Type: 43 - WAREHOUSE	Full Bath Rating:	SURROUNDED BY DEBRIS, COND=POOR.	40
Sty Ht: 1 - ONE STY	A Bath: Rating: 3/4 Bath: Rating:		
(Liv) Units: 2 Total: 9	3/4 Bath: Rating: A 3QBth Rating:		
Foundation: 6 - SLAB	present in the second s		
Frame: 2 - STEEL	1/2 Bath: 1 Rating: AVER/		
Prime Wall: 18 - CORR STEEL	A HBth: Rating:	RESIDENTIAL GRID	
Sec Wall:	% OthrFix: Rating: OTHER FEATURES	1st Res Grid Desc: #Units	FFL
Roof Struct: 7 - SHED	Kits: 1 Rating: AVER/	in the second	
Roof Cover: 4 - TAR/GRAVEL	A Kits: Rating:	Other	
Color:	Frpl: Rating:		92
View / Desir:	WSFlue: Rating:	Lvi 2	91
GENERAL INFORMATION		Lvl 1	
Grade: E - POOR	Location:	Lower	
Year Bit: 1975 Eff Yr Bit:		Totals RMs: BRs: Baths: HB	
Alt LUC: Alt %:	Total Units:		
Jurisdict: Fact:	Floor:	REMODELING RES BREAKDOWN	
Const Mod:	% Own:	Exterior: No Unit RMS BRS F	
Lump Sum Adj:	Name:	Interior:	
INTERIOR INFORMATION	DEPRECIATION	Additions:	
Avg Ht/FL: STD	Phys Cond: PR - Poor	60. % Kitchen:	
Prim Int Wal 5 - MINIMAL	— Functional: D DESIGN	20. % Baths:	
Sec Int Wall:	Economic:	% Plumbing:	
Partition: L - LIGHT		% Electric: Totals	
Prim Floors: 12 - CONCRETE	Override:	/* - Heating:	
Sec Floors:	CALC SUMMARY	68.4 %General:	SUB AREA SUB AREA DETAIL
Bsmnt Fir:	Basic \$ / SQ: 52.00	COMPARABLE SALES	Code Description Area - SQ Rate - AV Undepr Value Sub % Descrip Qu #
Subfloor:	Basic \$7.50, 52.00 Size Adj.: 1.17608690		[FFL FIRS) FLUUR 3,060 36,710 Z10,050 Alea USDI (1444 1170)
Bsmnt Gar:	Const Adj.: 0.96000999		
Electric: 3 - TYPICAL	Old \$ / SQ: 58.711		
Insulation: 2 - TYPICAL	Other Features: 12000	_	
Int vs Ext: S	Grade Factor: 0.65		
Heat Fuel: 1 - OlL	NBHD Inf: 1.0000000	a 11 Tex	
Heat Type: 7 - UNIT HEATERS		alau diyaya I	
	NRUD Mode		
14 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 /	NBHD Mod:	WtAv\$/SQ: AvRate: Ind.Val	Net Sketched Area: 3,680 Total: 216,056
# Heat Sys: 2	LUC Factor: 1.00		Net Sketched Area: 3,680 Total: 216,056 Size Ad 3680 Gross Area 3680 FinArea 3680
# Heat Sys: 2 % Heated: 100 % AC: 0	LUC Factor: 1.00 Adj Total: 148236	Juris: Factor: Before Depr: 38.16	Size Ad 3680 Gross Area 3680 FinArea 3680
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N	LUC Factor: 1.00 Adj Total: 148236 D Depreciation: 101394	Juris. Factor: Before Depr. 38.16 Special Features: 0 Val/Su Net: 12.72	Size Ad 3680 Gross Area 3680 FinArea 3680
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843	Juris Factor: Before Depr. 38.16 Special Features: 0 Val/Su Net: 12.72 Final Total: 46800 Val/Su SzAd 12.72	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE Assess Pro Patriot Properties, In
# Heat Sys: 2 % Heated: 100 % AC:: 0 Solar HW: NO Central Vac:: N % Com Wal % Sprinkled MOBILE HOME Make:	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model:	Juris. Factor: Before Depr. 38.16 Special Features: 0 Val/Su Net: 12.72 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color:
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Val/Su Net: 12.72 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC:: 0 Solar HW: NO Central Vac:: N % Com Wal % Sprinkled MOBILE HOME Make:	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris. Factor: Before Depr. 38.16 Special Features: 0 Val/Su Net: 12.72 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Val/Su Net: 12.72 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make: SPEC FEATURES/YARD ITEM	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Juris Factor: Before Depr: 38.16 Special Features: 0 Final Total: 46800 Val/Su SzAd 12.72 Serial # Year PARC	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000
# Heat Sys: 2 % Heated: 100 % AC: 0 Solar HW: NO Central Vac: N % Com Wal % Sprinkled MOBILE HOME Make SPEC FEATURES/YARD ITEM Code Description A Y/S Qty	LUC Factor: 1.00 Adj Total: 148236 Depreciation: 101394 Depreciated Total: 46843 Model: S	Unit Price D/S Dep LUC Fact NB Fa Appr Value	Size Ad 3680 Gross Area 3680 FinArea 3680 IMAGE AssessPro Patriot Properties, In r. Color: EL ID 147-016-000

147		016	000				2 of 5	COMMERCIAL		APPR/		ai Card / T 14,000 /	otal Parcel 878,200
MAP		LOT	SUB				CARD	ŀ	Hudson	USE V		44,000/	878,200
PROPERTY LOC	ATION			IN PROCESS APPR	AISAL SUMMAR	Y						44,000/	878,200
No Alt No		Direction/SI		Use Code Land S	ize Building Valu	ie Yard Items	Land Value	Total Value	Legal D	escription	User Acct		
189	WEBSTER	ST, HUDS	SON	316	0.000 44	,000		44,000			7257		
OWNERSHIP		Unit #:					· · ·	_			GIS Ref		
Owner 1: DERRY 8	WEBSTER LL	<u>_C</u>			· - · · · · ·							<u> </u>	
Owner 2:				Total Card	0,000 44	,000		44,000	Entere	d Lot Size	GIS Ref		
Owner 3:	la tara di janjata 20	a a de préper	al a constation and	Total Parcel 1	at the second	,100 35,800	365,300	878,200		nd: 10.418		$-n_{c}$	triot
Street 1: 253 MAIN Street 2:	151.	anta anta an		Source: Market Ac	dj Cost To	tal Value per SQ unit /	Card: 5.00	/Parcel: 47.50	Land Unit Typ	pe: AC			perties Inc.
Twn/City: NASHUA		jestal verstiller.	1997 - 1997					Deveal ID	147-016-000		01/09/20		- FFINED
St/Prov: NH	Cntry		Own Occ:	PREVIOUS ASSESS		is Land Size Land V	-1				, !2569!	Prior Id #	
Postal: 03060	1 01149]		Type:	Tax Yr Use Cat B	Bldg Value Yrd Item	is Lano Size Lano V	alue Total Valu	e Asses u value	Notes	Date		Prior Id #	
PREVIOUS OWN	ED		1)po.	. t			····· ·····				PRINT	Prior Id #	
Owner 1:					na na sana na salaharan na sana N			··· · · · · · · · · · · · · · · · · ·			Date Tim	P(IO) IU #	l1;
Owner 2;											12/15/21 13:29:		
Street 1:											LAST REV	Prior ld #	
Twn/City:				;;;				gan na de			Date Tim		
St/Prov:	Cntry]	an a							01/14/20 08:38		
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NARRATIVE DES	CRIPTION			SALES INFORMATI	y	TAX DISTRIC	<u></u>			PAT ACCT.	2569	ASR M	·
This parcel contains				Grantor	Legal Ref Type	e Date Sale (Code Sale	Price V Tst V	/erif	Notes		Fact D	
COMM-RES with a G												Reval D	
primarily METAL PAI Units, 0 Bath, 0 3/4 E				· ····································	· · · · · · · · · · · · · · · · · · ·								rear:
	ain, z nalidali	is, u Ruum	is, anu o pullil.									LandRea	
OTHER ASSESSI	MENTS					· · · · · · · · · · · · · · · · · · ·						BidRea	
Code Descrip/f	No Am	iount	Com. Int		· · · · · · · · · · · · · · · · · · ·	÷						CivilDistr	
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	e de la			BUILDING PERMITS						TIVITY INFORM			
PROPERTY FAC	TORS			Date Number	Descrip Amou	nt C/O Last Visit	Fed Code F.D	lescrip Con	f	Date	Result	By KDT4	Name
Item Code Desc		Item	Code Description	1L					F [1/9/2020 Meas/Inspect 11/2017 Field Review		18 KRT1 9 PVA	
Z R2 RES	DTWO	water 3	3 TOWN WATE					· ····		10/2012 Field Review			· •
0		Sewer 2	2 TOWN SEWE			· [*** [**** *******			and the second sec	10/2007 Other Chang	et an eren eren er	Ð PVA	
<u>n</u>		Electri					· · · · · · · · · · · · · · · · · · ·		10/	14/2001 Measured		PATRIOT	
Census:		Exmpt							12	2/7/1990 Inspected		2 AVITAR	
Flood Haz: D		Торо							. I			1	
s		Street							<u>.</u>				
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LAND SECTION	(First 7 lines		I .	······································	·			*.	3	gn: Heest would	ente seletta este esper		//
Use Description	LUC Fact No of Unit	s Depth PriceUn		d Type LT Base Factor Value	Unit Price Adj N	eigh Neigh Neigh I Influ Mod I	nfl 1 % Ini	1 2 % Infl 3	"In	Alt % Spec lass Land C	J Fact Use Va	lue No	les
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Total AC/HA: 0.000	00	Total SF	/SM: 0	Parcel LUC: 031 C	COMM-RES	Prime NB Desc C-GE	NERAL	`[Total:	Spl Credit	Total:		
				It is subject to change				I sPro - HudsonNI		rotast			00
	avanduvitis	9 001040		LIS SUDJECT TO CHATIGE	o unu lo nue walte	araceu. Dali	20030. 13363	ar io - nuosonini	1 [[]	10(03)		20	22

EXTERIOR INFORMATION	BATH FEATURES	COMMENTS	SKETCH		
Type: 30 - GARAGE	Full Bath Rating:	USE FOR PRODUCT (BEVERAGE) AND CO		Г	40
Sty Ht: 1 - ONE STY	A Bath: Rating:	EQUIP STORAGE, 16' CEIL. 1/20 FR/P CO	ND,		
(Liv) Units: 2 Total: 9	3/4 Bath: Rating:	CRACKS IN WALL AND SETTLING. NO DB	A		
Foundation: 6 - SLAB	A 3QBth Rating:	LISTED.			
Frame: 2 - STEEL	1/2 Bath: 2 Rating: FAIR			81)
Prime Wall: 27 - METAL PANEL	A HBth: Rating:				FFL
Sec Wall: 21 - CONC BLO 40 %	6 OthrFix: Rating:	RESIDENTIAL GRID			
Roof Struct: 1 - GABLE	OTHER FEATURES		Units		
Roof Cover: 4 - TAR/GRAVEL	Kits: Rating:	Level FY LR DR D K FR RR BR FB HB		30	
Color: BEIGE	A Kits: Rating:	Other	:	24	
View / Desir:	Frpl: Rating:	Upper		30	202
GENERAL INFORMATION	WSFlue: Rating:		:		
Grade: E - POOR	CONDO INFORMATION				
Year Bit: 1975 Eff Yr Bit:	Location:	Totals RMs: BRs: Baths:	HB2		
Alt LUC: Alt %:	Total Units:				
Jurisdict: Fact:	Floor:	REMODELING RES BREAKDOW	/N	9)	3
Const Mod:	% Own:	Exterior: No Unit RMS BR			
Lump Sum Adj:	Name:	Interior:			
INTERIOR INFORMATION	DEPRECIATION	Additions:			
Avg Ht/FL: STD	Phys Cond: PR - Poor	64. % Kitchen:			40
Prim Int Wal 5 - MINIMAL	- Functional: D - DESIGN	20. % Baths:		L	<u> </u>
Sec Int Wall: 9	Economic:	% Plumbing:			
Partition: L - LIGHT	Special:	% Electric: Totals			
Prim Floors: 12 - CONCRETE	Override:	/ ^o Heating:	····	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ 	
		71.2 % General:	SUB AREA		SUB AREA DETAIL
Bsmnt FIr:		COMPARABLE SALES	Code Description		Undepr Value Sub % Descrip % Qu # Ten
Subfloor:	Basic \$ / SQ: 39.00		e Price	8,800 25.490	224,308 Area Usbi Type
Bsmnt Gar:	Size Adj.: 0.89090908				FFL 100 WHS 50 FR
Electric: 3 - TYPICAL	Const Adj.: 0.94052368		I		
Insulation: 2 - TYPICAL	Adj \$ / SQ: 32.679				
Int vs Ext: S	Grade Factor: 0.65				
Heat Fuel: 1 - OIL	NBHD Inf: 1.00000000	-			
Heat Type: 7 - UNIT HEATERS	NBHD Mod:		·		
# Heat Sys: 4	LUC Factor: 1.00	WtAv\$/SQ: AvRate: Ind,Val	Net Sketched A		
% Heated: 100 % AC: 0	Adj Total: 152625	Juris, Factor: Before Depr: 2	1.24 Size Ad 8800 G	iross Area 8800 FinAre	ea 8800
Solar HW: NO Central Vac: NO	Depreciation: 108669	Special Features: 0 Val/Su Net: 5		IMAGE	
% Com Wal % Sprinkled	Depreciated Total: 43956	Final Total: 44000 Val/Su SzAd 5.	00		Assess Pro Patriot Properties, Inc
MOBILE HOME Make:	Model:	Serial #	Year: Color:		u Brandiga Banga Bendalek (* 17) 1997 - Jan Banga Banga Banga
SPEC FEATURES/YARD ITEMS			ARCEL ID 147-016-000		
Code Description A Y/S Qty	Size/Dim Qual Con Year U	nit Price D/S Dep LUC Fact NB Fa Appr V		_	
Code Description A ma dity		Internet Dis Dep 100 Tact NDTA Appro			
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More: N Total N	ard Items:	Total Special Featues:	Total		







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Printed 12/27/2021 3:34PM Created 12/27/2021 3:30 PM			Town of 12 Sc	tion Receipt f Hudson, NH shool Street NH 03051-4249		Receipt#	667,590 tgoodwyn	
		Description		Current Invoice	Payment	Balance	<u>e Due</u>	
1	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	
Re	emitter		Pay Type	Reference	Tendered	Change	Net Paid	
De	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	