

TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – May 25, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **May 25, 2023** 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).

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 151-009 (05-25-23):** Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH requests a Variance for **30 Barretts Hill Road, Hudson, NH** to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required. [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. **Case 247-131 (05-25-23):** Erich & Kerry Uhlenndorf, **3 Jacqueline Street, Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow an approx. 189 sqft. shed to remain in its current location which encroaches approx. 12 ft into the side yard setback leaving approx. 3 ft. where 15 feet is required. [Map 247, Lot 131-000, Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
3. **Case 147-016 (05-25-23):** Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for **181 B Webster St., Hudson, NH** [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:
 - a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
 - b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
 - c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
 - d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

V. REQUEST FOR REHEARING: None

VI. REVIEW OF MINUTES: 04/27/23 edited Draft Minutes

VII. OTHER:

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 *CJS 5/17/23* Meeting Date: May 25, 2023

Case 151-009 (05-25-23): Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH requests a Variance for 30 Barretts Hill Rd., Hudson, NH to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required. [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 30 Barretts Hill Rd.
Zoning district: General – One (G-1)

Property Description:

Our records indicate this parcel is an existing lot of record with a non-conforming area of 58,370.4 SF where 87,120 SF is required, and use is as a residential single family.

In-House comments:

Town Engineer: No comments
Inspectional Services/Fire Dept.: No comment
Town Planner: No comment

History/Attachments:

A: Zoning Determination/Inquiry April 20, 2023, noted 35' X 8' farmers porch on the front of the house
B: Certified plot plan dated: May 4, 2023
C: 2022 Aerials
D: Property Card



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-062

April 20, 2023

Mari Fontaine
Timber & Stone Outdoor Spaces
96 Allen Street
Manchester, NH 03102

Re: 30 Barretts Hill Rd Map 151 Lot 009-000
District: General One (G-1)

Dear Mari,

Request: to build a 35' x 8' farmer's porch on the front of the house.

Zoning Review / Determination:

This parcel is an existing non-conforming parcel with 1.3 Acres where 2.0 Acres required, with 262 ft of frontage where 200 ft is required. The house is non-conforming as to front yard setbacks.

The proposed location would be within the required "front" setback of 50 ft from Barretts Hill Rd. This proposal would require a **variance from HZO §334-27 Table of Minimum Dimensional Requirements** to build/locate as proposed per §334-31A: "*A non-conforming structure may not be altered or expanded, except by variance.*"

Sincerely,

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

cc: Public Folder
B. Groth, Town Planner
Owner
File

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

(A)

Co-Owner
Address 30 BARRETTS HILL ROAD
HUDSON, NH 03051

Book & Page 3182/9410
Sale Date 07/09/1984
Validity Code 00

(FD)

Ownership History

Ownership History
No Data for Ownership History

Building Information

Building 1 : Section 1

Year Built: 1800
Living Area: 1,875
Building Percent Good: 53
Replacement Cost
Less Depreciation: \$162,000

Building Attributes	
Field	Description
Style:	Colonial
Grade:	Avg/Good
Stories:	2.25
Foundation	Conc Block
Exterior Wall 1	Vinyl
Roof Structure	Gable
Roof Cover	Asph Shing

Building Photo



(<https://images.vgsi.com/photos/hudsonnhPhotos//4000\209001.JPG>)

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

On **05/25/2023**, the Zoning Board of Adjustment heard **Case 151-009**, being a case brought by **Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH** requests a **Variance for 30 Barretts Hill Road, Hudson, NH to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required.** [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

APPLICATION FOR A VARIANCE

MAY 08 ENT'D 2023

(78)

To: Zoning Board of Adjustment
Zoning Department Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 151-009 (05-25-23)
Date Filed 5/8/23

Name of Applicant Maci Fontaine Map: 151 Lot: 009-000 Zoning District: G-2

Telephone Number (Home) 603-417-0210 (Work) 603-913-0191

Mailing Address 96 Allen St., Manchester, NH 03102

Owner Tony Lekas

Location of Property 30 Barretts Hill Road
(Street Address)

Signature of Applicant [Signature] Date 4/24/23

Signature of Property-Owner(s) [Signature] Date 5/1/2023

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

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

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

Date received: 5/8/23

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>8</u> Abutter Notice:		
Direct Abutters x Certified postage rate	\$	<u>4.78</u> =
Indirect Abutters x First Class postage rate	\$	<u>0.63</u> =
Total amount due:	\$	<u>223.87</u>
Amt. received:	\$	<u>223.87</u>
Receipt No.:		<u>728,620</u>

Received by: (TSG)

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

cc -
visa

TOWN OF HUDSON, NH

Variance Application Checklist

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

- | Applicant
Initials | | Staff
Initials |
|-----------------------|---|-------------------|
| <u>MF</u> | • Please review the application with the Zoning Administrator or staff. | <u>TG</u> |
| _____ | • The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below <u>together with 10 (ten) single-sided</u> copies of the assembled application packet. (Paper clips, no staples) 13 | <u>TG</u> |
| <u>MF</u> | • A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson. | <u>TG</u> |
| <u>MF</u> | • If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s).
(NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.) | <u>TG</u> |
| <u>MF</u> | • Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website:
https://www.hudsonnh.gov/community-development/page/gis-public-use
(NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.) | <u>TG</u> |
| <u>MF</u> | GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.
A copy of the GIS map can be obtained by visiting the town website:
https://www.hudsonnh.gov/community-development/page/gis-public-use | <u>TG</u> |
| <u>MF</u> | * Provide a copy of all single sided pages of the assessor's card .
(NOTE: these copies are available from the Assessor's Office) | <u>TG</u> |
| <u>MF</u> | • A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. | <u>TG</u> |
| <u>MF</u> | • If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y of N (circle one). If yes, submit an application to the Planning Board. | <u>N/A</u> |

CERTIFIED PLOT PLAN:

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

- a) MF 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. TG
- b) MF The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) MF The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) MF 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. TG
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) MF The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) TG
- f) MF 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. TG
- g) MF The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) MF The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) MF The plot plan shall indicate all parking spaces and lanes, with dimensions. TG.

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

[Signature]
Signature of Applicant(s)

4/24/23
Date

[Signature]
Signature of Property Owner(s)

5/1/2023
Date

Tony Lekas
30 Barretts Hills Road
Hudson, NH 03051

April 25, 2023

Zoning Board of Adjustment
Town of Hudson
12 School Street
Hudson, NH 03051

Regarding: Letter of Authorization
30 Barretts Hill Road

To Whom It May Concern:

I, Tony Lekas, am writing this letter to authorize Mari Fontaine and Patrick Binder of Timber & Stone Outdoor Spaces to act on my behalf regarding applications for a permit and variance for a famer's porch at 30 Barretts Hill Road.

Sincerely,
Tony Lekas

Signature: 

Date: 5/1/2023

All Direct Abutters + Owner + Applicant 4/24/2

✓	150-014-000 SUNSET ROCK, LLC 1471 METHUEN STREET DRACUT, MA 01826
✓	150-015-000 HAYS, PAUL 28 BARRETTS HILL RD HUDSON, NH 03051
✓	Fontaine, Mari 96 Allen Street Manchester, NH 03102
✓	151-008-000 PLANTE, JOVANNA 32 BARRETTS HILL RD. HUDSON, NH 03051
✓	151-010-000 SILVA, DAVID S., TR. 70 BARRETTS HILL RD. HUDSON, NH 03051
✓	151-011-000 LEKAS, TONY 30 BARRETTS HILL ROAD HUDSON, NH 03051
✓	151-012-000 HAMILTON, PAUL D. JR. 31 BARRETTS HILL ROAD HUDSON, NH 03051

Applicant

Owner

All Indirect Abutters W/in 200' 4/24/23

✓ 151-007-000 POULIOT, GABRIEL J. 34 BARRETT'S HILL RD. HUDSON, NH 03051

MARI FONTAINE - VP
TIMBER & STONE OUTDOOR SPACES
96 ALLEN STREET
MANCHESTER, NH 03102

MARI FONTAINE - VP
TIMBER & STONE OUTDOOR SPACES
96 ALLEN STREET
MANCHESTER, NH 03102

**Abutter Mailing labels
Provided by Applicant.*

LEKAS, TONY
151-011-000
30 BARRETTS HILL ROAD
HUDSON, NH 03051

LEKAS, TONY
151-011-000
30 BARRETTS HILL ROAD
HUDSON, NH 03051

SUNSET ROCK, LLC
150-014-000
1471 METHUEN STREET
DRACUT, MA 01826

SUNSET ROCK, LLC
150-014-000
1471 METHUEN STREET
DRACUT, MA 01826

HAYS, PAUL & JANICE
HAYS, LUKE
150-015-000
28 BARRETTS HILL RD
HUDSON, NH 03051

HAYS, PAUL & JANICE
HAYS, LUKE
150-015-000
28 BARRETTS HILL RD
HUDSON, NH 03051

PLANTE, JOVANNA
BEAULIEU, CAMERON
151-008-000
32 BARRETTS HILL RD.
HUDSON, NH 03051

PLANTE, JOVANNA
BEAULIEU, CAMERON
151-008-000
32 BARRETTS HILL RD.
HUDSON, NH 03051

SILVA, DAVID S., TR.
SILVA, JUDITH, TR.
151-010-000
70 BARRETTS HILL RD.
HUDSON, NH 03051

SILVA, DAVID S., TR.
SILVA, JUDITH, TR.
151-010-000
70 BARRETTS HILL RD.
HUDSON, NH 03051

LEKAS, TONY
151-011-000
30 BARRETTS HILL ROAD
HUDSON, NH 03051

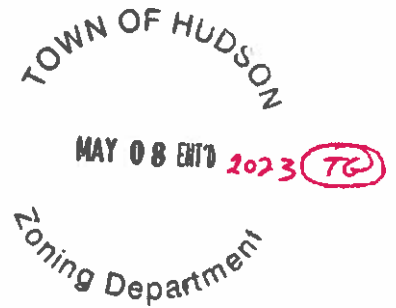
LEKAS, TONY
151-011-000
30 BARRETTS HILL ROAD
HUDSON, NH 03051

HAMILTON, PAUL D. JR.
HAMILTON, BEVERLY A.
151-012-000
31 BARRETTS HILL ROAD
HUDSON, NH 03051

HAMILTON, PAUL D. JR.
HAMILTON, BEVERLY A.
151-012-000
31 BARRETTS HILL ROAD
HUDSON, NH 03051

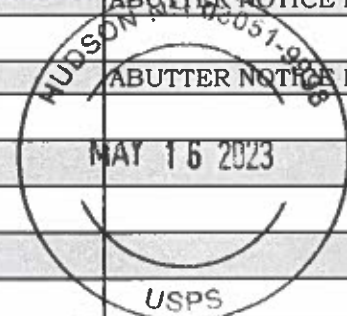
POULIOT, GABRIEL J.
151-007-000
34 BARRETTS HILL RD.
HUDSON, NH 03051

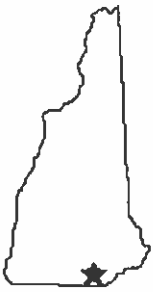
POULIOT, GABRIEL J.
151-007-000
34 BARRETTS HILL RD.
HUDSON, NH 03051



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 151-009 VARIANCE 30 Barretts Hill Road Map 151/Lot 009-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5620 99	Mari Fontaine-VP; Timber & Stone Outdoor Spaces 96 Allen Street, Manchester, NH 03102	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5621 05	LEKAS, TONY 30 BARRETTS HILL ROAD, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
3	9589 0710 5270 0646 5621 12	SUNSET ROCK, LLC 1471 METHUEN STREET, DRACUT, MA 01826	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5621 29	HAYS, PAUL & JANICE; HAYS, LUKE 28 BARRETTS HILL RD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5621 36	PLANTE, JOVANNA; BEAULIEU, CAMERON 32 BARRETTS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5621 43	SILVA, DAVID S., TR.; SILVA, JUDITH, TR.; SILVA TRUST 70 BARRETTS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5621 50	LEKAS, TONY 30 BARRETTS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5621 67	HAMILTON, PAUL D. JR.; HAMILTON, BEVERLY A., LIFE EST 31 BARRETTS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	Mailed First Class-Indirect abutter	POULIOT, GABRIEL J. 34 BARRETTS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10			
11			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) <i>Paula Angeli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

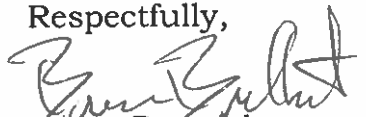
APPLICANT NOTIFICATION

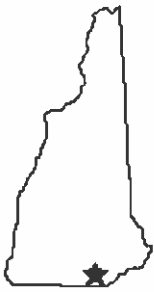
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 151-009 (05-25-23): Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH requests a Variance for 30 Barretts Hill Rd., Hudson, NH to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required. [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

ABUTTER NOTIFICATION

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

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

Build a farmer's porch at the front of the house, 35' x 8'.

Further encroaches the front set back (nonconforming) by 8' where 50' is required. Leaving 8.6'.

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

(2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (A) The variance will not be contrary to the public interest;**
- (B) The spirit of the ordinance is observed;**
- (C) Substantial justice is done;**
- (D) The values of surrounding properties are not diminished; and**
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
- (B) The proposed use is a reasonable one.**

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

Attached

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

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

See attached

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

See attached

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

See attached

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

See attached

FACTS SUPPORTING THIS REQUEST: (Continued)

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because: (Answer either A(1 and 2) or B according to which applies to your situation)

A. Explain why you believe this to be true—keeping in mind that you must establish that:

1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

See attached

2) Explain how the special conditions of the property cause the proposed use to be reasonable.

See attached

B. 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.

~~See attached~~ *N/A*

Variance Criteria: 30 Barretts Hill Road

1. Granting of the requested variance will not be contrary to the public interest, because:

The proposed variance is for a covered farmer's porch to be built at the front of the house. This porch project does not pose a public hazard and is not contrary to the public interest. The porch would *not* alter the essential character of the neighborhood. The porch would enhance the neighborhood by improving the home's features and the attractiveness of the front yard space.

2. The proposed use will observe the spirit of the ordinance, because:

Zoning ordinances are designed to protect public safety, ensure appropriate land use, prevent pollution, limit overcrowding, facilitate public utilities, and conserve property values. The proposed porch project is consistent with the spirit of the ordinance. The proposed porch would not pose a hazard to public safety, would not interfere with public utilities or transportation, would not cause overcrowding, and would not create pollution. The farmer's porch would improve the front yard space of a single family home, conforming with the current land use, which is residential. The proposed porch is not an inappropriate use of the land. The project would be an enhancement to the esthetic of the home and subsequently the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

The porch project at 30 Barretts Hills Road would not cause suffering to the general public, but it would enhance the community. The variance would allow the owner to invest money and time into improving their home. Homeowners that aim to maintain and improve their homes contribute to a greater spirit of care and maintenance in the neighborhood. This project would contribute to an overall attitude towards home maintenance and upkeep in the community.

4. The proposed use will not diminish the values of surrounding properties, because:

The farmer's porch would not hinder the view of neighbors, would not decrease the esthetic of the neighborhood, would not effect traffic or parking in the neighborhood, and would not pose dangers to the public. Rather, the addition of a porch would add an attractive element to the home and contribute to greater home values in the area. Property values tend to go higher when homes in the neighborhood are well maintained.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:

a. (1). **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.**

The zoning determination that the home at 30 Barretts Hill Road is a non-conforming structure is a town imposed hardship. This is because the home was built in 1800, well before any of the town

zoning ordinances were set. Since this hardship is not self-imposed by the owner and is a result of the peculiar situation that home predates the ordinance, it would be fair and reasonable to grant a variance that allows the homeowners to improve their living conditions.

Furthermore, a farmers porch at the front of the home would provide a sturdy entryway with code compliant railings and steps for the homeowners to use as they age. An ordinance that prevents optimal access to the home would be a hardship for the homeowners.

a. (2). The special conditions of the property cause the proposed use to be reasonable.

The age of the home is a special condition that should be considered when granting a variance. The homeowners are asking for relief from ordinances that were set after the home was built. The impact of the proposed farmer's porch would be minimal on the neighborhood since the open green space across from the home is also owned by the owners. There are no affected homeowners directly across the street. Additionally, the overall culture and esthetic of the neighborhood would not be negatively impacted and the porch does not pose a public hazard.

The variance would also allow the homeowners to enhance their property in a way that gives them better access as they age.

The variance for a farmers porch would be used in a way that holds to the spirit of the ordinance. To deny the variance would result in unnecessary hardship for the homeowners because it would prevent them from improving their living space in a way that has no negative impact on the neighborhood.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-062

April 20, 2023

Mari Fontaine
Timber & Stone Outdoor Spaces
96 Allen Street
Manchester, NH 03102

Re: 30 Barretts Hill Rd Map 151 Lot 009-000
District: General One (G-1)

Dear Mari,

Request: to build a 35' x 8' farmer's porch on the front of the house.

Zoning Review / Determination:

This parcel is an existing non-conforming parcel with 1.3 Acres where 2.0 Acres required, with 262 ft of frontage where 200 ft is required. The house is non-conforming as to front yard setbacks.

The proposed location would be within the required "front" setback of 50 ft from Barretts Hill Rd. This proposal would require a **variance from HZO §334-27 Table of Minimum Dimensional Requirements** to build/locate as proposed per §334-31A: "*A non-conforming structure may not be altered or expanded, except by variance.*"

Sincerely,

Bruce Buttrick

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

cc: Public Folder
B. Groth, Town Planner
Owner
File

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

#23-062



LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 04/17/2023

Property Location 30 Barretts Hill Road

Map 151 Lot 609 Sublot 500

Zoning District if known G-1

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

Build a farmer's porch at the front of the house approximately
35' x 8'.

Applicant Contact Information:

Name: Mari Fontaine, Timber & Stone Outdoor Spaces
 Address: 96 Allen Street, Manchester, NH 03102
 Phone Number: 603-417-0210
 Email: mari@timberstonenh.com

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

Property Location: 30 BARRETTS HILL RD
 Vision ID: 4209 Account #: 1331

Parcel ID: 151/009/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 5/1/2023 2:19:11 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
LEKAS, TONY		RE	Residential Average		2022	1010	162,000	2022	1010	130,600	2021	1010	130,600	
30 BARRETTS HILL ROAD		TOPO		UTILITIES			1010	138,000		1010		1010	90,000	
		Rolling		Priv Water			1010	11,000		1010		1010	7,100	
				Septic										
HUDSON NH 03051						Total	311,000		Total	227,700		Total	227,700	

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	VI	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
LEKAS, TONY				3182 9410	07-09-1984	Q	I		0 00	Grantor: PRESTON, NANCY S.	Appraised Bldg. Value (Card)		162,000
											Appraised Xf (B) Value (Bldg)		0
											Appraised Ob (B) Value (Bldg)		11,000
											Appraised Land Value (Bldg)		138,000
											Special Land Value		0
											Total Appraised Parcel Value		311,000
											Valuation Method		C
											Total Appraised Parcel Value		311,000

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				NOTES				VISIT / CHANGE HISTORY							
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed					Date	Id	Cd	Purpost/Result	
151-009-000	G1:GENERAL ONE	C				151-009-000	BLDG	1010	162,000	162,000					07-15-2022	27	45	Field Review	
							LAND	1010	138,000	138,000					05-04-2009	10	02	Measured	
							OB	1010	11,000	11,000					05-04-2009	10	11	Entry Denied	
																05-21-2005	06	02	Measured
																05-08-2001	00	03	Meas/Inspect
																08-08-2000	02	14	Inspected
																12-06-1990	02	14	Inspected
							Total:			311,000	311,000								

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	

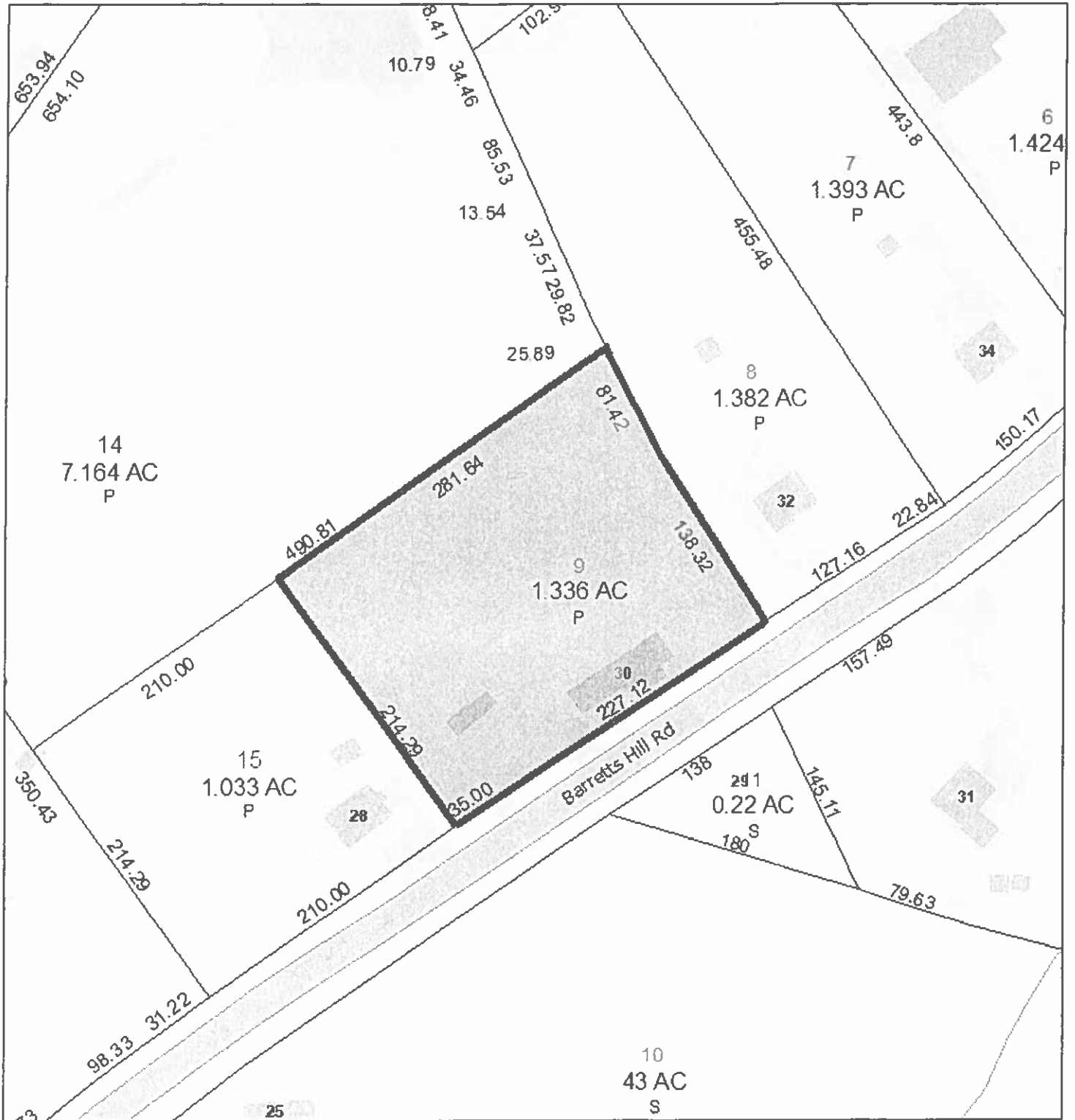
LAND LINE VALUATION SECTION															
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY DWEL	Site	1.000 AC	170,000		1.00	5	1.00	RE	1.00	Location	0.80		136,000
1	1010	SINGLE FAMILY DWEL	Excess	0.336 AC	6,000		1.00	0	1.00	RE	1.00			LOCAL;	2,000
Total Card Land Units:				1.336 AC	Parcel Total Land Area:				1.336	AC	Total Land Value:				138,000

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO			
Element	Cd	Description	Element	Cd	Description				
Model	01	Residential	Avg Ht/FL	8					
Stories:	2.25		Extra Kitchens	0					
Style:	03	Colonial	Add Kitchen Ra						
Grade:	C+	Avg/Good							
(Liv) Units	1								
Exterior Wall 1	04	Vinyl							
Roof Structure	01	Gable							
Roof Cover	01	Asph Shing							
Frame	01	Wood							
Foundation	02	Conc Block							
Interior Wall 1	02	Plaster							
Interior Floor 1	02	Softwood							
Heat Fuel	01	Oil							
Heat Type	01	Forced Air							
# Heat Systems	1								
AC Percent	100								
Total Rooms	6								
Bedrooms	3								
Full Baths	1								
3/4 Baths	1								
Half Baths	0								
Extra Fixtures	0								
Kitchens	1								
Kitchen Rating	AV	Average							
Bath Rating	FR	Fair							
Half Bath Rating									
Bsmt Garage	0								
Fireplace(s)	0								
Fireplace Rating									
WS Flues	1								
Color	WHITE								
Avg Ht/FL	8								
Extra Kitchens	0								
			COST / MARKET VALUATION						
			Building Value New		305,594				
			Year Built		1800				
			Effective Year Built		1991				
			Depreciation Code		AG				
			Remodel Rating						
			Year Remodeled						
			Depreciation %		31				
			Functional Obsol		1				
			External Obsol		15				
			Trend Factor		1.000				
			Condition						
			Condition %						
			Percent Good		53				
			RCNLD		162,000				
			Dep % Ovr						
			Dep Ovr Comment						
			Misc Imp Ovr						
			Misc Imp Ovr Comment						
			Cost to Cure Ovr						
			Cost to Cure Ovr Comment						
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Bilt	Cnd.	% G	Assd. Value
BRN	Barn	L	448	UNITS	27.53	1940	PR	45	5,600
CPORT	Carport	L	180	UNITS	22.00	2000	AV	60	2,400
SHEDWD	Shed-Wood	L	160	UNITS	31.02	2000	AV	60	3,000
BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value			
ATC	Attic, Finished	71	284	71	32.89	9,340			
BMT	Basement, Unfinished	0	1,174	294	32.94	38,676			
EFP	Encl. Porch, Finished	0	96	67	91.81	8,814			
FFL	First Floor, Finished	1,174	1,174	1,174	131.55	154,441			
SFL	Second Floor, Finished	630	630	630	131.55	82,877			
UAT	Attic, Unfinished	0	346	87	33.08	11,445			
Total Liv Area/Gr. Area/Eff Are		1,875	3,704	2,323	Total Value	305,593			



30 Barretts Hill Rd (Map/Lot 151-009-000)

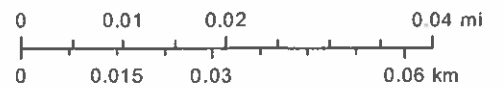


April 18, 2023

Legend

 Parcels

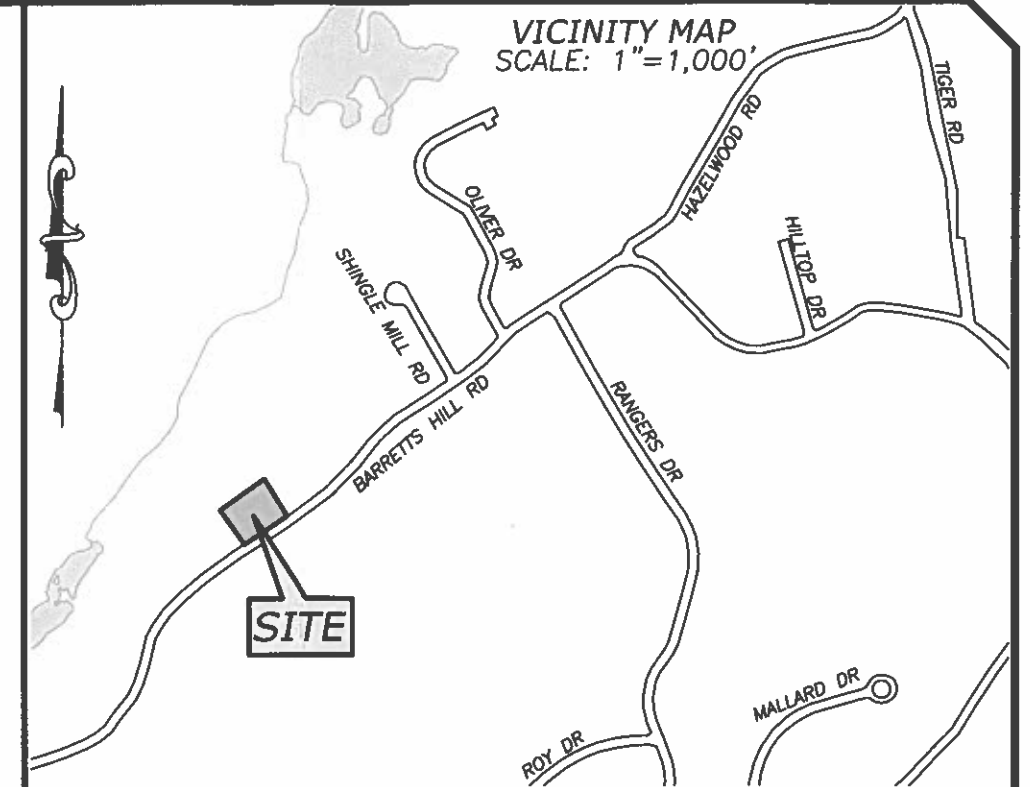
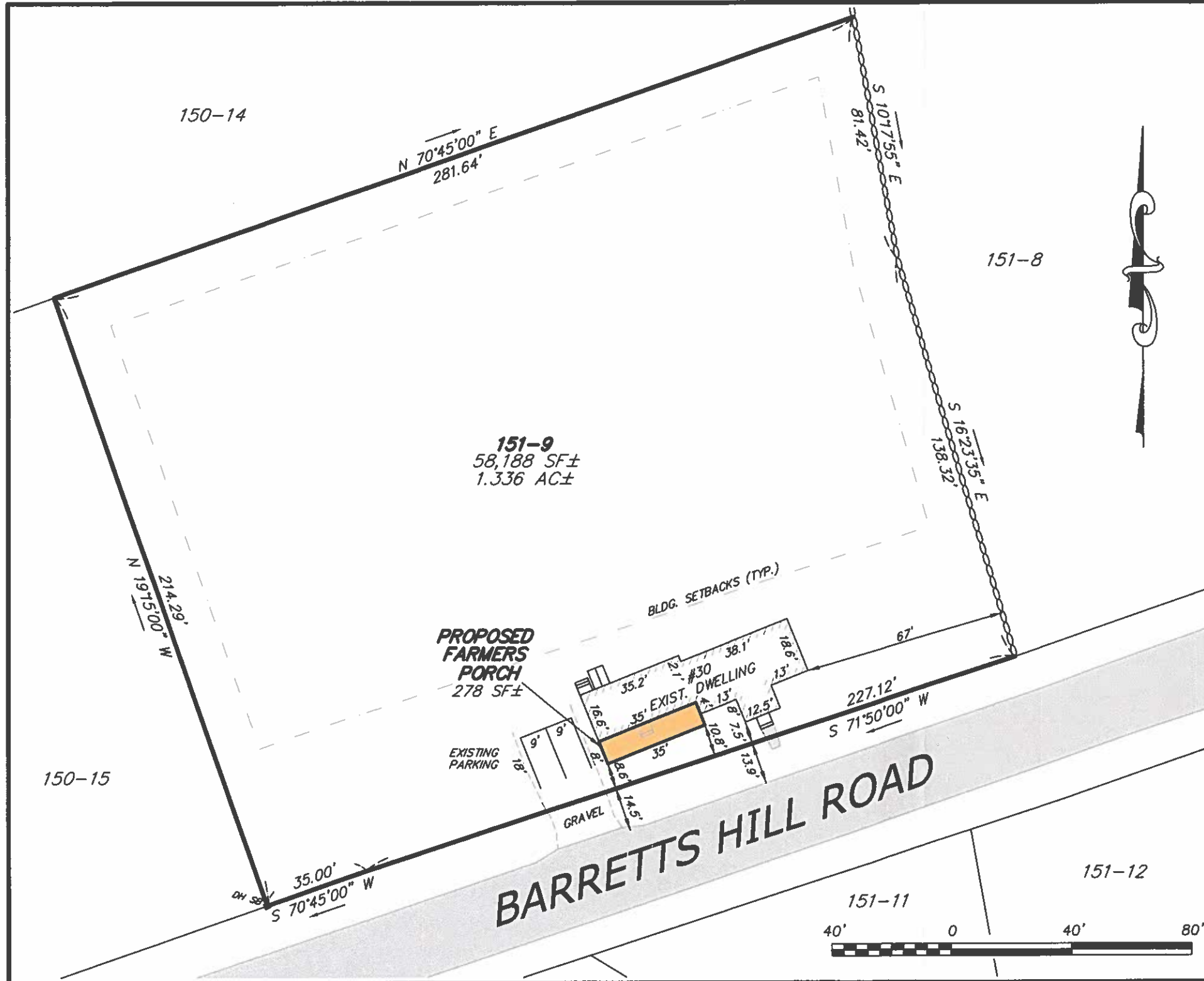
1:1,188



PLAN NOTES:

- 1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED DECK AT HUDSON LOT 151-9.

**PLAN OF LAND
30 BARRETTS HILL ROAD
HUDSON, NH
MAP 151 LOT 9
AS PREPARED FOR
TONY LEKAS, OWNER**



REV. 2		BY:
REV. 1	PARKING, DIMENSIONS	5/4/23 BY: GRJ

ZONING DISTRICT: G-1
REQUIRED SETBACKS:
FRONT - 50 FEET (FEEDER RD.)
SIDE - 15 FEET
REAR - 15 FEET

DEED REF: BK. 3182 PG. 941
PLAN REF.: HCRD PL. 12671
PLAN SCALE: 1"=40'
DATE: MAY 2023
JOB REF.: 023-041-LEKA

TOWN OF HUDSON
MAY 08 ENT'D 2023
Zoning Department



I HEREBY CERTIFY:
THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089





Printed
5/08/2023
12:32PM
Created
5/08/2023
12:26 PM

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

Receipt# 728,620
publicw

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application 30 Barretts Hill Road Map/Lot 151-009-000 G-1 Zone Variance	0.00	223.8700	0.00
			Total:	223.87

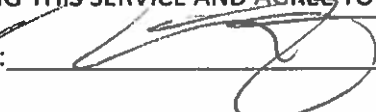
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Mari R Fontaine Timber and Stone	CREDIT	8426	223.87	0.00	223.87
			Total Due:		223.87
			Convenience Fee:		6.60
			Total Tendered:		230.47
			Total Change:		0.00
			Net Paid:		230.47

SERVICE CHARGE NOTICE

Credit and Debit card payments are processed by Invoice Cloud. Invoice Cloud is a third-party payment provider, operating under an agreement with the Town of Hudson to process credit and debit card payment on your behalf.

You will be charged \$2.95 for any transaction total \$100.00 or less or a service fee of 2.95% of your total balance over \$100.00, whichever is smaller. The 2.95% service charge is added to your payment and will appear as a separate item on your credit card statement. The service charge is not a fee assessed by your institution. **The Service Charge is not refundable, even if the payment to which it relates is cancelled, refunded, credited or charged back.**

BY USING THIS SERVICE AND AGREE TO PAY THE SERVICE CHARGE.

SIGNED:  DATE: 5/8/23 Type: MC Visa Amex



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: May 25, 2023 *ajs 5-17-23*

Case 247-131 (05-25-23): Erich & Kerry Uhlendorf, 3 Jacqueline Street, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow an approx. 189 sq. ft. shed to remain in its current location which encroaches approx. 12 ft. into the side yard setback leaving approx. 3 ft. where 15 feet is required. [Map 247, Lot 131-000, Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 3 Jacqueline Street

Zoning district: Residential One (R-1)

Property Description:

Our records indicate this parcel is an existing lot of record with a non-conforming area of 37,461.6 SF where 43,560 SF is required, and use is as residential single family.

In-House comments:

Town Engineer: No comments

Inspectional Services/Fire Dept.: No comment

Town Planner: No Comment

History/Attachments:

A: Zoning Determination/Inquiry December 21, 2022, noted encroachments of existing structures.

B: Certified plot plan dated: December 16, 2022

C: 2010 aerials



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-153 Notice of non-conformance

December 21, 2022

Erich and Kerry Uhlendorf
3 Jacqueline Street
Hudson, NH 03051

Re: 3 Jacqueline Street Map 247 Lot 131-000
District: Residential One (R-1)

Subject: Shed encroachment.

Dear Erich and Kerry,

Zoning Review / Determination:

I am in receipt of a recent certified plot plan that indicates a violation of the Zoning Ordinance.

Your property has a shed located within the required building/structure setbacks. On your property, the required side setback is 15 ft from property lines. The submitted certified plot plan indicates a violation as follows:

Lack of required setback per §334-27 Table of Dimensional Requirements. The shed is located within the required setback. Please remove/move the shed into compliance, or apply for an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment.

Sincerely,

Bruce Buttrick

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

encl: 12/16/22 Certified Plot Plan
cc: Public Folder
B. Groth, Town Planner
File

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



OWNER OF RECORD: DEBORAH F. BARNARD
 3 JACQUELINE STREET
 HUDSON, NH 03051

DEED REFERENCE: BOOK 7722 PAGE 2096

PLAN REFERENCE: RCAD 10443 LOT 8
 DATED: OCTOBER 1977

PRESENT USE: RESIDENTIAL

PRESENT ZONING: R1 - RESIDENTIAL

MINIMUM SETBACKS: FRONT - 30 FEET
 SIDE - 15 FEET
 REAR - 15 FEET
 WETLANDS - 50 FEET

THE PURPOSE OF THIS PLAN IS TO SHOW A
 PROPOSED 24' X 24' GARAGE WITH AN
 IN-LAW ABOVE.

APPROVED BY THE HUDSON, NH ZONING BOARD
 ON _____ CERTIFIED BY:

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

TOWN OF HUDSON

MAY 09 09 11
 2023

Zoning Department

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY
 INFORMATION REFLECTED ABOVE AND A FIELD SURVEY MADE ON
 THE GROUND DURING A VISIT THAT HAVING AN ERROR OF CLOSURE
 BETTER THAN 1 IN 1000. IN ACCORDANCE WITH
 THE TOWN OF HUDSON REGULATIONS.

"AS - BUILT" FOUNDATION
 12-16-2022

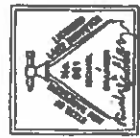
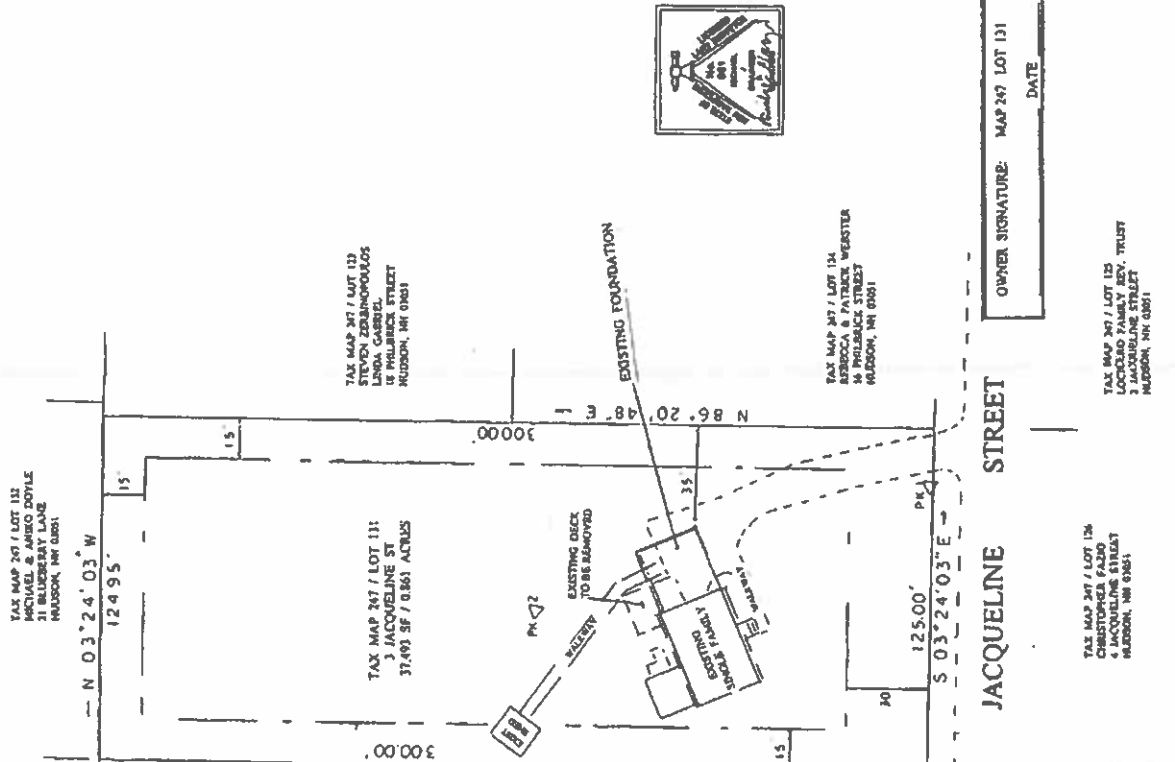
TAX MAP 247 / LOT 131

CERTIFIED PLOT PLAN
 3 JACQUELINE STREET
 HUDSON, NH 03051

PREPARED FOR: KELLY URLENDORF
 3 JACQUELINE STREET
 HUDSON, NH 03051

AUGUST 16, 2022 SCALE: 1" = 30'

M. J. GRAINGER ENGINEERING, INC.
 PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
 229 DEURY ROAD HUDSON, NH 03051 (603) 887-4359
 J.N. 22-127



OWNER SIGNATURE: _____
 MAP 247 LOT 131
 DATE _____

TAX MAP 247 / LOT 131
 MICHAEL BEUSTAS
 19 BLISSBERRY LANE
 HUDSON, NH 03051



TAX MAP 247 / LOT 139
 MICHAEL BEUSTAS
 19 BLISSBERRY LANE
 HUDSON, NH 03051

TAX MAP 247 / LOT 127
 STANLEY ANTONIOLO
 16 MILLBROOK STREET
 HUDSON, NH 03051

EXISTING FOUNDATION

TAX MAP 247 / LOT 124
 KIMBERLY WEBSTER
 30 MILLBROOK STREET
 HUDSON, NH 03051

TAX MAP 247 / LOT 126
 LOCKWOOD FAMILY REV. TRUST
 3 JACQUELINE STREET
 HUDSON, NH 03051



NO.	DATE	DESCRIPTION	BY	APP.
1	12-16-22	AS-BUILT FOUNDATION	MJG	

B

2010 Aerial



May 16, 2023

Parcels



MAY 09 ENTD
2023

76

APPLICATION FOR AN EQUITABLE WAIVER

Zoning Department

Zoning Board of Adjustment
Town of Hudson

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

Case No. 247-131 (05-25-23)

Date Filed 5/9/23

Name of Applicant ERICH UHLENDORF Map: 247 Lot: 131 Zoning District: R-1

Telephone Number (Home) 978-501-4916 (Work) _____

Mailing Address 3 JACQUELINE ST. HUDSON NH 03051

Owner ERICH + KERRY UHLENDORF

Location of Property 3 JACQUELINE ST. HUDSON NH 03051
(Street Address)

[Signature] Signature of Applicant Date 4/21/23

[Signature] Signature of Property-Owner(s) Kerry Uhlendorf Date 4/21/23

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

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

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

Date received: 5/9/23

COST:

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

9 Abutter Notice:
Direct Abutters x Certified postage rate \$ 4.78 = \$ 43.02

5 Indirect Abutters x First Class postage rate \$ 0.63 = \$ 3.15

Total amount due: \$ 231.17

Amt. received: \$ 231.17

Receipt No.: 728, 828

Received by: [Signature]

Check #
227

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

Engineering Fire Dept. Health Officer Planner Other

TOWN OF HUDSON, NH

Application Checklist

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

Applicant Initials		Staff Initials
<u>KU</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>KU</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) 13	<u>TG</u>
<u>KU</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>KU /</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>KU</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>Pending Review</u> <u>TG.</u>
<u>KU</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>KU</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>KU</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>KU /</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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

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

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

[Signature]
Signature of Applicant(s)

4/21/23
Date

[Signature]
Signature of Property Owner(s)

4/21/23
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	130	*Include Applicant & Owner(s) MICHAEL BRUSTAS SARA LAVALLEE	5 JACQUELINE ST. HUDSON, NH, 03051 ✓
247	133	GERARDO + WENDY LABEL	19 BLUEBERRY LN. HUDSON NH 03051 ✓
247	132	MICHAEL + ANIKO DOYLE	21 BLUEBERRY LN. HUDSON NH 03051 ✓
247	123	STEVEN ZERBINOPOULOS LINDA GABRIEL	18 PHILBRICK ST. HUDSON NH 03051 ✓
247	124	REBECCA + PATRICK WEBSTER	16 PHILBRICK ST. HUDSON NH 03051 ✓
247	126	CHRISTOPHER FAZIO	4 JACQUELINE ST. HUDSON NH 03051 ✓
247	125	LOGICERO FAMILY REV. TRUST	2 JACQUELINE ST. HUDSON NH 03051 ✓
247	127	6 JACQUELINE ST NOM. REALTY TRUST	6 JACQUELINE ST. HUDSON NH 03051 ✓
247	122	JOSEPH L. DELESCLUSE	207 PHILBRICK ST HUDSON NH 03051
247	131	Kenny + Ench Uhlendorf	3 Jacqueline St Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	121	JOSEPH ARENA	22 PHILBRICK ST. HUDSON NH 03051 ✓
247	129	PETER R. KRAUSS TR. 1 RR, TRS	7 JACQUILINE ST. HUDSON NH 03051 ✓
247	134	ROBERT A. PLAMONDON	17 BLVD BRGY LN. HUDSON NH 03051 ✓
247	128	FREDERICK C. LATHAM	8 JACQUILINE ST. HUDSON NH 03051 ✓
247	067	Oak Hollow Associates LLC	20 TRAFALGAR SQ. STE# 602, NASHUA NH 03063 ✓
247	122	Delecluse, Joseph L. Delecluse, Linda S.	20 Philbrick St HUDSON, NH 03051

* Direct Mailer Mailing Labels
provided by Applicant

Michael and Sara Brustas
5 Jacqueline Street
Hudson, NH 03051

Gerard and Wendy Lebel
19 Blueberry Ln.
Hudson, NH 03051

Kerry & Erich Uhlendorf
3 Jacqueline Street
Hudson, NH 03051

Michael and Aniko Doyle
21 Blueberry Ln.
Hudson, NH 03051

Steven Zerbinopoulos
Linda Gabriel
18 Philbrick St.
Hudson, NH 03051

Patrick and Rebecca Webster
16 Philbrick St.
Hudson, NH 03051

Christopher Fazio
4 Jacqueline St.
Hudson, NH 03051

Locicero Family rev. Trust
2 Jacqueline Street
Hudson, NH 03051

6 Jacqueline St Nom. Realty Trust
6 Jacqueline Street
Hudson, NH 03051

Joseph Arena
22 Philbrick St.
Hudson, NH 03051

* Indirect Abutter
Mailing labels
provided by Applicant

Peter R Krauss Tr. Irr. Trs
7 Jacqueline Street
Hudson, NH 03051

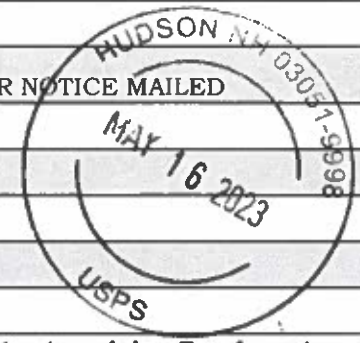
Robert A. Plamondon
17 Blueberry Ln.
Hudson, NH 03051

Frederick C. Latham
8 Jacqueline Street
Hudson, NH 03051

Joseph L. Delescluse
20 Philbrick St.
Hudson, NH 03051

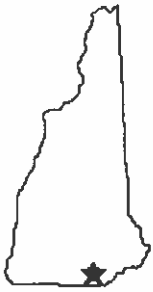
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 247-131 EQUITABLE WAIVER 3 JACQUELINE STREET Map 247/Lot 131-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5621 81	KERRY & ERICH UHLENDORF 3 JACQUELINE ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5621 98	MICHAEL L. BRUSTAS; LAVALLEE, SARA M. 5 JACQUELINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5622 04	GERALD AND WENDY LABEL 19 BLUEBERRY LN., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5622 11	MICHAEL AND ANIKO DOYLE 21 BLUEBERRY LN., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5622 28	STEVEN ZERBINOPOULOS; LINDA GABRIEL 18 PHILBRICK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5622 35	PATRICK AND REBECCA WEBSTER 16 PHILBRICK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5622 42	CHRISTOPHER FAZIO 4 JACQUELINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5622 59	LOCICERO, DAVID, TR.; LOCICERO FAMILY REV TRUST 2 JACQUELINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5622 66	BOUTSELIS, BONNIE J., TR.; 6 JACQUELINE ST NOM. REALTY TR 6 JACQUELINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10			
11			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) <i>Paula Angelli</i>



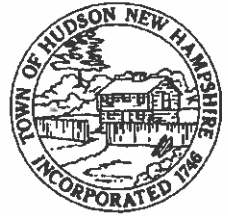
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 247-131 EQUITABLE WAIVER 3 JACQUELINE STREET Map 247/Lot 131-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	Mailed First Class	MEGAN T. ARENA; JOSEPH ARENA 22 PHILBRICK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	DELESCLUSE, JOSEPH L.; DELESCLUSE, LINDA S. 20 PHILBRICK STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	LATHAM, FREDERICK C.; LATHAM, KATHRYN 8 JACQUELINE STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	KRAUSS, PETER R., TR. IRR. TRS; KRAUSS, DORENE L., TR. IRR. TRS 7 JACQUELINE STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	PLAMONDON, ROBERT A.; PLAMONDON, DONNA 17 BLUEBERRY LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			
9			
	Total # of pieces listed by sender 5	Total # of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) <i>Paula Angelli</i>



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

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, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

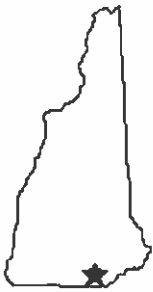
Case 247-131 (05-25-23): Erich & Kerry Uhendorf, 3 Jacqueline Street, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow an approx. 189 sqft. shed to remain in its current location which encroaches approx. 12 ft into the side yard setback leaving approx. 3 ft. where 15 feet is required. [Map 247, Lot 131-000, Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Dillon Dumont, Selectmen Liaison

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

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

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

Respectfully,

Bruce Buttrick

Zoning Administrator

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

Per RSA674:33-a, II, Equitable Waiver of Dimensional Requirement: **(OPTION 2)**

II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:

TEN YEARS OR MORE: Please explain how the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; and

Shed was build in 2003 and the abutting property has been aware and has no issue with the location.

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

Direct abutting neighbor does not mind its location.

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

Moving the shed including its foundation and electric would cost a bit especially when direct abutting neighbor has no issue with location.

Abutter Letter of Support

Town of Hudson Zoning Department,

We, Sara & Michael Brustas, residents of 5 Jacqueline St. Hudson, NH neighbors to, Kerry & Erich Uhlendorf, of 3 Jacqueline St. Hudson, NH. We are aware of shed placement on their property and find no issue with it on our end. Please accept this letter to be our mutual agreement and understanding that we do have any discrepancies. Any further questions or concerns please reach out to either of us Sara (978) 758 5231 or Michael (978)866 5998.

Thank you,

Sara & Michael Brustas

 05/04/2023

5 Jacqueline St.

Hudson, NH 03051

**Cost Estimate
for shed removal**

INVOICE

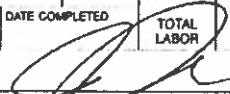
NH Elevation, LLC
 8 Gordon Road
 Bow, NH 03304
 603-224-2192

JOB PHONE	DATE OF ORDER 3/26/2008
JOB NAME/LOCATION	

TO Kerry Unkendorf
 3 Jacqueline Street
 Hudson, NH

PHONE _____
 ORDER TAKEN BY _____

TERMS:

DESCRIPTION				AMOUNT
Making a 12' x 10' shed roughly 50' off lot line.				
Total: \$3,200.00				
LABOR	HOURS	RATE	AMOUNT	TOTAL MATERIAL
				TOTAL LABOR
WORK ORDERED BY	DATE COMPLETED	TOTAL LABOR		TAX
Thank You				PAY THIS AMOUNT → 3,200 ⁰⁰

SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-153 Notice of non-conformance

December 21, 2022

Erich and Kerry Uhlerdorf
3 Jacqueline Street
Hudson, NH 03051

Re: **3 Jacqueline Street Map 247 Lot 131-000**
District: Residential One (R-1)

Subject: Shed encroachment.

Dear Erich and Kerry,

Zoning Review / Determination:

I am in receipt of a recent certified plot plan that indicates a violation of the Zoning Ordinance.

Your property has a shed located within the required building/structure setbacks. On your property, the required side setback is 15 ft from property lines. The submitted certified plot plan indicates a violation as follows:

Lack of required setback per §334-27 Table of Dimensional Requirements. The shed is located within the required setback. Please remove/move the shed into compliance, or apply for an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment.

Sincerely,

Bruce Buttrick

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

encl: 12/16/22 Certified Plot Plan
cc: Public Folder
B. Groth, Town Planner
File

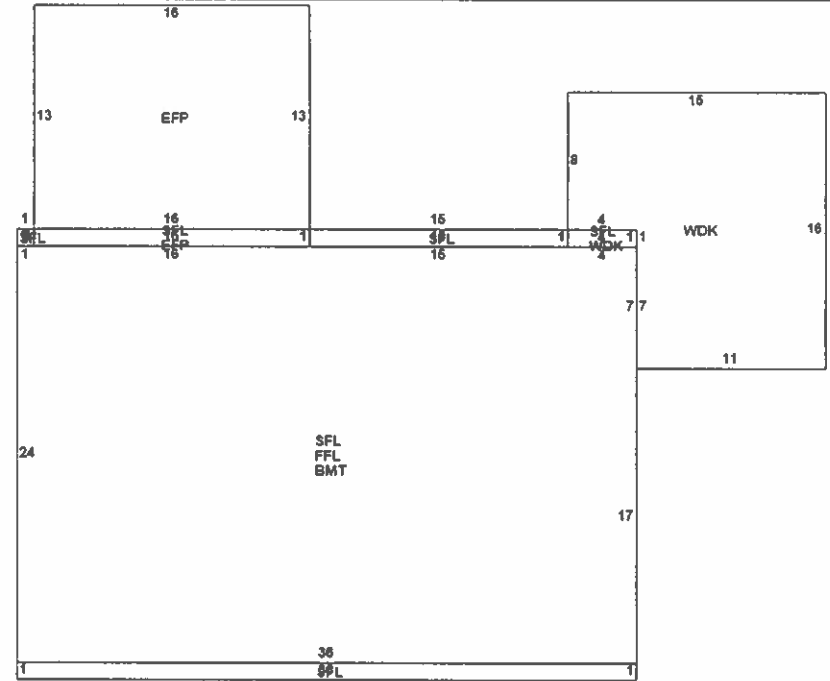
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens	0	
Style:	03	Colonial	Add Kitchen Ra		
Grade:	B-	Good/Avg			
(Liv) Units	1				
Exterior Wall 1	01	Wood Shingle			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	8				
Bedrooms	4				
Full Baths	1				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	BLUE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	361,192
Year Built	1978
Effective Year Built	2006
Depreciation Code	AG
Remodel Rating	
Year Remodeled	
Depreciation %	16
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	84
RCNLD	303,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	LB	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
SHEDWD	Shed-Wood	L	168	UNITS	31.02	1998	AV	60	3,100
XFRRM	Rec Room,Fin,BMT	B	432	SQ. FT	45.00	1978	AV	84	16,300

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	864	216	41.16	35,559
EFP	Encl. Porch, Finished	0	224	157	115.39	25,846
FFL	First Floor, Finished	864	864	864	164.63	142,238
SFL	Second Floor, Finished	936	936	936	164.63	154,091
WDK	Wood Deck, or Composite Dk	0	212	21	16.31	3,457
Total Liv Area/Gr. Area/Eff Are		1,800	3,100	2,194	Total Value	361,191



0.894 AC
P

301.47

130
0.879 AC
P

300.00

131
0.861 AC
P

300.00

124
0.834 AC
P

123
0.821 AC
P

122
0.809 AC
P

JACQUELINE ST

JACQUELINE ST

25.03

66.71

58.31

125.00

209.93

25.03

66.59

58.42

125.00

210.07

130.00

130.00

124.95

130.00

146.13

150.06

242.00

235.00

241.05

153.87

10

TAX MAP 247 / LOT 133
GERALD & WENDY LEBEL
19 BLUEBERRY LANE
HUDSON, NH 03051

TAX MAP 247 / LOT 132
MICHAEL & ANIKO DOYLE
21 BLUEBERRY LANE
HUDSON, NH 03051

OWNER OF RECORD: DEBORAH F. BARNARD
3 JACQUELINE STREET
HUDSON, NH 03051

DEED REFERENCE: BOOK 7722 PAGE 2006

PLAN REFERENCE: HCRD 10543 LOT 8
DATED: OCTOBER 1977
PRESENT USE: RESIDENTIAL

PRESENT ZONING: R1 - RESIDENTIAL

MINIMUM SETBACKS: FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET
WETLANDS - 50 FEET

THE PURPOSE OF THIS PLAN IS TO SHOW A
PROPOSED 24' X 24' GARAGE WITH AN
IN LAW ABOVE.



TAX MAP 247 / LOT 130
MICHAEL BRUSTAS
SARA LAVALLÉE
5 JACQUELINE STREET
HUDSON, NH 03051

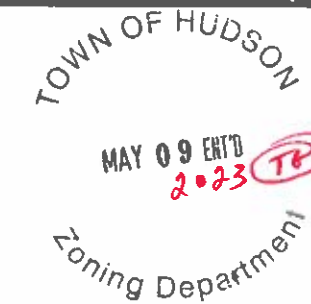
TAX MAP 247 / LOT 131
3 JACQUELINE ST
37,493 SF / 0.861 ACRES

TAX MAP 247 / LOT 123
STEVEN ZERBINOPOULOS
LINDA GABRIEL
18 PHILBRICK STREET
HUDSON, NH 03051

APPROVED BY THE HUDSON, NH ZONING BOARD
ON _____ CERTIFIED BY:

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY
INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON
THE GROUND DURING AUGUST 2022, HAVING AN ERROR OF CLOSURE
BETTER THAN 1 IN 10,000, IN ACCORDANCE WITH
THE TOWN OF HUDSON REGULATIONS.

“AS - BUILT” FOUNDATION

12 - 16 - 2022

TAX MAP 247 / LOT 131

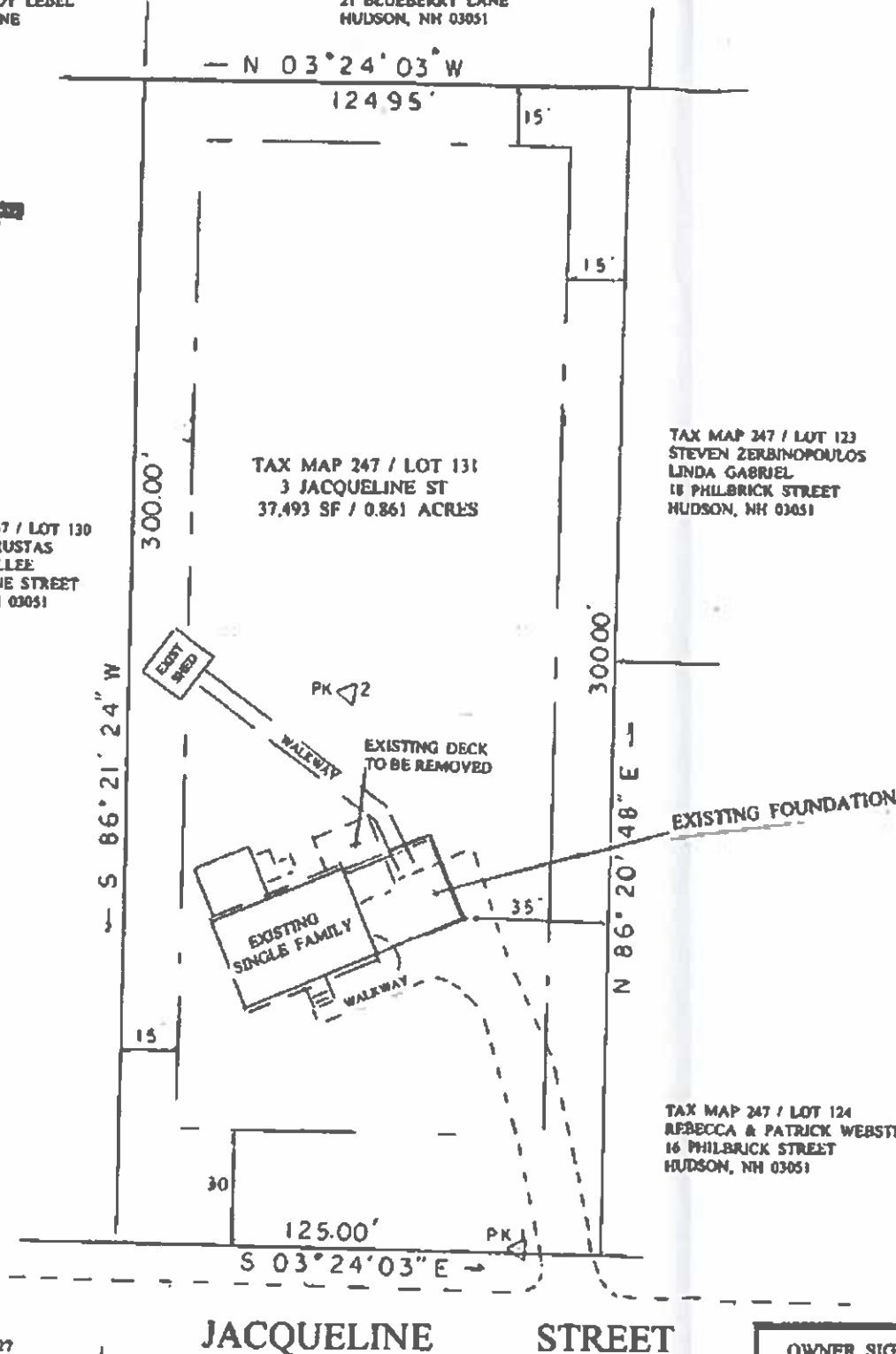
CERTIFIED PLOT PLAN
3 JACQUELINE STREET
HUDSON, NH 03051

PREPARED FOR: KERRY UHLENDORF
3 JACQUELINE STREET
HUDSON, NH 03051

AUGUST 16, 2022

SCALE: 1" = 30'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359
J. N. 22 - 127



TAX MAP 247 / LOT 124
REBECCA & PATRICK WEBSTER
16 PHILBRICK STREET
HUDSON, NH 03051

TAX MAP 247 / LOT 126
CHRISTOPHER FAZIO
4 JACQUELINE STREET
HUDSON, NH 03051

TAX MAP 247 / LOT 125
LOCICERO FAMILY REV. TRUST
2 JACQUELINE STREET
HUDSON, NH 03051

OWNER SIGNATURE: MAP 247 LOT 131
DATE _____



TAX MAP 247 / LOT 127
6 JACQUELINE ST. NOM. REALTY TR
6 JACQUELINE STREET
HUDSON, NH 03051

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.
1	12-16-22	As-Built Foundation	MSG	

Printed
5/09/2023
2:41PM
Created
5/09/2023
2:38 PM

Transaction Receipt

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

Receipt# 728,828
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 3 Jacqueline Street Map 247 Lot 131-000 (R-1 Zone) EQ Wvr of Dim. Req.	0.00	231.1700	0.00
			Total:	231.17

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Kerry L & Erich Uhlendorf	CHECK	CHECK # 227	231.17	0.00	231.17
			Total Due:		231.17
			Total Tendered:		231.17
			Total Change:		0.00
			Net Paid:		231.17



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: May 25, 2023 **BB 5-17-23**

Case 147-016 (05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for **181 B Webster St., Hudson, NH** [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

Introduction:

This request/application is a result from a Code Enforcement action and a subsequent Court Order.

Property description:

This is an existing developed lot of record with non-conforming uses (thus the Code Enforcement action), some by recent variance.

HISTORY:

December 1964 Variance -approval of sale of Agricultural products.

3-29-1990 -The Property was the subject of a prior zoning code enforcement action, which resulted in a Consent Decree: *"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."*

9-30-2019 Code Enforcement complaint from Town - notice of violations.
10-28-2019 Code Enforcement complaint(s), against landscaping business.
1-23-2020, the ZBA granted a variance relative to the expansion of the existing convenient store.
11-23-2020 Town files lawsuit – Zoning violations.
4-14-2022 Numerous variances granted for other bldgs./uses.
4-28-2022 Variance extension for 181A convenience store (2yrs).
8-3-2022 Final Order – Superior Court.

Town (in-house) review/comments:

Fire Dept: no comments.

Engineering: no comments.

Town Planner: yes, see attachment.

Attachments:

A 3-29-1990 Consent Decree.

B 9-30-2019 Code Enforcement complaint from Town.

C 10-28-2019 Code Enforcement complaint(s), against landscaping business.

D 1-23-2020, the ZBA granted a variance relative to the expansion of the existing convenient store.

E 11-23-2020 Town files lawsuit – Zoning violations.

F 4-14-2022 Numerous variances granted for other bldgs./uses.

G 4-28-2022 Variance extension for 181A convenience store expansion (2yrs).

H 8-3-2022 Final Order (item #14) – Superior Court.

I Town Planner's in-house review comments.

STATE OF NEW HAMPSHIRE

Hillsborough ss.

Superior Court

89-E-00727

TOWN OF HUDSON

V.

SAMUEL TAMPOSI, ET AL

CONSENT DECREE

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

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

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

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

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

A

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

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

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

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

Respectfully submitted,

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


Barbara F. Loughman


Date: 3/22/90

By: 

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

Date: 3/30/90

Date: 3-29-90


Presiding Justice

A₂



TOWN OF HUDSON

Land Use Division



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

September 30, 2019

Certified 7016 2710 0000 0595 2469
and USPS 1st class

Derry & Webster, LLC
Attn: Vatche Manoukian, Manager
253 Main Street
Nashua, NH 03060

RE: Notice of Zoning Ordinance Violations
Hudson Tax Map 147, Lot 016
Property Addresses: 181 A-B, 185 A-C, 187 & 189 Webster Street

Dear Mr. Manoukian:

As I know you are well aware, the above referenced Property has numerous zoning violations which need to be resolved. The Town is now at a point where judicial action is imminent. However, before filing suit, I am writing to you one last time to address the specific violations of which I am aware in the hopes that you will voluntarily work with the Town to bring your property into compliance with the Hudson Zoning Ordinance ("HZO").

Junk Yard Violations

The Property is littered with junk and debris. HZO § 334-13 (A) prohibits the operation of a junkyard in any district. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" is prohibited in any district. Among the specific types of junk that are not allowed are junked, dismantled or wrecked motor vehicles or motor vehicle parts, including unregistered motor vehicles and/or motor vehicles no longer intended or suitable for highway use. In order for the Property to comply with the HZO, the junk has to be removed from the Property. I would further note that these same issues are also violations of RSA § 236:111 *et seq.*

Wetland Conservation District

The Property is located within the Wetland Conservation District, HZO 334-33 *et seq.* There are large stockpiles of earthen materials, motor vehicles, junk, and other personal property items possibly encroaching within the wetlands and wetland buffer on the Property. Please be mindful

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

B.

that if there are any encroachments, that these encroachments must be removed from the Wetland Conservation District. Further, any damage to the Wetland Conservation District must be remediated and the area within the Wetland Conservation District restored to its natural state. Prior to commencing any work within the Wetland Conservation District to remediate and restore the wetlands and wetland buffer, you will need to have a remediation plan approved by the Zoning Board of Adjustment. Can you please schedule with me a date and time to evaluate and determine if the Wetland Conservation District has been compromised.

Heavy Equipment and Commercial Equipment

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. The parking and storage of commercial vehicles is not a permitted accessory use according to HZO § 334-22. The heavy equipment and commercial vehicles have to be removed from the Property.

Landscaping Business

The nonconforming business use of the Property for the “planting, growing, and selling of nursery stock” is an allowed use. *See Town of Hudson v. Samuel Tamposi, et al.*, Hillsborough County Superior Court 89-E-00727 (1989). However, the current landscaping business has expanded far beyond the permissible scope of the permitted use, including storage and stockpiling of landscape, hardscape, mulch and stone materials. Continuation of this business in its current capacity requires a variance from the Zoning Board of Adjustment and Site Plan approval from the Planning Board, in the absence of which, the existing use must be discontinued.

Residential Use

The existing nonconforming residential use is permitted, but only permitted as a two (2) family. I believe the residence currently has three (3) units. Expansion of the residential use will also require a variance from the Zoning Board of Adjustment and Site Plan approval from the Planning Board, in the absence of which, the third unit must be removed.

Warehouse and Garage

The existing warehouse and garage structures on the Property appear to have been utilized originally as part of the agricultural use of the Property. The Town has no records of any permissible commercial use ever having been authorized which was not part of the agricultural use when the Property may have been part of a working farm. As is, the commercial uses are not permitted and will require, as above, a variance from the Zoning Board of Adjustment and Site Plan approval from the Planning Board. We would be glad to discuss with you the historical uses of these structures and the possibility that various uses may be grandfathered or permitted as nonconforming uses. However, in order to do so, I will need to know how these structures are being utilized and by whom. Otherwise, I can only conclude that the existing uses are illegal and therefore must be discontinued.

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

B₂

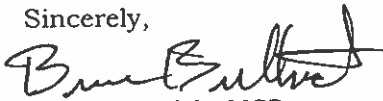
Convenient Store

The existing convenient store is an allowed use of the Property by virtue of a variance. However, the scope of that use is questionable, which appears to have evolved over the years from an agricultural farm stand with the sale of convenience items allowed by variance to its current state. Per my recent administrative decisions, the expansion of the convenient store to include a restaurant and/or food service establishment is not permitted and will require a variance from the Zoning Board of Adjustment and Site Plan approval from the Planning Board.

I recognize that these violations cannot be cured overnight. I want to provide you with the opportunity to either pursue the permits and approvals you do need, such as variances and site plan approval, or abate the violations. However, regardless of how you would like to proceed, I need you to communicate with me regarding your intentions, your plans for compliance, and we need to agree upon a reasonable timeframe, which I am glad to discuss. However, if I do not hear from you within the next ten (10) days, I will assume you have no desire to bring the Property into compliance, and I will have no other alternative than to proceed with an appropriate code enforcement action.

Please be further advised that in accordance with the HZO and RSA § 676:17, you are subject to a civil penalties of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party. Thus, I hope you will contact me to discuss a resolution.

Sincerely,



Bruce Buttrick, MCP

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

cc: Public Folder
Brian Groth – Town Planner
Dave LeFevre – Town Counsel
File

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

B₃



#V2019-00077

TOWN OF HUDSON

OCT 28 2019

10/28/19
enters
Muni
TG

TOWN OF HUDSON LAND USE DIVISION

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-0008 • Fax: 603-594-1142

2019 Department

Code Enforcement/Investigation Form

Address in Question: 187 Webster Street, Hudson, NH 03051

Business Name (if applicable): REGIS LANDSCAPING

Type of Occupancy: Residential Commercial Industrial

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

SEE ATTACHED LETTER.

Your Name: RICHARD LYNCH Daytime Phone #: 603-886-3606

Address: 5 MADELEINE CT, HUDSON, NH 03051

Signature: [Signature] Date: 10/23/2019

For Office Use Only Date Filed: 10/28/19 Map: 147 Lot: 016-000

Pending Enforcement Issues: Yes No

Environmental Issues: Yes No

Possible Site Plan Infractions: Yes No

Other Department Notifications: Department: _____ Date Forwarded: _____

Additional Comments:

C₁

VILLAGE OF REEDS BROOK

CONDOMINIUM ASSN.
Amanda Drive
Hudson, NH 03051

During this past summer Regis Landscaping in Hudson, New Hampshire has started working as early as 5:30 AM fairly often. In addition to the earlier starting times there have been many summer evenings where equipment has been in operation up to 10:00 PM. These actions cause our seniors undue stress having to be awakened prematurely in the a.m., and unable to get to sleep in the evenings. The continuous sounds of running equipment backing up, moving product and the banging of the truck tailgates affects all five surrounding senior communities.

In early spring Regis combines loam with an unknown substance causing an extremely pungent odor which affects all five senior communities. When the odor is activated all the surrounding residents are forced to close all windows and doors. This odor also causes us to cancel outdoor activities at our houses with friends and family until the odor subsides which is approximately 7 to 10 days.

During the hours of operation Regis Landscaping has large equipment that sends billowing clouds of dust and dirt onto our homes. This causes financial stress on those homeowners who take pride in their property. We are forced to hire power wash companies twice a year at the cost of \$175 each time. In addition we are forced to clean our windows constantly as they are consumed with dust. Many residents suffer from respiratory issues and are forced to keep their windows closed in order to help prevent a potential medical emergency. Residents in good health or not should not have to be subjected to this amount of airborne debris. Dust alone over time can reduce lung function and contribute to chronic bronchitis, heart and lung disorders.

The residents of all five affected communities would like the town to investigate our concerns and complaints, issue a cease and desist order and enforce action against Regis Landscaping. The tax paying citizens of these communities should not have to be subjected to any of the listed issues.



VILLAGE OF REEDS BROOK

CONDOMINIUM ASSN.
Amanda Drive
Hudson, NH 03051

10/28/2019

To: Town of Hudson

From: Village of Reeds Brook Residents

Subject: Enforcement of Zoning Ordinances

Attn: Bruce Buttrick – Hudson Zoning Enforcement

Listed below are the fifty five and over communities that are affected by the attached letter.

Village of Reeds Brook

Don Barber, President

Lexington Place

John Curtiland

Westchester Place

Abbies Landing

Linda Patenaude, President

Sparkling River

63

Edward Sapienza
Register of Deeds, Hillsborough County

A43
Hudson Zoning

FEES	10.50
COURT FEE	2.00
COPY	—

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.


Charles J. Brickett, ZBA Chairman

2/10/20
Date


Bruce Buttrick, Zoning Administrator

2/10/20
Date

D

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.

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

III. Property Description

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

6. The Property is owned by the Defendant.

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

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

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

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

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

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

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

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

IV. Prior Lawsuit

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

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

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

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

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

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

V. Applicable Regulations and Violations

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

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

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

A. Convenient Store (181 A Webster Street)

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

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

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

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

B. Landscaping Business (181 B Webster Street)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Warehouse (187 Webster Street)

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

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

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

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

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

E. Garage (189 Webster Street)

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

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

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

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

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

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

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

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

Request for Relief

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

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

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

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

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

Dated: November 23, 2020

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

VERIFICATION

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



Bruce Buttrick, 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



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

Hillsborough Superior Court Southern District
30 Spring Street
Nashua NH 03060

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

NOTICE OF BENCH TRIAL

FILE COPY

Case Name: **Town of Hudson v Derry & Webster, LLC**
Case Number: **226-2020-CV-00632**

The court will conduct the following events in this case at Hillsborough Superior Court Southern District, 30 Spring Street Nashua NH 03060.

<u>Event:</u>	<u>Date:</u>	<u>Time:</u>
Trial Management Conference	June 10, 2022	9:00 AM
Bench Trial	Week of 6/20/2022 or 6/27/2022	

Trial counsel, or parties if unrepresented, shall appear at the Trial Management Conference; clients shall appear at the conference or be available for contact by telephone. Counsel and clients shall be prepared to discuss conduct of the trial and settlement.

All pre-trial motions, including motions in limine, shall be electronically filed at least fourteen days prior to the Trial Management Conference.

All witness lists and exhibit lists shall be electronically filed at the Trial Management Conference.

All pending motions shall be heard at a time set by the court.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

September 10, 2021

Amy M. Feliciano
Clerk of Court

(921)

C: David LeFevre, ESQ; Gerald R. Prunier, ESQ

FEES: <i>A43</i>
SURCHARGE: <i>A2</i>
CASH: <i>0</i>

A43 Hudson zoning

Send recorded copy to:

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

NOTICE OF DECISION

**Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016 a
ZBA Decision 04/14/2022**

**Variance to allow "Landscape Equipment Storage" Use
GRANTED with 2 stipulations**

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

Property Owner Agent: Gerald R. Prunier, Esq., Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100, Nashua NH 03063

Property Location: 185 Webster Street, Hudson, NH 03051

Property address: 183 Webster Street, Hudson, NH 03051

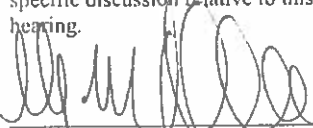
Action sought: A Variance for the Greenhouse Building addressed as 183 Webster Street, for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.

Zoning Ordinance Article: V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.

Action granted: After consideration of the testimony and the 04/09/2022 Site Walk observations; acknowledgement that the Variance applies to just this larger greenhouse building and not the smaller adjacent greenhouse; discussions on identifying specific uses to be included with the granting of this variance with the specific Land Use Description modified in Attachment A in the Zoning Administrator's Staff Report initialed 04/13/2022 (after the site walk and discussion) from "dry storage" to "landscape equipment storage" for landscaping small engines (lawn mowers and weed whackers) and no applicable Accessory Uses; review of the Variance criteria and determination that they have been conditionally satisfied, motion made, seconded and voted 5:0 to grant the Variance with two (2) stipulations:

- (1) that the greenhouse building be repaired and meet all applicable building codes and standards as prescribed by the Town for requested occupancy; and
- (2) that there be no parking of vehicles greater than 1,000 pounds.

NOTE: Any change to Use will require a Variance. 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.



Gary M. Daddario, ZBA Chairman

5/9/22
Date



Bruce Buttrick, Zoning Administrator

5-6-22
Date



Mary Ann Crowell
Register of Deeds, Hillsborough County

FEES: #1053
SURCHARGE: #2.00
CASH: 0

#443 Hudson
Zoning

Send recorded copy to:

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

NOTICE OF DECISION

Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016 c
ZBA Decision 04/14/2022

Variance to allow Unit Specific Land Use Descriptions
GRANTED with 2 stipulations

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

Property Owner Agent: Gerald R. Prunier, Esq., Prunier & Prolman, P.A.,
20 Trafalgar Square, Suite 100, Nashua NH 03063

Property Location: 185 Webster Street, Hudson, NH 03051

Property address: 187 Webster Street, Hudson, NH 03051

Action sought: Variance for the Small Garage Building addressed as 187 Webster Street—for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.

Zoning Ordinance Article: V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (F-8) and §334-22, Table of Permitted Accessory Uses.

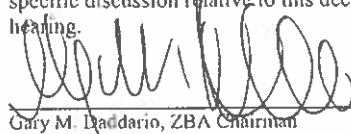
Action granted: After consideration of the testimony and 04/09/2022 Site Walk observations; acknowledgement that the Variance applies to just this building; discussions on identifying specific uses to be included with the granting of this variance with the unit specific Land Use Descriptions identified per Attachment A in the Zoning Administrator's Staff Report initialed 04/13/2022 as follows:

- Unit A- Carpet Storage with a forklift that can be parked outside on side of unit that faces the residence and no applicable Accessory Uses
- Unit B- Off Season Garaging and no applicable Accessory Uses
- Unit C- Mechanical Maintenance (modified from Mechanical Repair) and no applicable Accessory Uses;


review of the Variance criteria and determination that they have been conditionally satisfied, motion made, seconded and voted 4:1 to grant the Variance for the Small Garage Building with two (2) stipulations:

- (1) building would have to be brought into compliance with all applicable Town Codes including the disposal to of any hazmat materials; and
- (2) limit the parking for the building to two (2) light commercial vehicles and two (2) heavy commercial vehicles at any one time.

NOTE: Any change in Use will require a Variance. 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.


Gary M. Daddario, ZBA Chairman

5/9/22
Date


Bruce Buttrick, Zoning Administrator

5-6-22
Date

F2

FEES: \$10.53
SURCHARGE \$2.00
CASH: 0

#A43 Hudson
Zoning

Send recorded copy to

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

NOTICE OF DECISION

**Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016 d
ZBA Decision 04/14/2022**

Variance to allow Unit Specific Land Use Descriptions - GRANTED with 5 stipulations

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

Property Owner Agent: Gerald R. Prunier, Esq., Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100, Nashua NH 03063

Property Location: 185 Webster Street, Hudson, NH 03051

Property address: 189 Webster Street, Hudson, NH 03051

Action sought: Variance for a Large Garage Building addressed as 189 Webster Street for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.

Zoning Ordinance Article: V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.

Action granted: After consideration of the testimony and 04/09/2022 Site Walk observations; acknowledgement that the Variance applies to just this building; discussions on identifying specific uses to be included with the granting of this variance; review of the Variance criteria and determination that they have been conditionally satisfied, motion made, seconded and voted 4:1 to grant the Variance for the Large Garage Building with five (5) stipulations:

- (1) that the building satisfy all applicable Town Codes for applicable occupancy/use, including storage and disposal of hazmat material;
- (2) that the Uses conform to the Unit Specific Land Use Descriptions in Attachment A of the Zoning Administrator's Staff Report initialed 4/13/2022 as follows:
 - Unit A- Truck Repair & Storage (garaging) and no Accessory Uses
 - Unit B- Off-season Storage (garaging) and no Accessory Uses
 - Unit C- Car-detailing & Storage (garaging) and no Accessory Uses
 - Unit D- Pool Service/Install and no Accessory Uses
- (3) that retail transactions shall not be conducted on site
- (4) that there shall be no access by the customers or general public onto site
- (5) that parking shall be limited to eight (8) light commercial vehicles and three (3) heavy commercial vehicles at any one time or per approved Site Plan.

NOTE: Any change in Use will require a Variance. All representations of fact or intention made by the 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.

Gary M. Daddario, ZBA Chairman

Date

5/9/22

Bruce Buttrick, Zoning Administrator

Date

5-6-22

F3

FEES: \$10.53
SURCHARGE: \$2.01
CASH:

#A43 Hudson
Zoning

Send recorded copy to

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

NOTICE OF DECISION

Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016 e
ZBA Decision 04/14/2022

Variance to allow Mixed Uses - GRANTED with 1 stipulation

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

Property Owner Agent: Gerald R. Prunier, Esq., Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100, Nashua NH 03063

Property Location: 185 Webster Street, Hudson, NH 03051

Action sought: 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.

Zoning Ordinance Article: III, General Regulations; §334-10.A, Mixed or dual use on a lot.

Action granted: After consideration of the testimony and 04/09/2022 Site Walk observations; acknowledgement that the Variance applies to the entire parcel; discussions on identifying specific uses to be included with the granting of this mixed use variance; review of the Variance criteria and determination that they have been satisfied, motion made, seconded and voted 3:2 to grant the Variance with the stipulation that the mixed uses be limited to the Uses identified on Attachment A of the Zoning Administrator's Staff Report initialed 4/13/2022 and as shown below:

Building Address	Building Description	Unit(s)	Land Use Description	Land Use Code	
				Principal	Accessory
183 Webster St	Greenhouse		Landscape Equipment Storage *	E-8	Not applicable *
185 Webster St	House	(A & B)*	Two-family*	A-2*	Not applicable
187 Webster St	Small Garage	A	Carpet Storage	E-8	Fork-truck (N/A)
		B	Off season garaging	E-8	Not applicable
		C	Mechanical maintenance*	D-10	Not applicable
189 Webster St	Large Garage	A	Truck Repair & Storage (garaging)	D-10/E-8	Not applicable
		B	Off-season Storage (garaging)	E-8	Not applicable
		C	Car detailing & storage (garaging)	D-10/E-8	Not applicable
		D	Pool Service/install	E-10	Not applicable

* Modified after 4/9/22 ZBA Site Walk and 4/14/22 ZBA Meeting discussion and Decisions.

NOTE: Any change in Use will require a Variance. 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.

Gary M. Daddario, ZBA Chairman

5/9/22
Date

Bruce Buttrick, Zoning Administrator

5-6-22
Date

F4

Mary Ann Crowell
Register of Deeds, Hillsborough County

FEES:	10.53
SURCHARGE:	2.00
CASH:	-

Send recorded copy to:

A43
TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
 12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016
ZBA Decision 04/28/2022

Extension to Variance approved 1/23/2020 with stipulations
TWO-YEAR EXTENSION GRANTED

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

Property Owner Agent: Gerald R. Prunier, Esq., Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100, Nashua NH 03063-1981

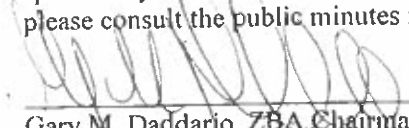
Property address: 181A Webster Street, Hudson, NH 03051

Action sought: An extension of the Variance granted with stipulations on 01/23/2020 for **181 A Webster St., Hudson, NH** to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store, a use not permitted

Zoning Ordinance Article: XV, Enforcement and Miscellaneous Provisions; §334-82.F, Time Limit

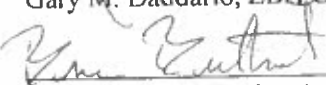
Action granted: After consideration of the testimony and the other recent Variances conditionally approved and speculation for a reasonable timeframe to meet all conditions of approvals in order to submit a Site Plan Review application to the Planning Board, motion made, seconded and unanimously voted to grant a two-year (2) extension to the Variance granted 01/23/2020 with the original stipulations.

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.



Gary M. Daddario, ZBA Chairman

5/26/22
Date



Bruce Buttrick, Zoning Administrator

5-24-22
Date



THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Derry & Webster, LLC

Docket No. 226-220-CV-00632

Final Order

The matter before the Court involves a Petition for Permanent Injunction to Enjoin Zoning Ordinance Violations brought by the Petitioner, Town of Hudson (“Hudson”), against the Respondent, Derry & Webster, LLC (“Derry & Webster”), owner of the property located at 181-189 Webster Street, Hudson, NH, which is identified in reference to the Hudson Tax Maps as Map 147, Lots 006 (“Property”). By agreement of the parties, the Court hereby makes the following findings of fact, rulings of law, and enters the following Final Order:

1. The Property is located within the Residential-2 (R-2) zoning district according to the Hudson Zoning Ordinance (“HZO”). Land uses permitted within the R-2 zoning district include single and two-family residences, agricultural uses, and other similar uses. Commercial and industrial land uses are not permitted within the R-2 zoning district. Portions of the Property are also located within the Wetland Conservation (“WC”) overlay zoning district.
2. The Property was historically a working farm known as the Garrison Farm. The Property was developed with numerous structures related to its historical agricultural use, including a farmhouse, greenhouses, agricultural structures, barns, sheds, and a farm stand.

4.

3. 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). A Consent Decree was entered in that case, pursuant to which, the use of the Property was limited to “. . . 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.” Included within the pre-existing nonconforming use was the “use of the property for planting, growing and selling nursery stock.” *Id.*
4. Over time, the use of the Property has expanded and changed without the necessary municipal permits and approvals. As of the date of commencement of this case, the following land uses were being undertaken on the Property: convenience style market; a three-family residence; landscaping business with contracting; a commercial warehouse; a multi-bay commercial garage; outdoor storage of materials, vehicles, heavy equipment, and junk.
5. The Court hereby finds that as of the date of the commencement of the case, the Property was being utilized in violation of the HZO and Court’s Order in *Town of Hudson v. Samuel A. Tamposi et al.*
6. Prior to commencement of the case, the Hudson Zoning Board of Adjustment (“ZBA”) granted a variance relative to the convenience store on January 23, 2020.
7. During the pendency of the case, on April 14, 2022, the ZBA granted variances relative to the greenhouse building, the small garage building, the large garage building, and to permit multiple mixed uses.
8. During the pendency of the case, the ZBA denied a variance to permit a 3-family residence.
9. During the pendency of the case, the ZBA granted a variance on April 28, 2022, pursuant to which, Derry & Webster was provided a two (2) year extension to the variance previously granted on January 23, 2020. Derry & Webster’s deadline to comply with the terms and conditions the variances, including obtaining site plan approval, is January 23, 2024.
10. None of the variances have been appealed. The variances are subject to certain stipulations, including site plan approval from the Planning Board.
11. In light of the foregoing, the Court hereby enters the following permanent injunctive orders pursuant to RSA § 676:17, I, and the HZO.
12. Use of the Property must comply with the terms and conditions of the variances granted by the ZBA, which are herein incorporated by reference, including the requirement that site plan approval be obtained from the Planning Board.

13. The 3-family residence must be converted to a 2-family residence. All independent living facilities must be removed from the illegal 3rd residential unit, which must be combined with the other two (2) units such that there are only two (2) residential units. All work must comply with all applicable life safety and building codes. All required permits must be obtained from the Town prior to beginning any construction. The Court recognizes that the illegal 3rd residential unit is currently being occupied by a tenant under a lease which expires on November 30, 2022. The current tenant shall be required to vacate the illegal unit at the expiration of the lease, failing which, Derry & Webster shall commence the necessary eviction proceeding to gain possession of the 3rd residential unit and bring the Property into compliance.



14. The use of the Property related to the landscaping business as it currently exists is not permitted. The only permitted landscaping use is the “planting, growing and selling nursery stock.” All other uses related or ancillary to the existing landscaping business are not permitted. Derry & Webster must cease and desist the illegal landscaping business and bring the Property into compliance within a period of eight (8) months from the date of this Order. If, during this eight (8) month time period, Derry & Webster should obtain a variance to permit the landscaping business or some iteration thereof, use of the Property shall comply with the terms and conditions of any such variance. Otherwise, the illegal landscaping use must cease and desist, and the Property must be brought into compliance with the HZO.

15. Except as may be permitted by the variances, the outdoor storage of materials, vehicles, heavy equipment, and junk is not permitted, and must be removed from the Property in keeping with the terms and conditions of this Order.

16. Any uses and disturbances within the WC overlay zoning district must be abated. In conjunction with obtaining site plan approval from the Planning Board, Derry & Webster shall obtain approval of a remediation plan to restore any disturbed areas within the protected wetland or the adjacent buffer.

17. Site plan approval for the complete site (Map 147, Lot 016-000) must be obtained no later than January 23, 2024.

18. Hudson is hereby awarded its attorney fees and costs actually expended in this matter pursuant to RSA § 676:17, II. Hudson is hereby awarded its attorney fees and costs in the amount of \$7,750.00. Derry & Webster shall tender payment to Hudson in four (4) equal monthly payments, with the first payment being due within thirty (30) days of this Order, and each subsequent payment due on the same day of each month thereafter until paid in full.

19. Pursuant to RSA § 676:17, I, Derry & Webster is subject to civil fines and penalties up to \$275.00 for first offenses, and \$550.00 per day for second offenses, for each day the violations have continued. Derry & Webster was first notified of the offenses on September 30, 2019. By agreement of the parties, the imposition of civil fines and penalties against Derry & Webster is to be withheld, provided that, Derry & Webster complies with this Final Order. In the event that Derry & Webster fails to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.

20. This Order may be recorded at registry of deeds and shall be binding upon any subsequent owner of the Property.

So Ordered.

Dated: _____

Justice, Superior Court

Tina L. Nadeau

Honorable Tina L. Nadeau

August 3, 2022

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

REQUEST FOR REVIEW/COMMENTS:

Case: 147-016 (05-25-23) (4-VARIANCES)

Property Location: 181 B Webster Street

For Town Use

Plan Routing Date: 05/11/2023 Reply requested by: 05/16/2023 ZBA Hearing Date: 05/25/2023

I have no comments I have comments (see below)

(Initials) Name: Brian Groth Date: 05/16/2023

DEPT. Town Engineer Fire/Health Department Town Planner

1. A site walk may be useful in evaluating this application.
2. As the application suggests, this unlawful use has carried on for an extended period of time and has impacted the character of the neighborhood. While there were previous code enforcement efforts by the Town, the most recent (and current) code enforcement action by the Town initiated in 2019.
3. The character of the neighborhood cannot be defined by the use that is being requested. The character of the abutting and adjacent properties, (i.e. the neighborhood) should be observed.
4. The intent of the zone can be found in §334-18.B Districts Described - Residential - Two (R-2). The R-2 Residential District is established to provide for the development of single-family and/or two-family (duplex) residences and customary accessory uses and structures and complementary nonresidential uses. The district is intended to provide a diversity of housing types, community facilities, recreational uses and other uses which benefit and are enhanced by the predominantly residential character of the district.
5. There are material stockpiles approximately 20-30 feet which may be contributing to complaints received from neighboring residential communities concerning dust and debris. This type of use is permitted in the industrial zone and the general zones and requires buffering and sufficient screening from residential areas.
6. It appears that the use is encroaching on wetland protection areas.
7. History: This site is known to be the location of the earliest garrison settled in 1710 by the Hills family (the Hills Garrison). A granite marker memorializing its location was placed by Kimball Webster in 1901. Due to concern for its safety due to the unlawful activity, the marker was moved in 2008 to the aptly named Hills Garrison School.



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

On **05/25/2023**, the Zoning Board of Adjustment heard **Case 147-016 a.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH to allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

Landscaping Business

MAY 09 ENT'D 2023 (TSB)

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-016^a(05-25-23)
Date Filed 5/9/23

Name of Applicant Derry & Webster, LLC Map: 147 Lot: 16 Zoning District: R2
c/o Vatche Manoukian, Manager

Telephone Number (Home) 603-883-8900 (Work) _____

Mailing Address 253 Main Street, Nashua, NH 03060

Owner Derry & Webster, LLC

Location of Property 181B Webster Street
(Street Address)

Signature of Applicant _____ Date 5-9-2023

Signature of Property-Owner(s) _____ Date 5-9-2023

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

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

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

Date received: 5/9/23

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>16</u> Abutter Notice:		
Direct Abutters x Certified postage rate	\$	<u>4.78</u> = \$ <u>76.48</u>
<u>1</u> Indirect Abutters x First Class postage rate	\$	<u>0.63</u> = \$ <u>0.63</u>
Total amount due:		\$ <u>262.11</u>
Amt. received:	\$	<u>740.00</u>
Receipt No.:		<u>728,860</u>

Received by: (TSB)

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

check # 1550
check # 1549
(All Variance)

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

*may be needed pending Variance outcome

CERTIFIED PLOT PLAN:

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

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

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

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

[Signature]
Signature of Applicant(s)

5-9-2023
Date

[Signature]
Signature of Property Owner(s)

5-9-2023
Date

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Manuele E. Pintado, Jr. & Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Florence Nichols	1 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. Trainor & Kate M. Trainor	2 Shoreline Drive Hudson, NH 03051
147	001	Benjamin Matthew Webster & Jane Anne Webster	1 Shoreline Drive Hudson, NH 03051
147	015	Michael J. Hagan	180 Hollis Street Pepperell, MA 01463
156	007	Susan J. Aucoin	177 Webster Street Hudson, NH 03051
147	014	Brian D. Pigeon	197 Webster Street Hudson, NH 03051
147	013	Lionel St. Laurent & Kerianne St. Laurent	199 Webster Street Hudson, NH 03051
147	001-018	Paul & Kimberly Mocerri	6 Scenic Lane Hudson, NH 03051
156	006	Sparkling River Condominium Association Inc. c/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051
156	008	Reeds Brook Home Owners Assoc. c/o Sandra Pottle, Treasurer	8 Madeleine Ct. Hudson, NH 03051
147	017	Lexington Place Condominiums c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbie's Landing Homeowners	32 Bowes Circle Hudson, NH 03051
147	016	Derry & Webster LLC	253 Main Street Nashua, NH 03060
		Keach-Nordstrom, Inc.	11 Commerce Park, Suite 3 Bedford, NH 03110



Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

**Applicant provided-
Abutter Mailing Labels*

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Benjamin Matthew Webster &
Jane Anne Webster
1 Shoreline Drive
Hudson, NH 03051

Benjamin Matthew Webster &
Jane Anne Webster
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Hudson, NH 03051

Michael J. Hagan
180 Hollis Street
Pepperell, MA 01463

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Susan J. Aucoin
177 Webster Street
Hudson, NH 03051

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Brian D. Pigeon
197 Webster Street
Hudson, NH 03051

Brian D. Pigeon
197 Webster Street
Hudson, NH 03051

Lionel St. Laurent &
Kerianne St. Laurent
199 Webster Street
Hudson, NH 03051

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Paul & Kimberly Mocerri
6 Scenic Lane
Hudson, NH 03051

Paul & Kimberly Mocerri
6 Scenic Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051



Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

** Applicant provided -
Abutter Mailing Labels.*

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

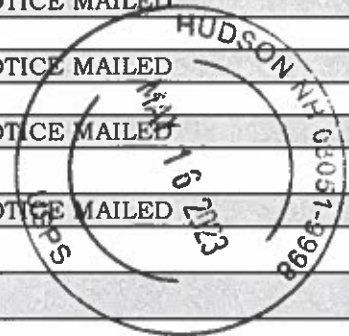
Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

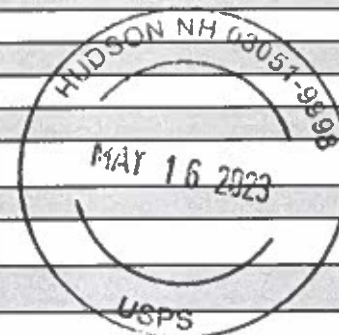
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5622 73	DERRY & WEBSTER LLC 253 MAIN STREET, NASHUA, NH 03060	APPLICANT NOTICE MAILED
2	9589 0710 5270 0646 5622 80	MANUEL E. PINTADO, JR; KARINA E. PINTADO 2 SCENIC LANE, HUDSON, NH03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5622 97	FLORENCE NICOLAS 1 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5623 03	JEFFREY J. TRAINOR & KATE M. TRAINOR 2 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5623 10	BENJAMIN MATTHEW WEBSTER & ANNE WEBSTER JANE 1 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5623 27	MICHAEL J. HAGAN 180 HOLLIS STREET, PEPPERELL, MA 01463	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5623 34	SUSAN J. AUCOIN 177 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5623 41	BRIAN D. PIGEON 197 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5623 58	LIONEL ST. LAURENT & KERIANNE ST. LAURENT 199 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5623 65	PAUL & KIMBERLY MOCERI 6 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) <i>Paula Angelis</i>



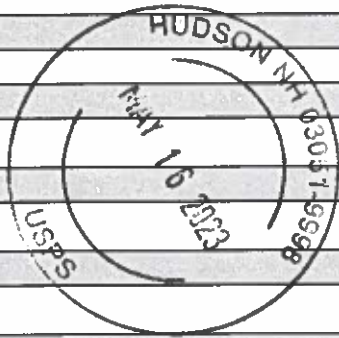
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 2 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5623 72	SPARKLING RIVER CONDOMINIUM ASSOC. INC.; c/o RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 0646 5623 89	REEDS BROOK HOMEOWNERS ASSOC.; c/o SANDRA POTTLE, TREASURER 8 MADELEINE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5623 96	LEXINGTON PLACE CONDOMINIUMS; c/o JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5624 02	ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5624 19	KEACH-NORDSTROM, INC. 11 COMMERCE PARK, SUITE 3, BEDFORD, NH 03110	APPLICANT NOTICE MAILED
6	9589 0710 5270 0646 5624 26	ANDREW PROLMAN, ESQ., PRUNIER & PROLMAN, PLLC 20 TRAFALGAR SQUARE, STE 100, NASHUA, NH 03063-1981	APPLICANT NOTICE MAILED
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Paula Angeli</i>



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
	Total # of pieces listed by sender 1	Total # of pieces rec'vd at Post Office 1	Postmaster (receiving Employee) <i>Paula Angeli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

APPLICANT NOTIFICATION

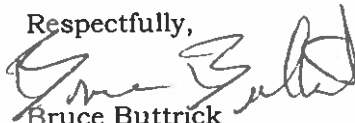
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 147-016 (05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for 181 B Webster St., Hudson, NH [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. **To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]**
- b. **To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]**
- c. **To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]**
- d. **To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., 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

Dillon Dumont, Selectmen Liaison

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

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- d. **To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]**

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

LANDSCAPING BUSINESS VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance **Article V, HZO Section(s) 334-21, Table (E-10)** in order to permit the following:

To maintain the existing landscaping business at 187 Webster Street.

FACTS SUPPORTING THIS REQUEST:

1. Granting the requested variance will not be contrary to the public interest, because:

There has been a landscaping business at this site for decades. Allowing the existing landscaping business on this lot to continue will not alter the character of the neighborhood, nor threaten the public health safety or welfare of the neighborhood nor the Town of Hudson.

2. The proposed use will observe the spirit of the ordinance, because:

Similar to the public interest criteria, allowing the Regis Landscaping to continue on this large lot will not harm any public rights nor alter the character of the neighborhood. Indeed, a landscaping business on this site have been going on so long that it is part of the character of the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

Regis Landscaping is an ongoing business providing services to the residences and businesses in the Town of Hudson and surrounding communities and maintains many employees through the year. Allowing Regis to continue is a significant benefit to Regis, its employees, and the property owner with no adverse impact to the Town. The balancing test of the substantial justice criteria weighs in favor of the applicant.

4. The proposed use will not diminish the values of surrounding properties, because:

We know there has been no impact to surrounding property values because of the successful build out of nearby developments.

LANDSCAPING BUSINESS VARIANCE

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
- A. 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

The property is unique and unusual given its long history with multiple mixed uses. Further, there are large area wetlands at the rear of the property which must be respected. Given the successful use of a landscaping business the property for many, many years, the restriction of prohibiting landscaping businesses at this site is not fair and reasonable to the applicant nor Regis Landscaping.

- 2) Explain how the special conditions of the property cause the proposed use to be reasonable.

Regis’s operation is a benign commercial operation, as opposed to heavy industrial uses. Regis’s business provides services to residential customers. Allowing the long time landscaping operation to continue is a reasonable use of this lot.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-027

March 16, 2023

Andrew A. Prolman
Prunier & Prolman, PLLC
Ste 100
20 Trafalgar Sq
Nashua, NH 03063

Re: Variance request/application
Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Andrew,

I am in receipt of your 02/15/23 request as to which variances are needed for the entity/operation known as "Regis Landscaping" to continue at 181A Webster St, and per Superior Court Order dated August 3, 2022.

Currently this operation needed/needs variances to the Zoning Ordinance as follows:
§334-10A Mixed uses on a lot. The R-2 district does not allow mixed uses.

§334-21 Table of Permitted Principal Uses. This use as a Landscaping business (E-10) is not a permitted use in this district.

§334-21 Table of Permitted Principal Uses. This use also has associated retail sales of landscaping products (D-30) and is not a permitted use in this district.

§334-22 Table of Permitted Accessory Uses. The garaging or parking of: two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in this district.

§334-13 Junkyards prohibited; outdoor storage, current operation has numerous unregistered/junked vehicles/equipment, and **junk/debris.** Would need variance to maintain/continue such for a site plan approval.

Not seeing a site plan to review, there may be issues/activity within the Wetland Buffers on site needing a Variance: operations around and within the Buffer of the man-made wetland (small pond) in yard adjacent to side of building, as well as stockpiled landscape material and graded/disturbed ground surfaces in back yard.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encls: 02/15/2023 Zoning Determination Request and Superior Court Final Order
item# 14

cc: Public Folder
Town Planner - B. Groth
Town Counsel - D. LeFevre
file

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

23-027



TOWN OF HUDSON LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov

FEB 15 2023



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 02/15/2023

Property Location 181B Webster Street

Map 147 Lot 16 Sublot 000

Zoning District if known R-2

Type of Request

- Zoning District Determination Use Determination Set-Back Requirements
 Process for Subdivision/ Site Plan if required
 Other

Description of request / determination: (Please attach all relevant documentation)

Please advise as to the variance(s) required to keep Regis Landscaping on site per §14 of the August 3, 2022 Final Order in Town of Hudson v. Derry & Webster, LLC, Hillsborough County Superior Court Docket No. 226-220-CV-00632.

Applicant Contact Information:

Name: Andrew A. Prolman, Prunier & Prolman, PLLC
 Address: 20 Trafalgar Sq., Ste. 100, Nashua, NH 03063
 Phone Number: 603.883.8900
 Email: aprolman@prunierlaw.com

For Office use

ATTACHMENTS: TAX CARD | GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT || DATE: _____

13. The 3-family residence must be converted to a 2-family residence. All independent living facilities must be removed from the illegal 3rd residential unit, which must be combined with the other two (2) units such that there are only two (2) residential units. All work must comply with all applicable life safety and building codes. All required permits must be obtained from the Town prior to beginning any construction. The Court recognizes that the illegal 3rd residential unit is currently being occupied by a tenant under a lease which expires on November 30, 2022. The current tenant shall be required to vacate the illegal unit at the expiration of the lease, failing which, Derry & Webster shall commence the necessary eviction proceeding to gain possession of the 3rd residential unit and bring the Property into compliance.

14. The use of the Property related to the landscaping business as it currently exists is not permitted. The only permitted landscaping use is the "planting, growing and selling nursery stock." All other uses related or ancillary to the existing landscaping business are not permitted. Derry & Webster must cease and desist the illegal landscaping business and bring the Property into compliance within a period of eight (8) months from the date of this Order. If, during this eight (8) month time period, Derry & Webster should obtain a variance to permit the landscaping business or some iteration thereof, use of the Property shall comply with the terms and conditions of any such variance. Otherwise, the illegal landscaping use must cease and desist, and the Property must be brought into compliance with the HZO.

15. Except as may be permitted by the variances, the outdoor storage of materials, vehicles, heavy equipment, and junk is not permitted, and must be removed from the Property in keeping with the terms and conditions of this Order.

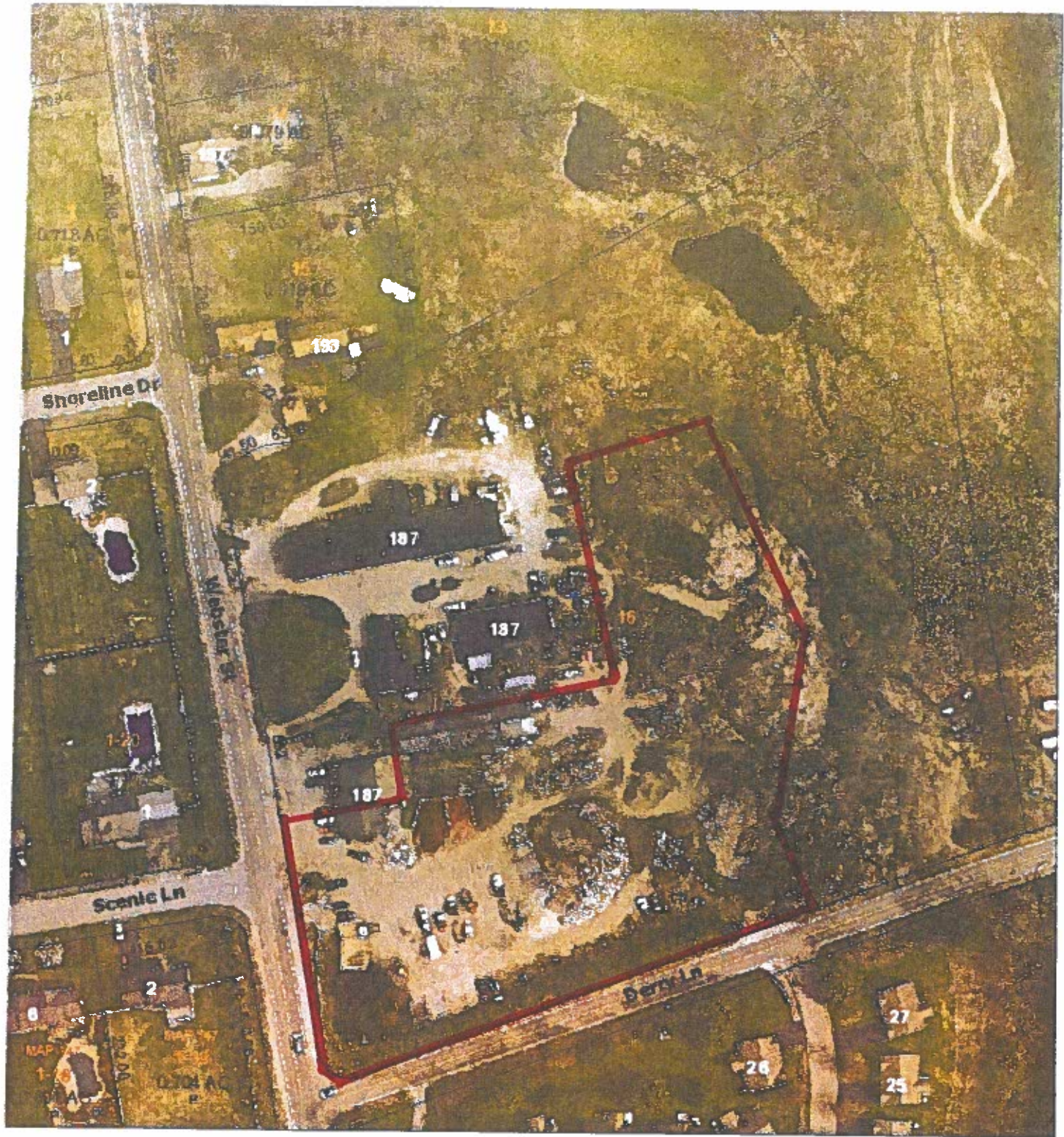
16. Any uses and disturbances within the WC overlay zoning district must be abated. In conjunction with obtaining site plan approval from the Planning Board, Derry & Webster shall obtain approval of a remediation plan to restore any disturbed areas within the protected wetland or the adjacent buffer.

17. Site plan approval for the complete site (Map 147, Lot 016-000) must be obtained no later than January 23, 2024.

18. Hudson is hereby awarded its attorney fees and costs actually expended in this matter pursuant to RSA § 676:17, II. Hudson is hereby awarded its attorney fees and costs in the amount of \$7,750.00. Derry & Webster shall tender payment to Hudson in four (4) equal monthly payments, with the first payment being due within thirty (30) days of this Order, and each subsequent payment due on the same day of each month thereafter until paid in full.

19. Pursuant to RSA § 676:17, I, Derry & Webster is subject to civil fines and penalties up to \$275.00 for first offenses, and \$550.00 per day for second offenses, for each day the violations have continued. Derry & Webster was first notified of the offenses on September 30, 2019. By agreement of the parties, the imposition of civil fines and penalties against Derry & Webster is to be withheld, provided that, Derry & Webster complies with this Final Order. In the event that Derry & Webster fails to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.

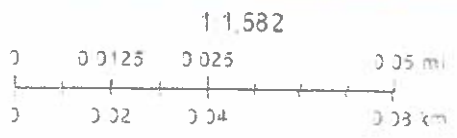
185 Webster Street (Map 147 Lot 016-000)



May 8 2023

- Legend
- Easement_Lines
 - ▭ Parcels

APPROXIMATE AREA
OF
REGIS LANDSCAPING



Property Location: 185 A C WEBSTER ST
Vision ID: 2569 Account #: 7257

Parcel ID: 147/016/000/1
Bldg #: 1

Card Address: 181-189 WEBSTER ST
Card #: 1 of 5

LUC: 0310
Print Date: 5/4/2023 1:42:39 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
DERRY & WEBSTER LLC		MG	General Comm Areas			2022	3160	43,400	2022	3250	477,100	2021	3250	477,100
253 MAIN ST.		TOPO	UTILITIES				3250	145,800		3250	365,300		3250	365,300
		Level	Town Water				3250	466,800		3250	35,800		3250	35,800
			Town Sewer				3250	100,200						
NASHUA NH 03060						Total		1,057,700	Total		878,200	Total		878,200

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
DERRY & WEBSTER LLC				6834 1327	02-07-2003	Q	I	1,000,000	00	Grantor: SECOND GENERATION PROPERTIES.	Appraised Bldg. Value (Card)			410,400
SECOND GENERATION PROPERTIES				5686 1423	01-17-1996	U	I		99	Grantor: N/A	Appraised Xf (B) Value (Bldg)			72,800
UNKNOWN				5542 902	04-25-1994	U	I	167,000	99	Grantor: TAMPOSI, SAMUEL A. SR.	Appraised Ob (B) Value (Bldg)			100,700
TAMPOSI, SAMUEL A. SR.				5437 1452	05-28-1993	U	I		99	Grantor: TAMPOSI, ET AL.	Appraised Land Value (Bldg)			466,800
TAMPOSI, ET AL.				5078 0788	12-23-1988	Q	I	0	00	Grantor: N/A	Special Land Value			0

SUPPLEMENTAL DATA				CURRENT ASSESSMENT											
Parcel ID	Zoning	Flood Hazard	Neigh/Abut	Neigh/Abut2	Neigh/Abut3	GIS ID	Assoc Pid#	Descrpt	Code	Appraised	Assessed				
147-016-000	R2-RESD TWO	C				147-016-000		BLDG	3160	43,400	43,400				
								BLDG	3250	138,800	138,800				
								LAND	3250	466,800	466,800				
								OB	3250	100,200	100,200				
								BLDG	3320	17,800	17,800				
								BLDG	3400	283,200	283,200				
								OB	3400						
								Total:		1,050,700	1,050,700				

NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpos/Result
GRY, GRNHS 108X30=GLASS, OTHERS PLASTIC, 96X26 HAS NO COVERING, JUST TUBE STEEL				12-27-2022	21	70	Info Office
FRAME EST INT func = excess capacity/ 20 REPLACED WINDOWS. SIDING=F COND=F / a dj size land 2020 per plan submitted				03-05-2020	01	07	Info Fm Plan
4-14-2022 ZBA denied the legal ability				01-09-2020	18	03	Meas/Inspect
				06-11-2017	09	45	Field Review
				02-24-2017	07	80	Income And Expense Request Maile
				08-05-2014	01	27	Abate Denied
				05-10-2012	09	45	Field Review
				01-20-2010	10	15	Permit Visit

BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments		
2018-01109	11-01-2018	ER	Ext Renov	20,000	C					
2018-00052	01-22-2018	ELEC	Electrical		C					
2009-454	10-02-2009	SI	Signs	1,500	C			78 X 72 Inch Lens For Existing Freestanding Sign;		
2005-528	06-21-2005	IR	Int Renov	1,800	C			33 Square Foot Sign Mounted On Roof.;		
2002-58	08-01-2001	SI	Signs		C			96 Inch X 96 Inch Free Standing.;		
2001-528	06-26-2001	SI	Signs		C					

LAND LINE VALUATION SECTION															
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	325R	CONV/FOOD/STORE M	Site	2.000	AC	260,000	1.00	E	1.00	MG	0.75				390,000
1	3250	CONV/FOOD/STORE	Excess	8.289	AC	26,000	0.95	1.00	0	MG	0.75	Topo	0.50	USE; TOPO;	76,800
Total Card Land Units:				10.289	AC	Parcel Total Land Area:				10.289	AC	Total Land Value:		466,800	

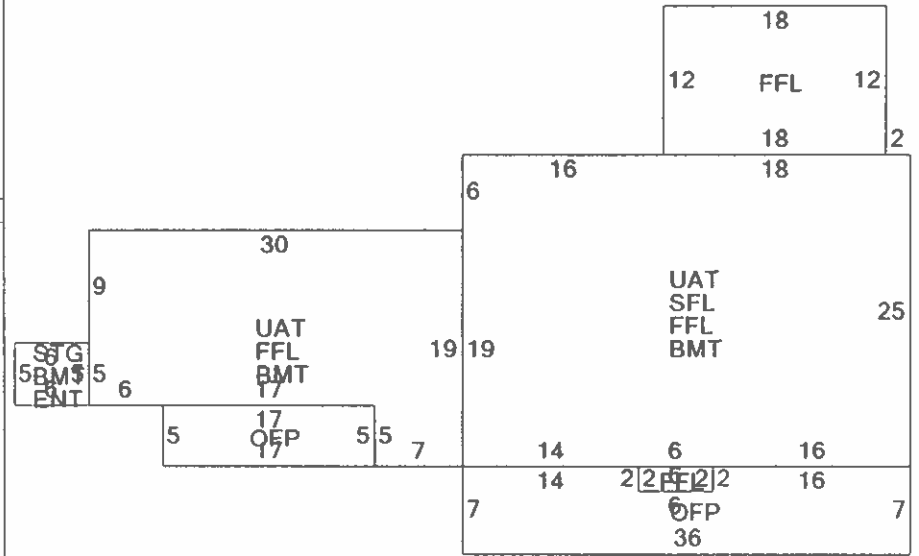
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories	2		Extra Kitchens	0	
Style	11	Family Conver.	Add Kitchen Ra		
Grade	C	Average			
(Liv) Units	2				
Exterior Wall 1	03	Aluminum			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	03	Brick/Stone			
Interior Wall 1	01	Drywall			
Interior Floor 1	02	Softwood			
Heat Fuel	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	2				
AC Percent	0				
Total Rooms	7				
Bedrooms	4				
Full Baths	3				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	2				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color					
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	396,597
Year Built	1920
Effective Year Built	1977
Depreciation Code	FR
Remodel Rating	
Year Remodeled	
Depreciation %	45
Functional Obsol	10
External Obsol	10
Trend Factor	1.000
Condition	
Condition %	
Percent Good	35
RCNLD	138,800
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
BOXTR	Box Trailer As Shed/20 Ft. Un	L	1	UNITS	5000.0	1990	AV	60	6,000
BOXTR	Box Trailer As Shed/20 Ft. Un	L	1	UNITS	5000.0	2010	AV	60	3,000
GRNHSP	Plastic Covered Greenhouse	L	1,560	UNITS	0.00	1965	PR	45	0
PAVASP	Asphalt Paving	L	6,000	UNITS	2.00	1965	PR	45	5,400

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,385	346	30.28	41,938
ENT	Entry	0	30	30	121.21	3,636
FFL	First Floor, Finished	1,583	1,583	1,583	121.21	191,874
OFP	Open Frame Porch	0	325	65	24.24	7,879
SFL	Second Floor, Finished	900	900	900	121.21	109,088
STG	Storage, Unfinished	0	30	9	36.36	1,091
UAT	Attic, Unfinished	0	1,355	339	30.32	41,090
Total Liv Area/Gr. Area/Eff Are		2,483	5,608	3,272	Total Value	396,596

Property Location: 189 WEBSTER ST
 Vision ID: 2569 Account #: 7257

Parcel ID: 147/016/000//
 Bldg #: 2

Bldg Name: 181-189 WEBSTER ST
 Card #: 2 of 5

LUC: 0310
 Print Date: 5/4/2023 1:42:40 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
DERRY & WEBSTER LLC 253 MAIN ST. NASHUA NH 03060		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MG		General Comm Areas		2022	3160	43,400	2022	3250	477,100	2021	3250	477,100
		TOPO		UTILITIES			3250	145,800		3250	365,300		3250	365,300
		01	Level	03	Town Water		3250	466,800		3250	35,800		3250	35,800
				02	Town Sewer		3320	17,800						
						Total	1,057,700	Total	878,200	Total	878,200	Total	878,200	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
DERRY & WEBSTER LLC		6834	1327	02-07-2003	Q	I	1,000,000	00	Grantor: SECOND GENERATION PROPERTIES, UNKNOWN	Appraised Bldg. Value (Card)	410,400
SECOND GENERATION PROPERTIES		5686	1423	01-17-1996	U	I		99	Grantor: N/A	Appraised Xf (B) Value (Bldg)	72,800
UNKNOWN		5542	902	04-25-1994	U	I	167,000	99	Grantor: TAMPOSI, SAMUELA SR.	Appraised Ob (B) Value (Bldg)	100,700
TAMPOSI, SAMUELA SR.		5437	1452	05-28-1993	U	I		99	Grantor: TAMPOSI, ET AL	Appraised Land Value (Bldg)	466,800
TAMPOSI, ET AL		5078	0788	12-23-1988	Q	I	0	00	Grantor: N/A	Special Land Value	0
						Total:	1,050,700			Total Appraised Parcel Value	1,050,700

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY	
Parcel ID	147-016-000		Descript	Code	Appraised	Assessed	Valuation Method	
Zoning	R2:RESD TWO		BLDG	3160	43,400	43,400	C	
Flood Hazard	C		BLDG	3250	138,800	138,800		
Neigh/Abut1			LAND	3250	466,800	466,800		
Neigh/Abut2			OB	3250	100,200	100,200		
Neigh/Abut3			BLDG	3320	17,800	17,800		
GIS ID	147-016-000	PREV 0023-0017-0002	BLDG	3400	Total: 1,050,700	1,050,700	Total Appraised Parcel Value 1,050,700	

NOTES						VISIT / CHANGE HISTORY					
USE FOR PRODUCT (BEVERAGE) AND CONST EQU IP STORAGE, 16' CEIL 1/20 FR/P COND. CRAC KS IN WALL AND SETTLING. NO DBA LISTED						Date	Id	Type	Is	Cd	Purpost/Result
						01-09-2020	18			03	Meas/Inspect
						06-11-2017	09			45	Field Review
						05-10-2012	09			45	Field Review
						07-10-2007	09			20	Other Change
						10-14-2001	00			02	Measured
						12-07-1990	02			14	Inspected

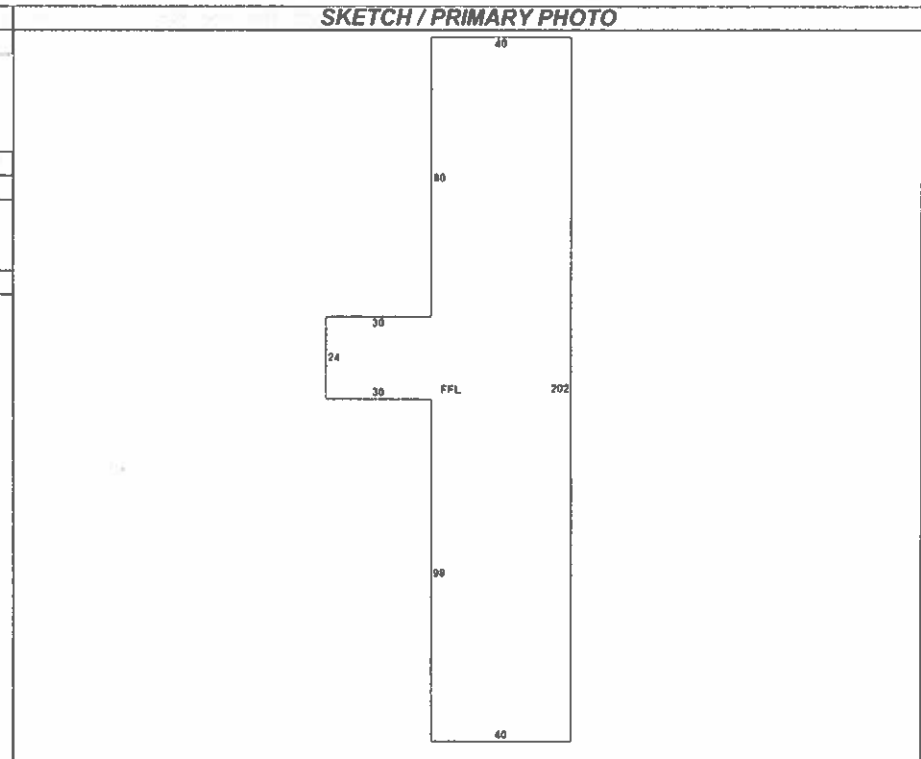
BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments		

LAND LINE VALUATION SECTION														
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
2	3160	COMM WHSE	Site	0.000 AC		0	1.00	0	1.00	RD	0.95			0

Total Card Land Units: 0.000 AC Parcel Total Land Area: 10.289 AC Total Land Value: 0

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	% Sprinkler		
Style	25	Service Shops	Frame	02	
Grade	E	Poor	Foundation	06	
Stories	1		MIXED USE		
# of Units	4		Code	Description	Percentage
Wall Height	8.00		3160	COMM WHSE	100
Exterior Wall 1	27	Metal Panel			0
Exterior Wall 2	21	Conc Block			0
Roof Structure	01	Gable	COST / MARKET VALUATION		
Roof Cover	04	Tar/Gravel	RCN		206,518
Interior Wall 1	05	Minimal	Year Built		1975
Interior Wall 2			Effective Year Built		1963
Interior Floor 1	12	Concrete	Depreciation Code		PR
Interior Floor 2			Remodel Rating		
Heat Fuel	01	Oil	Year Remodeled		
Heat Type	07	Unit Heaters	Depreciation %		59
2nd Heat Type			Functional Obsol		20
AC Percent	0		External Obsol		
Heat/AC			Trend Factor		1.000
Full Baths	0		Condition		
Half Baths	2		Condition %		
3/4 Baths	0		Percent Good		21
Baths/Plumbing	02	AVERAGE	RCNLD		43,400
Kitchens	0		Dep % Ovr		
Kitchen Rating			Dep Ovr Comment		
Rooms/Partition	L	Light	Misc Imp Ovr		
Ceiling/Wall			Misc Imp Ovr Comment		
Bath Rating			Cost to Cure Ovr		
% Comn Wall	0.00		Cost to Cure Ovr Comment		
% Heated	100				
# Heat Systems	4				
% Sprinkler					

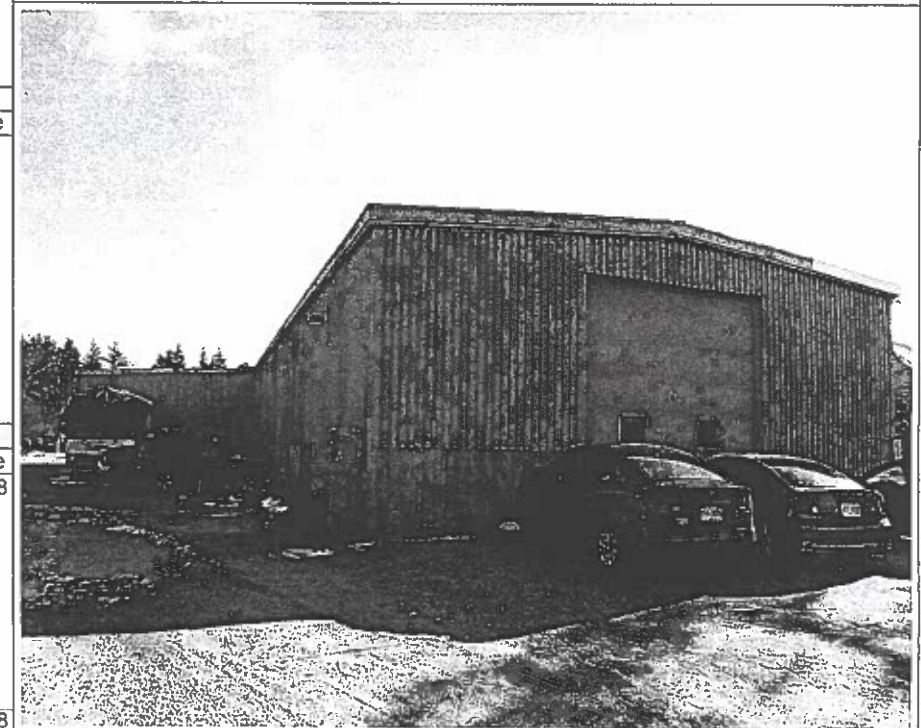


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	UOM	Unit Price	Yr Bilt	Cond.	% Gd	Assd. Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	8,800	8,800	8,800	23.47	206,518
Total SQFT / Sketched Area / Eff Area		8,800	8,800	8,800	Total Value	206,518



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
DERRY & WEBSTER LLC 253 MAIN ST NASHUA NH 03060	Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
	MG		General Comm Areas		2022	3160	43,400	2022	3250	477,100	2021	3250	477,100
	TOPO		UTILITIES			3250	145,800		3250	365,300		3250	365,300
	01	Level	03	Town Water		3250	466,800		3250	35,800		3250	35,800
			02	Town Sewer		3250	100,200						
						3320	17,800						
					Total		1,057,700	Total		878,200	Total		878,200

RECORD OF OWNERSHIP				SALE NOTES				APPRAISED VALUE SUMMARY					
DERRY & WEBSTER LLC	6834	1327	02-07-2003	Q	I	1,000,000	00	Grantor: SECOND GENERATION PROPERTIES.	Appraised Bldg. Value (Card)				410,400
SECOND GENERATION PROPERTIES	5686	1423	01-17-1996	U	I		99	Grantor: N/A	Appraised Xf (B) Value (Bldg)				72,800
UNKNOWN	5542	902	04-25-1994	U	I	167,000	99	Grantor: TAMPOSI, SAMUELA SR.	Appraised Ob (B) Value (Bldg)				100,700
TAMPOSI, SAMUEL A. SR.	5437	1452	05-28-1993	U	I		99	Grantor: TAMPOSI, ET AL	Appraised Land Value (Bldg)				466,800
TAMPOSI, ET AL	5078	0788	12-23-1988	Q	I	0	00	Grantor: N/A	Special Land Value				0
								Total Appraised Parcel Value				1,050,700	
								Valuation Method				C	

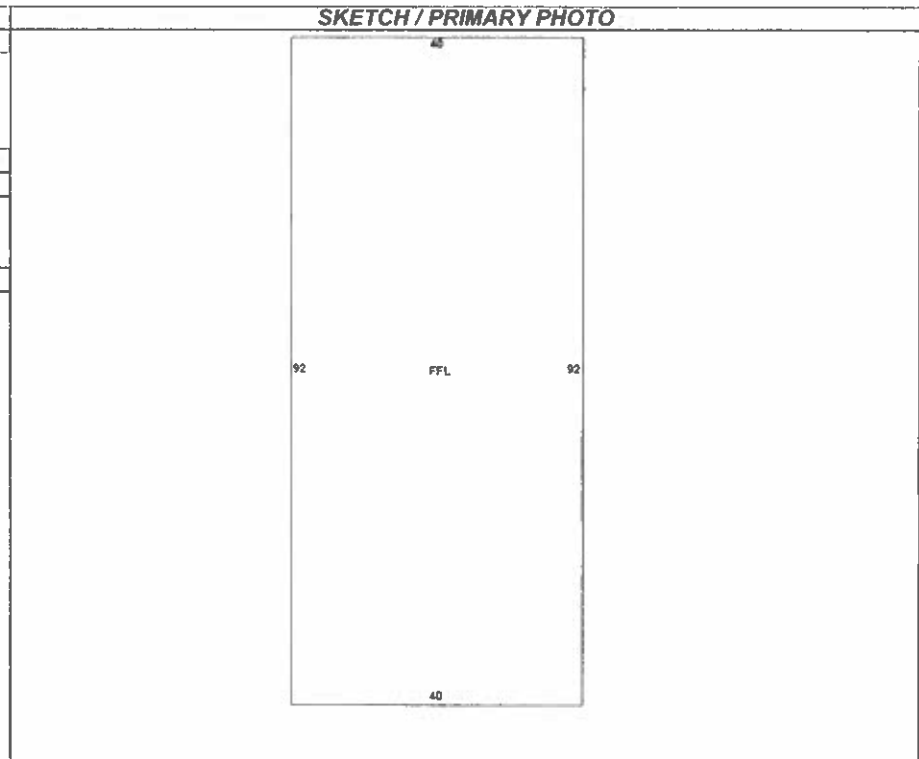
SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY				
Parcel ID	147-016-000	Descrpt	Code	Appraised	Assessed	Date	Id	Type	Is	Cd	Purpost/Result	
Zoning	R2:RESD TWO	BLDG	3160	43,400	43,400	01-09-2020	18			03	Meas/Inspect	
Flood Hazar	C	BLDG	3250	138,800	138,800	06-11-2017	09			45	Field Review	
Neigh/Abut1		LAND	3250	466,800	466,800	05-10-2012	09			45	Field Review	
Neigh/Abut2		OB	3250	100,200	100,200	07-10-2007	09			20	Other Change	
Neigh/Abut3		BLDG	3320	17,800	17,800	10-14-2001	00			02	Measured	
GIS ID	147-016-000	BLDG	3400			12-07-1990	02			14	Inspected	
PREV	0023-0017-0002	Total:		1,050,700	1,050,700	Total Appraised Parcel Value						1,050,700
Assoc Pid#												

NOTES											
1/20 NO DBA SHED/ ROOF= CRACKS IN WALL, SURROUNDED BY DEBRIS. COND=POOR											

BUILDING PERMIT RECORD											
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments			

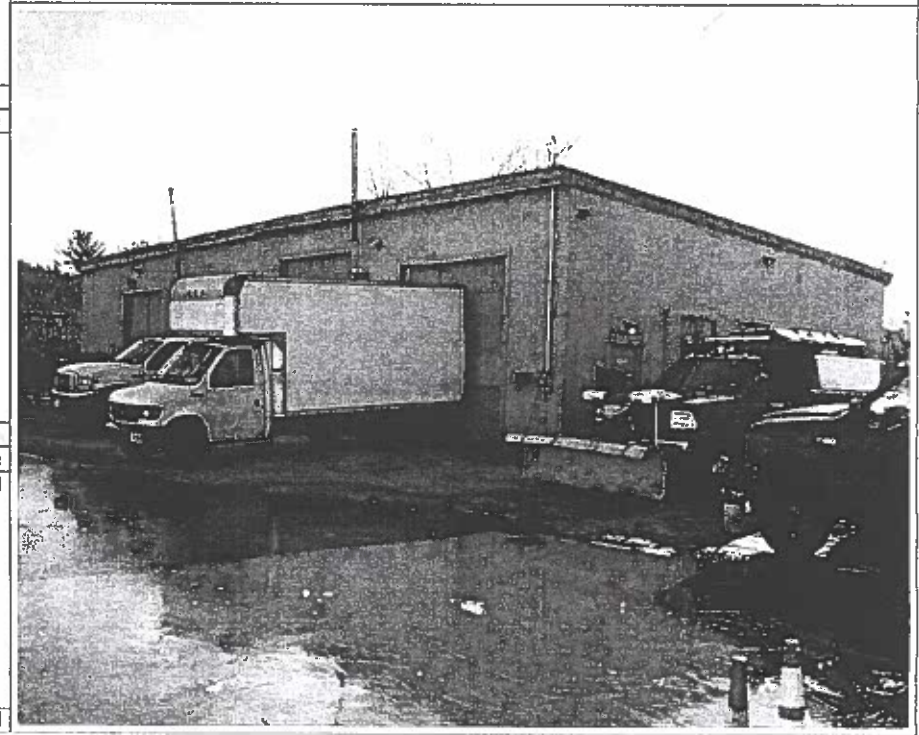
LAND LINE VALUATION SECTION														
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
3	3320	AUTO REPAIR SHOPS	Site	0.000	AC	0	1.00	0	1.00	RD	0.95			0
Total Card Land Units:				0.000	AC	Parcel Total Land Area:				10.289	AC	Total Land Value:		0

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	% Sprinkler		
Style	45	Indus. Warehse	Frame	02	
Grade	E	Poor	Foundation	06	
Stories	1		MIXED USE		
# of Units	3		Code	Description	Percentage
Wall Height	8.00		3320	AUTO REPAIR SHOPS	100
Exterior Wall 1	18	Corr Steel			0
Exterior Wall 2					0
Roof Structure	07	Shed	COST / MARKET VALUATION		
Roof Cover	04	Tar/Gravel	RCN		84,611
Interior Wall 1	05	Minimal	Year Built		1975
Interior Wall 2			Effective Year Built		1963
Interior Floor 1	12	Concrete	Depreciation Code		PR
Interior Floor 2			Remodel Rating		
Heat Fuel	01	Oil	Year Remodeled		
Heat Type	07	Unit Heaters	Depreciation %		59
2nd Heat Type			Functional Obsol		20
AC Percent	0		External Obsol		
Heat/AC			Trend Factor		1.000
Full Baths	0		Condition		
Half Baths	1		Condition %		
3/4 Baths	0		Percent Good		21
Baths/Plumbing	02	AVERAGE	RCNLD		17,800
Kitchens	1		Dep % Ovr		
Kitchen Rating	AV	Average	Dep Ovr Comment		
Rooms/Partition	L	Light	Misc Imp Ovr		
Ceiling/Wall			Misc Imp Ovr Comment		
Bath Rating			Cost to Cure Ovr		
% Comn Wall	0.00		Cost to Cure Ovr Comment		
% Heated	100				
# Heat Systems	2				
% Sprinkler					



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

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	3,680	3,680	3,680	22.99	84,611
Total SQFT / Sketched Area / Eff Area		3,680	3,680	3,680	Total Value	84,611



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
DERRY & WEBSTER LLC 253 MAIN ST NASHUA NH 03060		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MG		General Comm Areas		2022	3160	43,400	2022	3250	477,100	2021	3250	477,100
		TOPO		UTILITIES			3250	145,800		3250	365,300		3250	365,300
		01	Level	03	Town Water		3250	466,800		3250	35,800		3250	35,800
				02	Town Sewer		3320	17,800						
						Total	1,057,700	Total	878,200	Total	878,200	Total	878,200	

RECORD OF OWNERSHIP								SALE NOTES		APPRAISED VALUE SUMMARY			
BK-VOL/PAGE	SALE DATE	Q/U	VI	SALE PRICE	VC								
DERRY & WEBSTER LLC SECOND GENERATION PROPERTIES UNKNOWN TAMPOSI, SAMUEL A. SR. TAMPOSI, ET AL	6834 1327 5686 1423 5542 902 5437 1452 5078 0788	02-07-2003 01-17-1996 04-25-1994 05-28-1993 12-23-1988	Q U U U Q	I I I I I	1,000,000 167,000 0	00 99 99 99 00	Grantor: SECOND GENERATION PROPERTIES. Grantor: N/A Grantor: TAMPOSI, SAMUEL A. SR. Grantor: TAMPOSI, ET AL Grantor: N/A	Appraised Bldg. Value (Card) Appraised Xf (B) Value (Bldg) Appraised Ob (B) Value (Bldg) Appraised Land Value (Bldg) Special Land Value				410,400 72,800 100,700 466,800 0	
								Total Appraised Parcel Value		1,050,700			

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VALUATION METHOD			
Parcel ID	147-016-000	Descrpt	Code	Appraised	Assessed						
Zoning	R2:RESD TWO	BLDG	3160	43,400	43,400						
Flood Hazar	C	BLDG	3250	138,800	138,800						
Neigh/Abut1		LAND	3250	466,800	466,800						
Neigh/Abut2		OB	3250	100,200	100,200						
Neigh/Abut3		BLDG	3320	17,800	17,800						
GIS ID	147-016-000	BLDG	3400	1,050,700	1,050,700						
PREV 0023-0017-0002 Assoc Pid#		Total:		1,050,700	1,050,700						

NOTES						VISIT / CHANGE HISTORY					
NC = RENOV FORMER MRKT SPACE 1/20 PICCO'S DELI, REMOVE UC (NC) REMODEL COMPLETE						Date	Id	Type	Is	Cd	Purpost/Result
						01-09-2020	18			03	Meas/Inspect
						04-02-2019	12			15	Permit Visit
						01-25-2019	12			15	Permit Visit
						06-11-2017	09			45	Field Review
						05-10-2012	09			45	Field Review
						01-07-2010	10			15	Permit Visit
						07-10-2007	09			20	Other Change
						10-17-2001	00			03	Meas/Inspect

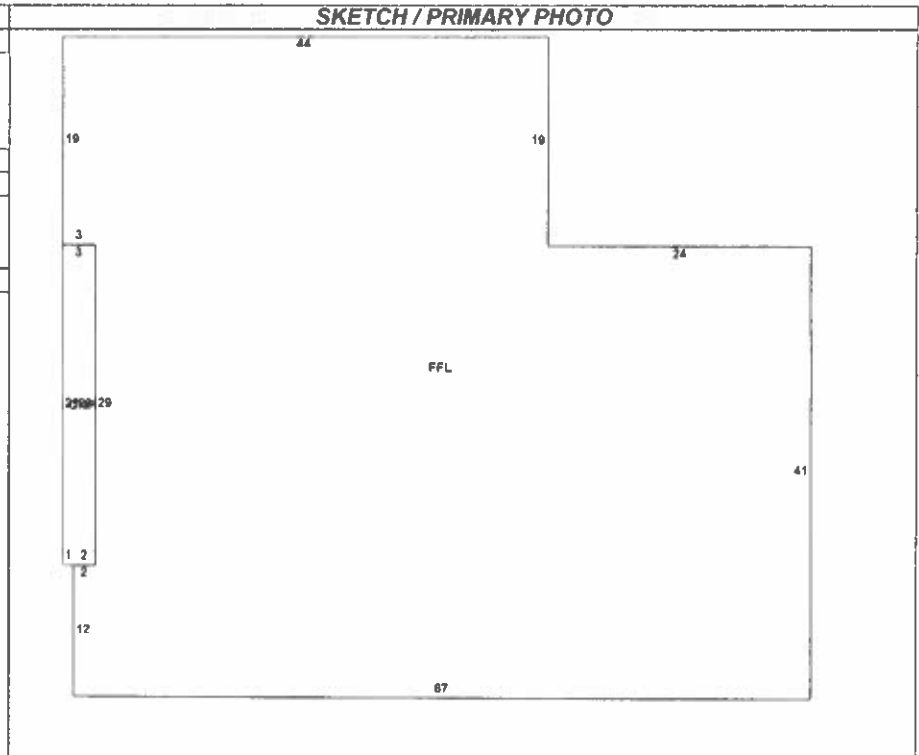
BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments		
2019-01099	11-05-2019	SI	Signs		C					
2019-01098	11-04-2019	SI	Signs		C					
2019-00280-2	08-23-2019	PLMG	Plumbing		C					
2019-00280-1	05-28-2019	AD	Addition		C					
2019-00280	04-22-2019	IR	Int Renov		C					
2019-00201-2	03-27-2019	PLMG	Plumbing		C					
2019-00201-1	03-27-2019	ELEC	Electrical		C					
2019-00201	03-22-2019	IR	Int Renov		C					
2019-00012	01-24-2019	IR	Int Renov	600	C					

LAND LINE VALUATION SECTION																
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
4	3400	OFFICE BLDG MDL-94	Site	0.000 AC	0		1.00	0	1.00	RD	0.95					0

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

Total Card Land Units: 0.000 AC Parcel Total Land Area: 10.289 AC Total Land Value: 0

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	% Sprinkler		
Style:	35	Convenient sto	Frame	01	
Grade	D	Fair	Foundation	06	
Stories	1		MIXED USE		
# of Units	2		Code	Description	Percentage
Wall Height	8.00		3400	OFFICE BLDG MDL-94	100
Exterior Wall 1	04	Vinyl			0
Exterior Wall 2					0
Roof Structure	01	Gable	COST / MARKET VALUATION		
Roof Cover	01	Asph Shing	RCN		318,851
Interior Wall 1	01	Drywall	Year Built		1975
Interior Wall 2			Effective Year Built		1988
Interior Floor 1	06	Ceramic Tile	Depreciation Code		AV
Interior Floor 2	12	Concrete	Remodel Rating		
Heat Fuel	01	Oil	Year Remodeled		
Heat Type	01	Forced Air	Depreciation %		34
2nd Heat Type			Functional Obsol		
AC Percent	0		External Obsol		
Heat/AC			Trend Factor		1.000
Full Baths	0		Condition		
Half Baths	2		Condition %		
3/4 Baths	0		Percent Good		66
Baths/Plumbing	02	AVERAGE	RCNLD		210,400
Kitchens	0		Dep % Ovr		
Kitchen Rating			Dep Ovr Comment		
Rooms/Partition	T	Typical	Misc Imp Ovr		
Ceiling/Wall			Misc Imp Ovr Comment		
Bath Rating			Cost to Cure Ovr		
% Comn Wall	0.00		Cost to Cure Ovr Comment		
% Heated	100				
# Heat Systems	2				
% Sprinkler					



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Price	Yr Blt	Cond.	% Gd	Assd. Value
COOLER	Commercial Refrigerator/Cool	B	300	UNITS	50.42	1975	AV	66	10,000
SGN	Sign	L	18	UNITS	32.00	2019	GD	80	500
XFOFC	Office	B	1,058	SQ. FT	90.00	1975	AV	66	62,800

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
CNP	Canopy	0	87	17	17.59	1,530
FFL	First Floor, Finished	3,525	3,525	3,525	90.02	317,321
Total SQFT / Sketched Area / Eff Area		3,525	3,612	3,542	Totl Value	318,851



CURRENT OWNER				ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
DERRY & WEBSTER LLC 253 MAIN ST NASHUA NH 03060				Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
				MG		General Comm Areas		2022	3160	43,400	2022	3250	477,100	2021	3250	477,100
				TOPO					3250	145,800		3250	365,300		3250	365,300
				01 Level		03 Town Water			3250	466,800		3250	35,800		3250	35,800
						02 Town Sewer			3250	100,200						
								3320	17,800							
								Total	1,057,700	Total	878,200	Total	878,200	Total	878,200	

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	QU	VI	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY					
DERRY & WEBSTER LLC				6834	1327	02-07-2003	Q	I	1,000,000	00	Grantor: SECOND GENERATION PROPERTIES, Grantor: N/A	Appraised Bldg. Value (Card)				410,400
SECOND GENERATION PROPERTIES				5686	1423	01-17-1996	U	I		99		Appraised Xf (B) Value (Bldg)				72,800
UNKNOWN				5542	902	04-25-1994	U	I	167,000	99		Appraised Ob (B) Value (Bldg)				100,700
TAMPOSI, SAMUEL A. SR.				5437	1452	05-28-1993	U	I		99	Grantor: TAMPOSI, SAMUEL A. SR.	Appraised Land Value (Bldg)				466,800
TAMPOSI, ET AL				5078	0788	12-23-1988	Q	I	0	00	Grantor: TAMPOSI, ET AL	Special Land Value				0
												Total Appraised Parcel Value				1,050,700
												Valuation Method				C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT						APPRAISED VALUE SUMMARY							
Parcel ID 147-016-000		Zoning R2:RESID TWO		Flood Hazard C		Neigh/Abut1		Neigh/Abut2		Neigh/Abut3		GIS ID 147-016-000		PREV 0023-0017-0002		Assoc Pid#	
Description		Code		Appraised		Assessed						Total Appraised Parcel Value		1,050,700			
BLDG		3160		43,400		43,400						Total Appraised Parcel Value		1,050,700			
BLDG		3250		138,800		138,800						Total Appraised Parcel Value		1,050,700			
LAND		3250		466,800		466,800						Total Appraised Parcel Value		1,050,700			
OB		3250		100,200		100,200						Total Appraised Parcel Value		1,050,700			
BLDG		3320		17,800		17,800						Total Appraised Parcel Value		1,050,700			
BLDG		3400		1,050,700		1,050,700						Total Appraised Parcel Value		1,050,700			

NOTES						VISIT / CHANGE HISTORY					
This card is created to carry the dilapi dated glass greenhouse and garage attached to it. //KNOWN AS 183 WEBSTER ST						Date	Id	Type	Is	Cd	Purpost/Result

BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments		

LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
5	325V	CONV/FOOD/STORE M	Site	0.000 AC	0		1.00	0	1.00	MG	0.75					0
Total Card Land Units:				0.000 AC	Parcel Total Land Area:				10.289	AC	Total Land Value:			0		

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO
Element	Cd	Description	Element	Cd	Description	
Model	00	Vacant	Avg Ht/FL			No Sketch
Stories	94	Accessory Bldg	Extra Kitchens			
Style			Add Kitchen Ra			
Grade			MIXED USE			
(Liv) Units			Code	Description	Percentage	
Exterior Wall 1			325V	CONV/FOOD/STORE MDL-00	100	
Roof Structure					0	
Roof Cover					0	
Frame			COST / MARKET VALUATION			
Foundation			RCN		0	
Interior Wall 1			Year Built			
Interior Floor 1			Effective Year Built			
Heat Fuel			Depreciation Code			
Heat Type			Remodel Rating			
# Heat Systems			Year Remodeled			
AC Percent			Depreciation %			
Total Rooms			Functional Obsol			
Bedrooms			External Obsol			
Full Baths			Trend Factor		1.000	
3/4 Baths			Condition			
Half Baths			Condition %			
Extra Fixtures			Percent Good			
Kitchens			RCNLD		0	
Kitchen Rating			Dep % Ovr			
Bath Rating			Dep Ovr Comment			
Half Bath Ratin			Misc Imp Ovr			
Bsmt Garage			Misc Imp Ovr Comment			
Fireplace(s)			Cost to Cure Ovr			
Fireplace Ratin			Cost to Cure Ovr Comment			
WS Flues						
Color						
Avg Ht/FL						

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Price	Yr Blt	Cond	% Gd	Assd Value
GAR1	Garage, 1 story	L	900	SQ. FT	33.70	1965	FR	50	15,200
GRNHSG	Glass Greenhouse	L	3,000	SQ. FT	52.29	1965	PR	45	70,600

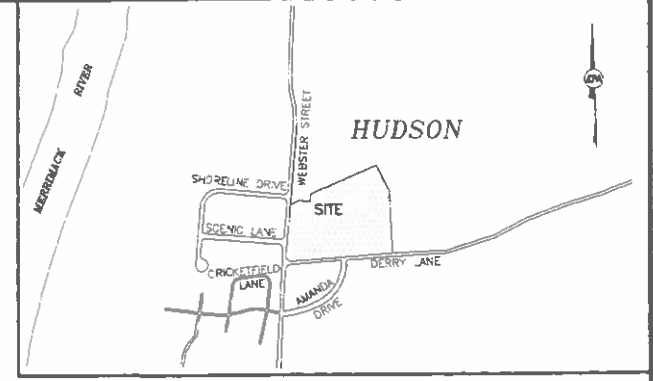
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
	Total SQFT / Sketched Area / Eff Area	0	0	0	Totl Value	0

LEGEND

- DB-F DRINKING BOUND FOUND
- NH-F HIGHWAY BOUND FOUND
- IP-F IRON PIPE FOUND
- IP-F IRON PIN FOUND
- STREET LIGHT
- UTILITY POLE
- SIGN
- SEWER MANHOLE
- WATER VALVE
- HYDRANT
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- WETLAND BUFFER
- SOIL LINE
- SIDECAD FENCE
- EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- SETBACK
- TREELINE
- GAS LINE
- SEWER LINE
- OVERHEAD UTILITIES
- POST & RAIL FENCE
- EASEMENT
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB

SCS SOILS LEGEND

- DeA DEERFIELD LOAMY FINE SAND
0 TO 3 PERCENT SLOPES
 - So SCARBORD MUCKY FINE SANDY LOAM
0 TO 1 PERCENT SLOPES
 - WdA WINDSOR LOAMY SAND
0 TO 3 PERCENT SLOPES
- SOURCE: USDA-SCS WEB SOIL SURVEY
HILLSBOROUGH COUNTY

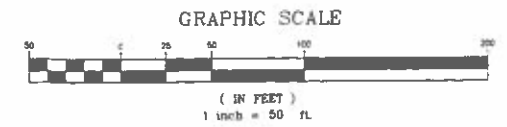


NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 147 LOT 16 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
- EXISTING AREA OF PARCEL 448,206 S.F. OR 10.289 ACRES
- OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
BK. 6834 PG. 1327
- THE SUBJECT PARCEL IS LOCATED ENTIRELY WITHIN THE RESIDENTIAL (R-2) ZONING DISTRICT
- DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
- FRONT 50' ARTERIAL (WEBSTER STREET)
- FRONT 30' LOCAL (DERRY LANE)
- SIDE 15'
- REAR 15'
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN NOVEMBER AND DECEMBER OF 2019 AND UPDATED IN MAY OF 2023.
- HORIZONTAL DATUM IS NAD83 AND VERTICAL DATUM IS NAVD83
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, COMMUNITY PANEL NUMBER 33011C0512D PANEL NUMBER 512 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN FLOOD HAZARD ZONE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN, PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG-SAFE AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.

REFERENCE PLANS:

- "HOUSE LOTS IN HUDSON, N.H. FOR SALE BY J.E. DEARBORN," SCALE: 1"=200' RECORDED AT THE H.C.R.D. AS PLAN #202-1A.
- "STREET LAYOUT PLAN," HILTON HOMES, INC. HUDSON, N.H. DATED: AUGUST, 1986. SCALE: 1"=20' PREPARED BY: A.E. MAYNARD, PROFESSIONAL ENGINEER, RECORDED AT THE H.C.R.D. AS PLAN #3459.



**EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC**
MAP 147 LOT 16
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:

DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
HC RD BK.6834 PG.1327

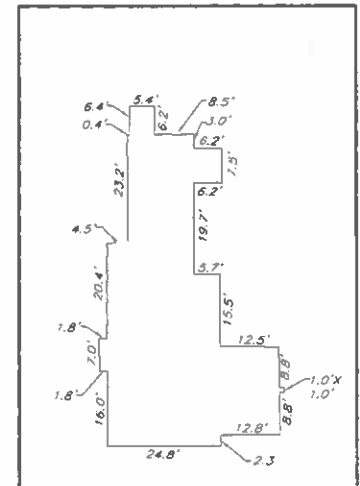
KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881



CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019 AND UPDATED IN MAY OF 2023 SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000) FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

4/9/23
DATE
LICENSED LAND SURVEYOR

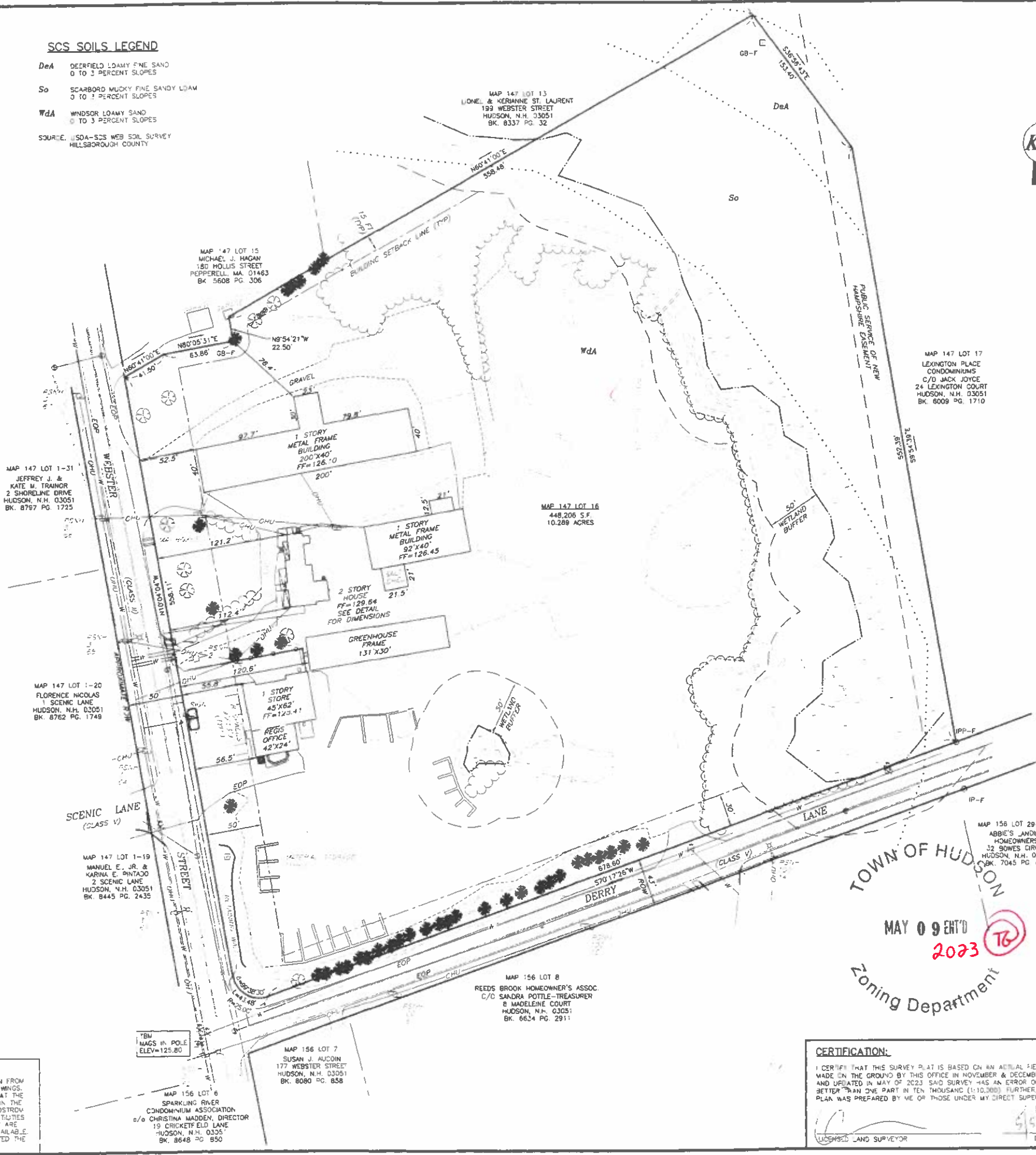


DIG SAFE



UTILITY NOTE

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



Printed
 5/09/2023
 4:28PM
 Created
 5/09/2023
 4:19 PM

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

Receipt# 728,860
 tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 181 B Webster Street Map 147 Lot 016-000 (R-2 Zone)			
	Four (4) Variances	0.00	740.0000	0.00
	Abutter Notices	0.00	77.1100	0.00
			Total:	817.11

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK # 1549	740.00	0.00	740.00
Derry & Webster, LLC	CHECK	CHECK # 1550	77.11	0.00	77.11

Total Due: 817.11
Total Tendered: 817.11
Total Change: 0.00
Net Paid: 817.11

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

On **05/25/2023**, the Zoning Board of Adjustment heard **Case 147-016 b.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH to allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

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

(Continued)

Y
N
N/A

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

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

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____
Sitting member of the Hudson ZBA
Date

Print name: _____

Stipulations: _____

TOWN OF HUDSON

Retail Sales of Landscaping Products

APPLICATION FOR A VARIANCE

MAY 09 2023 (76)

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel
Case No. 147-016^b(05-25-23)
Date Filed 5/9/23

Name of Applicant Derry & Webster, LLC Map: 147 Lot: 16 Zoning District: R2
c/o Vatche Manoukian, Manager

Telephone Number (Home) 603-883-8900 (Work)

Mailing Address 253 Main Street, Nashua, NH 03060

Owner Derry & Webster, LLC

Location of Property 181B Webster Street
(Street Address)

Signature of Applicant [Signature] Date 5-9-2023

Signature of Property-Owner(s) [Signature] Date 5-9-2023

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

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

Items in this box are to be filled out by Land Use Division personnel
Date received: 5/9/23
COST:
Application fee (processing, advertising & recording) (non-refundable): \$ 185.00
Abutter Notice:
Direct Abutters x Certified postage rate \$ 4.78 = \$ N/A
Indirect Abutters x First Class postage rate \$ 0.63 = \$ N/A
Total amount due: \$ 185 -
Amt. received: \$ 740.00
Receipt No.: 728,860
Received by: (TSG)
By determination of the Zoning Administrator, the following Departmental review is required:
Engineering [checked] Fire Dept. [checked] Health Officer _____ Planner [checked] Other _____

Check # 1549
4 Variance

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

* may be needed pending variance outcome

CERTIFIED PLOT PLAN:

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

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

- a) AAP 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. TG
- b) AAP The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) AAP The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) AAP 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. TG
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) AAP The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) TG
- f) AAP 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. TG
- g) AAP The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) AAP The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) AAP The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

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



Signature of Applicant(s)

5-9-2023

Date



Signature of Property Owner(s)

5-9-2023

Date

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Manuele E. Pintado, Jr. & Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Florence Nichols	1 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. Trainor & Kate M. Trainor	2 Shoreline Drive Hudson, NH 03051
147	001	Benjamin Matthew Webster & Jane Anne Webster	1 Shoreline Drive Hudson, NH 03051
147	015	Michael J. Hagan	180 Hollis Street Pepperell, MA 01463
156	007	Susan J. Aucoin	177 Webster Street Hudson, NH 03051
147	014	Brian D. Pigeon	197 Webster Street Hudson, NH 03051
147	013	Lionel St. Laurent & Kerianne St. Laurent	199 Webster Street Hudson, NH 03051
147	001-018	Paul & Kimberly Mocerri	6 Scenic Lane Hudson, NH 03051
156	006	Sparkling River Condominium Association Inc. c/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051
156	008	Reeds Brook Home Owners Assoc. c/o Sandra Pottle, Treasurer	8 Madeleine Ct. Hudson, NH 03051
147	017	Lexington Place Condominiums c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbie's Landing Homeowners	32 Bowes Circle Hudson, NH 03051
147	016	Derry & Webster LLC	253 Main Street Nashua, NH 03060
		Keach-Nordstrom, Inc.	11 Commerce Park, Suite 3 Bedford, NH 03110



Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

**Applicant provided-
Abutter Mailing Labels*

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
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Hudson, NH 03051

Benjamin Matthew Webster &
Jane Anne Webster
1 Shoreline Drive
Hudson, NH 03051

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Michael J. Hagan
180 Hollis Street
Pepperell, MA 01463

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177 Webster Street
Hudson, NH 03051

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Brian D. Pigeon
197 Webster Street
Hudson, NH 03051

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Lionel St. Laurent &
Kerianne St. Laurent
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Paul & Kimberly Mocerì
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Paul & Kimberly Mocerì
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Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051



Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

** Applicant provided -
Abutter Mailing Labels.*

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

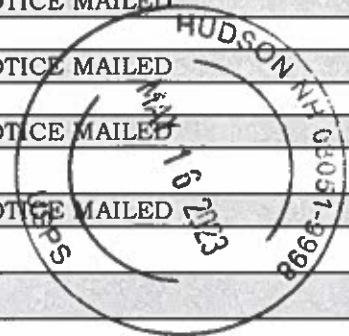
Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
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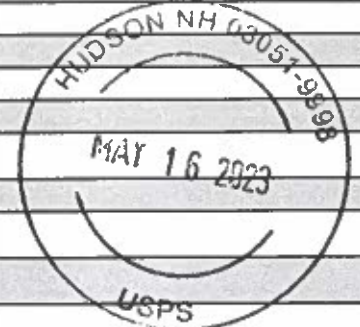
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5622 73	DERRY & WEBSTER LLC 253 MAIN STREET, NASHUA, NH 03060	APPLICANT NOTICE MAILED
2	9589 0710 5270 0646 5622 80	MANUEL E. PINTADO, JR; KARINA E. PINTADO 2 SCENIC LANE, HUDSON, NH03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5622 97	FLORENCE NICOLAS 1 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5623 03	JEFFREY J. TRAINOR & KATE M. TRAINOR 2 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5623 10	BENJAMIN MATTHEW WEBSTER & ANNE WEBSTER JANE 1 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5623 27	MICHAEL J. HAGAN 180 HOLLIS STREET, PEPPERELL, MA 01463	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5623 34	SUSAN J. AUCOIN 177 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5623 41	BRIAN D. PIGEON 197 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5623 58	LIONEL ST. LAURENT & KERIANNE ST. LAURENT 199 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5623 65	PAUL & KIMBERLY MOCERI 6 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) <i>Paula Angelis</i>



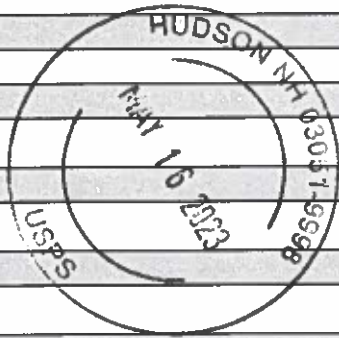
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 2 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5623 72	SPARKLING RIVER CONDOMINIUM ASSOC. INC.; c/o RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 0646 5623 89	REEDS BROOK HOMEOWNERS ASSOC.; c/o SANDRA POTTLE, TREASURER 8 MADELEINE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5623 96	LEXINGTON PLACE CONDOMINIUMS; c/o JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5624 02	ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5624 19	KEACH-NORDSTROM, INC. 11 COMMERCE PARK, SUITE 3, BEDFORD, NH 03110	APPLICANT NOTICE MAILED
6	9589 0710 5270 0646 5624 26	ANDREW PROLMAN, ESQ., PRUNIER & PROLMAN, PLLC 20 TRAFALGAR SQUARE, STE 100, NASHUA, NH 03063-1981	APPLICANT NOTICE MAILED
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Paula Angeli</i>



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	1	1	<i>Paula Angeli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

APPLICANT NOTIFICATION

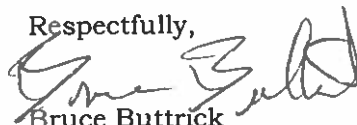
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 147-016 (05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for 181 B Webster St., Hudson, NH [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. **To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]**
- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., 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

Dillon Dumont, Selectmen Liaison

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

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- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

RETAIL LANDSCAPING PRODUCTS BUSINESS VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance **Article V, HZO Section(s) 334-21, Table (D-30)** in order to permit the following:

To allow the existing landscaping business to continue to sell retail landscaping products.

FACTS SUPPORTING THIS REQUEST:

1. Granting the requested variance will not be contrary to the public interest, because:

There has been a landscaping business at this site for decades. Regis Landscaping provides services off site and sells retail landscaping products from 187 Webster Street. In that regard, Regis is conducting itself like any other landscaping business. Allowing the sale of landscaping products on this lot to continue will not alter the character of the neighborhood, nor threaten the public health safety or welfare of the neighborhood nor the Town of Hudson.

2. The proposed use will observe the spirit of the ordinance, because:

Similar to the public interest criteria, allowing the sale of landscaping products to continue on this large lot will not harm any public rights nor alter the character of the neighborhood. Indeed, the retail sales on this site have been going on so long that they are the character of the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

Regis Landscaping is an ongoing business providing services to the residences and businesses in the Town of Hudson and surrounding communities and maintains many employees through the year. Allowing Regis to continue its current operations is a significant benefit to Regis, its employees, and the property owner with no adverse impact to the Town. The balancing test of the substantial justice criteria weighs in favor of the applicant

4. The proposed use will not diminish the values of surrounding properties, because:

We know there has been no impact to surrounding property values because of the successful build out of nearby developments.

RETAIL LANDSCAPING PRODUCTS BUSINESS VARIANCE

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
- A. 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

The property is unique and unusual given its long history with multiple mixed uses. Further, there are large area wetlands at the rear of the property which must be respected. Given the successful use of the property, the restriction of prohibiting retail sale of landscaping product is not fair and reasonable to the applicant nor Regis Landscaping.

2) Explain how the special conditions of the property cause the proposed use to be reasonable.

Regis’s operation is a benign commercial operation, as opposed to heavy industrial uses. Regis’s business provides services to residential customers. Allowing the long time landscaping operation to continue is a reasonable use of this lot.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-027

March 16, 2023

Andrew A. Prolman
Prunier & Prolman, PLLC
Ste 100
20 Trafalgar Sq
Nashua, NH 03063

Re: Variance request/application
Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Andrew,
I am in receipt of your 02/15/23 request as to which variances are needed for the entity/operation known as "Regis Landscaping" to continue at 181A Webster St, and per Superior Court Order dated August 3, 2022.

Currently this operation needed/needs variances to the Zoning Ordinance as follows:
§334-10A Mixed uses on a lot. The R-2 district does not allow mixed uses.

§334-21 Table of Permitted Principal Uses. This use as a Landscaping business (E-10) is not a permitted use in this district.

§334-21 Table of Permitted Principal Uses. This use also has associated retail sales of landscaping products (D-30) and is not a permitted use in this district.

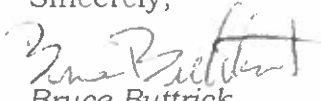
§334-22 Table of Permitted Accessory Uses. The garaging or parking of: two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in this district.

§334-13 Junkyards prohibited; outdoor storage, current operation has numerous unregistered/junked vehicles/equipment, and **junk/debris**. Would need variance to maintain/continue such for a site plan approval.

Not seeing a site plan to review, there may be issues/activity within the Wetland Buffers on site needing a Variance: operations around and within the Buffer of the man-made wetland (small pond) in yard adjacent to side of building, as well as stockpiled landscape material and graded/disturbed ground surfaces in back yard.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encls: 02/15/2023 Zoning Determination Request and Superior Court Final Order
item# 14

cc: Public Folder
Town Planner - B. Groth
Town Counsel - D. LeFevre
file

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

23-027



TOWN OF HUDSON
FEB 15 2023
Zoning Department

LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 02/15/2023

Property Location 181B Webster Street

Map 147 Lot 16 Sublot 000

Zoning District if known R-2

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

Please advise as to the variance(s) required to keep Regis Landscaping on site per §14 of the August 3, 2022 Final Order in Town of Hudson v. Derry & Webster, LLC, Hillsborough County Superior Court Docket No. 226-220-CV-00632.

Applicant Contact Information:

Name: Andrew A. Prolman, Prunier & Prolman, PLLC

Address: 20 Trafalgar Sq., Ste. 100, Nashua, NH 03063

Phone Number: 603.883.8900

Email: aprolman@prunierlaw.com

For Office use

ATTACHMENTS: TAX CARD |

GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT || DATE: _____

13. The 3-family residence must be converted to a 2-family residence. All independent living facilities must be removed from the illegal 3rd residential unit, which must be combined with the other two (2) units such that there are only two (2) residential units. All work must comply with all applicable life safety and building codes. All required permits must be obtained from the Town prior to beginning any construction. The Court recognizes that the illegal 3rd residential unit is currently being occupied by a tenant under a lease which expires on November 30, 2022. The current tenant shall be required to vacate the illegal unit at the expiration of the lease, failing which, Derry & Webster shall commence the necessary eviction proceeding to gain possession of the 3rd residential unit and bring the Property into compliance.

14. The use of the Property related to the landscaping business as it currently exists is not permitted. The only permitted landscaping use is the "planting, growing and selling nursery stock." All other uses related or ancillary to the existing landscaping business are not permitted. Derry & Webster must cease and desist the illegal landscaping business and bring the Property into compliance within a period of eight (8) months from the date of this Order. If, during this eight (8) month time period, Derry & Webster should obtain a variance to permit the landscaping business or some iteration thereof, use of the Property shall comply with the terms and conditions of any such variance. Otherwise, the illegal landscaping use must cease and desist, and the Property must be brought into compliance with the HZO.

15. Except as may be permitted by the variances, the outdoor storage of materials, vehicles, heavy equipment, and junk is not permitted, and must be removed from the Property in keeping with the terms and conditions of this Order.

16. Any uses and disturbances within the WC overlay zoning district must be abated. In conjunction with obtaining site plan approval from the Planning Board, Derry & Webster shall obtain approval of a remediation plan to restore any disturbed areas within the protected wetland or the adjacent buffer.

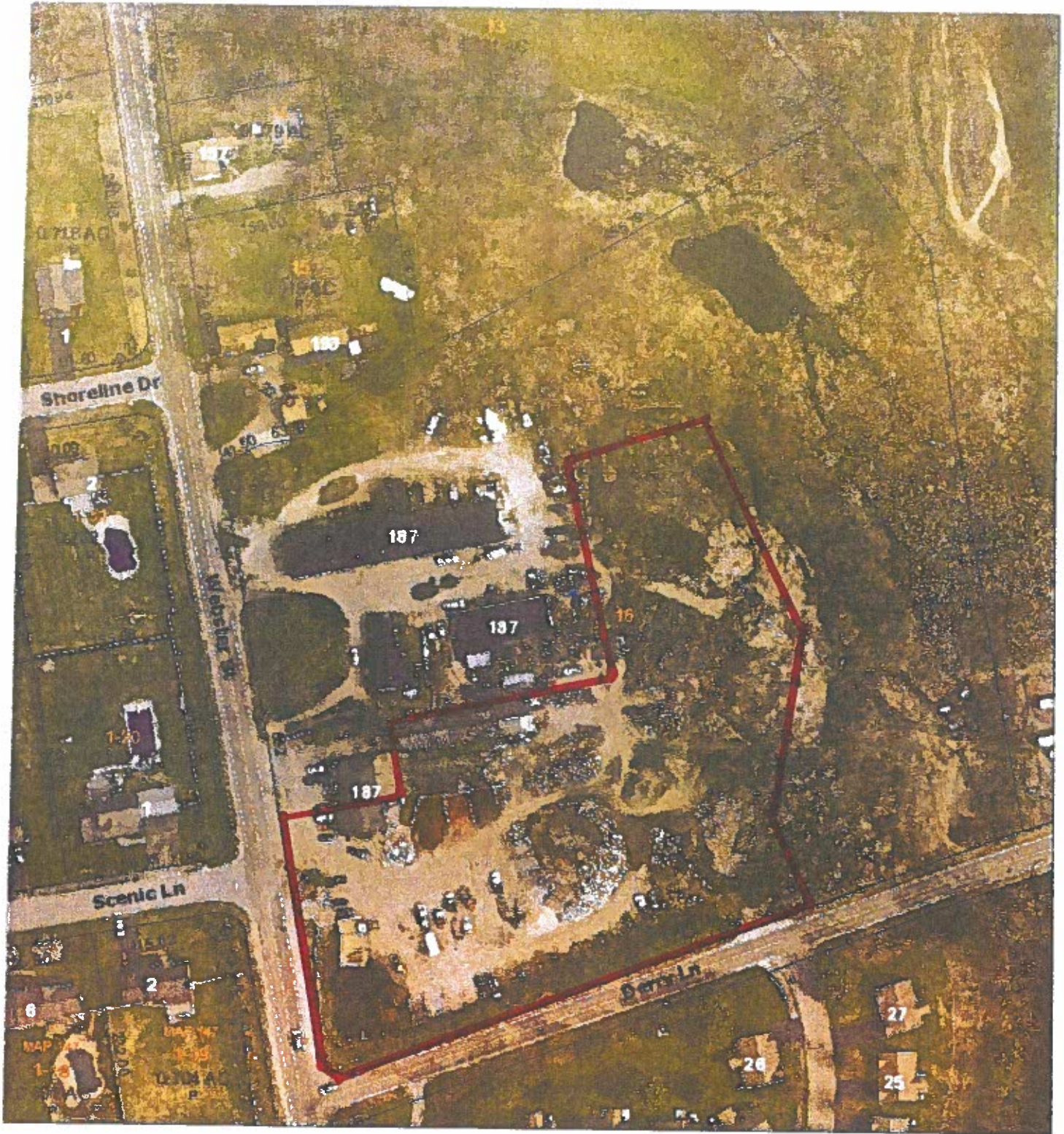
17. Site plan approval for the complete site (Map 147, Lot 016-000) must be obtained no later than January 23, 2024.

18. Hudson is hereby awarded its attorney fees and costs actually expended in this matter pursuant to RSA § 676:17, II. Hudson is hereby awarded its attorney fees and costs in the amount of \$7,750.00. Derry & Webster shall tender payment to Hudson in four (4) equal monthly payments, with the first payment being due within thirty (30) days of this Order, and each subsequent payment due on the same day of each month thereafter until paid in full.

19. Pursuant to RSA § 676:17, I, Derry & Webster is subject to civil fines and penalties up to \$275.00 for first offenses, and \$550.00 per day for second offenses, for each day the violations have continued. Derry & Webster was first notified of the offenses on September 30, 2019. By agreement of the parties, the imposition of civil fines and penalties against Derry & Webster is to be withheld, provided that, Derry & Webster complies with this Final Order. In the event that Derry & Webster fails to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.

Refer to Variance a.
For parcel Tax Assessor cards
Map 147 Lot 016-000

185 Webster Street (Map 147 Lot 016-000)



May 3, 2023

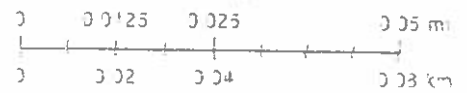
Legend

--- Easement_Lines

▭ Parcels

APPROXIMATE AREA
OF
REGIS LANDSCAPING

1:1,582



LEGEND

- GR-1 GRANITE BOUND FOUND
- NH-1 HIGHWAY BOUND FOUND
- RP-F IRON PIPE FOUND
- IP-F IRON PIN FOUND
- SL-S STREET LIGHT
- UP-U UTILITY POLE
- SGN SIGN
- SSM-S SEWER MANHOLE
- W-W WATER VALVE
- H-HYDRANT
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- WETLAND BUFFER
- SOL LINE
- STOCKADE FENCE
- EOP EDGE OF PAVEMENT
- 10' CONTOUR
- 7' CONTOUR
- SETBACK
- TREELINE
- GAS LINE
- SEWER LINE
- OVERHEAD UTILITIES
- POST & RAIL FENCE
- EASEMENT
- DEODOROUS TREE
- CONIFEROUS TREE
- SHRUB

SCS SOILS LEGEND

- DeA DEERFIELD (AMY) FINE SAND 0 TO 3 PERCENT SLOPES
 - So SCARBORD MUCKY FINE SANDY LOAM 0 TO 1 PERCENT SLOPES
 - WdA WINDSOR (AMY) SAND 0 TO 3 PERCENT SLOPES
- SOURCE: USDA-SCS WEB SOIL SURVEY HILLSBOROUGH COUNTY



VICINITY MAP
SCALE: N.T.S.

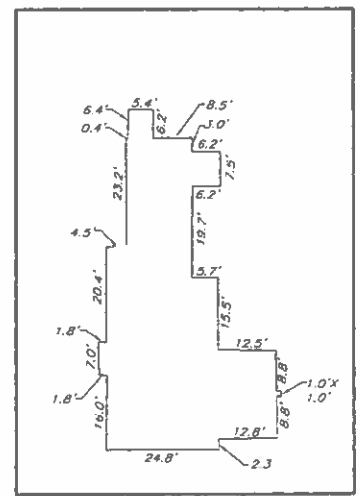
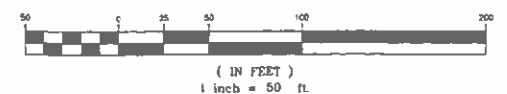
NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 147 LOT 16 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
- EXISTING AREA OF PARCEL 448,206 S.F. OR 10.289 ACRES.
- OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
BK. 5834 PG. 1327
- THE SUBJECT PARCEL IS LOCATED ENTIRELY WITHIN THE RESIDENTIAL (R-2) ZONING DISTRICT
- DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
- FRONT 50' ARTERIAL (WEBSTER STREET)
- FRONT 30' LOCAL (DERRY LANE)
- SIDE 15'
- REAR 15'
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN NOVEMBER AND DECEMBER OF 2019 AND UPDATED IN MAY OF 2023.
- HORIZONTAL DATUM IS NAD83 AND VERTICAL DATUM IS NAVD83
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, COMMUNITY PANEL NUMBER 33011005120 PANEL NUMBER 512 OF 701 EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN FLOOD HAZARD ZONE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG-SAFE AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS, OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.

REFERENCE PLANS:

- "HOUSE LOTS IN HUDSON, N.H. FOR SALE BY J.E. DEARBORN," SCALE: 1"=200' RECORDED AT THE H.C.R.D. AS PLAN #202-1A.
- "STREET LAYOUT PLAN," HILTON HOMES, INC. HUDSON, N.H. DATED: AUGUST, 1966. SCALE: 1"=20' PREPARED BY: A.E. MAYNARD, PROFESSIONAL ENGINEER. RECORDED AT THE H.C.R.D. AS PLAN #3459.

GRAPHIC SCALE



DETAIL
1" = 20'



UTILITY NOTE

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



CERTIFICATION:
I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER AND DECEMBER OF 2019 AND UPDATED IN MAY OF 2023 SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1/10,000) FURTHER THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

DATE: 5/25/23
NAME: [Signature]

**EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC**
MAP 147 LOT 16
185 A. B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

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

KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2880

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: MAY 4, 2023
PROJECT NO: 19-1105-1
SCALE: 1" = 50'
SHEET OF 1

Printed
5/09/2023
4:28PM
Created
5/09/2023
4:19 PM

Transaction Receipt

Receipt# 728,860
tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application 181 B Webster Street Map 147 Lot 016-000 (R-2 Zone)			
	Four (4) Variances	0.00	740.0000	0.00
	Abutter Notices	0.00	77.1100	0.00
			Total:	817.11

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK # 1549	740.00	0.00	740.00
Derry & Webster, LLC	CHECK	CHECK # 1550	77.11	0.00	77.11

Total Due:	817.11
Total Tendered:	817.11
Total Change:	0.00
Net Paid:	817.11

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

On **05/25/2023**, the Zoning Board of Adjustment heard **Case 147-016 c.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a **Variance for 181 B Webster St., Hudson, NH** to allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the **R-2** district. [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

MAY 09 2023

Zoning Department

APPLICATION FOR A VARIANCE

Garaging or Parking of Commercial Vehicles and Equipment

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-016^c(05-25-23)

Date Filed 5/9/23

Name of Applicant Derry & Webster, LLC Map: 147 Lot: 16 Zoning District: R2
c/o Vatche Manoukian, Manager

Telephone Number (Home) 603-883-8900 (Work)

Mailing Address 253 Main Street, Nashua, NH 03060

Owner Derry & Webster, LLC

Location of Property 181B Webster Street
(Street Address)

Signature of Applicant [Signature] Date 5-9-2023

Signature of Property-Owner(s) [Signature] Date 5-9-2023

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

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

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

Date received: 5/9/23

COST:

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

Abutter Notice:

Direct Abutters x Certified postage rate \$ 4.78 = \$ N/A

Indirect Abutters x First Class postage rate \$ 0.63 = \$ N/A

Total amount due: \$ 185.00

Amt. received: \$ 740.00

Receipt No.: 728,860

Received by: TSG

Check # 1549 (4 Variances)

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

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


CERTIFIED PLOT PLAN:

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

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

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

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


Signature of Applicant(s)

5-9-2023
Date


Signature of Property Owner(s)

5-9-2023
Date

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Manuele E. Pintado, Jr. & Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Florence Nichols	1 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. Trainor & Kate M. Trainor	2 Shoreline Drive Hudson, NH 03051
147	001	Benjamin Matthew Webster & Jane Anne Webster	1 Shoreline Drive Hudson, NH 03051
147	015	Michael J. Hagan	180 Hollis Street Pepperell, MA 01463
156	007	Susan J. Aucoin	177 Webster Street Hudson, NH 03051
147	014	Brian D. Pigeon	197 Webster Street Hudson, NH 03051
147	013	Lionel St. Laurent & Kerianne St. Laurent	199 Webster Street Hudson, NH 03051
147	001-018	Paul & Kimberly Mocerri	6 Scenic Lane Hudson, NH 03051
156	006	Sparkling River Condominium Association Inc. c/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051
156	008	Reeds Brook Home Owners Assoc. c/o Sandra Pottle, Treasurer	8 Madeleine Ct. Hudson, NH 03051
147	017	Lexington Place Condominiums c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbie's Landing Homeowners	32 Bowes Circle Hudson, NH 03051
147	016	Derry & Webster LLC	253 Main Street Nashua, NH 03060
		Keach-Nordstrom, Inc.	11 Commerce Park, Suite 3 Bedford, NH 03110



Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

**Applicant provided-
Abutter Mailing Labels*

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Benjamin Matthew Webster &
Jane Anne Webster
1 Shoreline Drive
Hudson, NH 03051

Benjamin Matthew Webster &
Jane Anne Webster
1 Shoreline Drive
Hudson, NH 03051

Michael J. Hagan
180 Hollis Street
Pepperell, MA 01463

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180 Hollis Street
Pepperell, MA 01463

Susan J. Aucoin
177 Webster Street
Hudson, NH 03051

Susan J. Aucoin
177 Webster Street
Hudson, NH 03051

Brian D. Pigeon
197 Webster Street
Hudson, NH 03051

Brian D. Pigeon
197 Webster Street
Hudson, NH 03051

Lionel St. Laurent &
Kerianne St. Laurent
199 Webster Street
Hudson, NH 03051

Lionel St. Laurent &
Kerianne St. Laurent
199 Webster Street
Hudson, NH 03051

Paul & Kimberly Mocerri
6 Scenic Lane
Hudson, NH 03051

Paul & Kimberly Mocerri
6 Scenic Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051



Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

** Applicant provided -
Abutter Mailing Labels.*

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

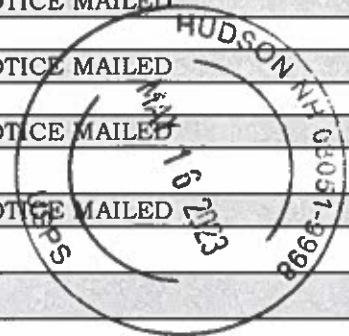
Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

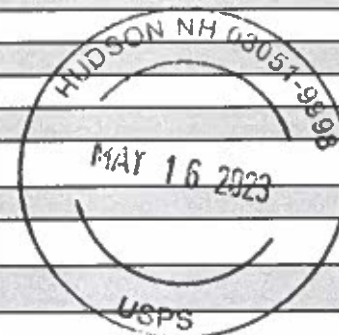
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5622 73	DERRY & WEBSTER LLC 253 MAIN STREET, NASHUA, NH 03060	APPLICANT NOTICE MAILED
2	9589 0710 5270 0646 5622 80	MANUEL E. PINTADO, JR; KARINA E. PINTADO 2 SCENIC LANE, HUDSON, NH03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5622 97	FLORENCE NICOLAS 1 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5623 03	JEFFREY J. TRAINOR & KATE M. TRAINOR 2 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5623 10	BENJAMIN MATTHEW WEBSTER & ANNE WEBSTER JANE 1 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5623 27	MICHAEL J. HAGAN 180 HOLLIS STREET, PEPPERELL, MA 01463	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5623 34	SUSAN J. AUCOIN 177 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5623 41	BRIAN D. PIGEON 197 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5623 58	LIONEL ST. LAURENT & KERIANNE ST. LAURENT 199 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5623 65	PAUL & KIMBERLY MOCERI 6 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) <i>Paula Angelis</i>



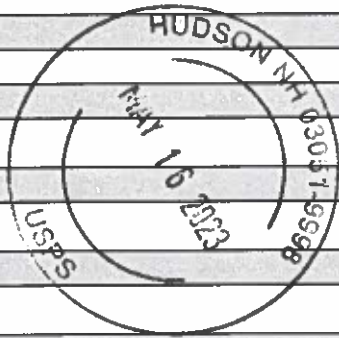
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 2 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5623 72	SPARKLING RIVER CONDOMINIUM ASSOC. INC.; c/o RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 0646 5623 89	REEDS BROOK HOMEOWNERS ASSOC.; c/o SANDRA POTTLE, TREASURER 8 MADELEINE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5623 96	LEXINGTON PLACE CONDOMINIUMS; c/o JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5624 02	ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5624 19	KEACH-NORDSTROM, INC. 11 COMMERCE PARK, SUITE 3, BEDFORD, NH 03110	APPLICANT NOTICE MAILED
6	9589 0710 5270 0646 5624 26	ANDREW PROLMAN, ESQ., PRUNIER & PROLMAN, PLLC 20 TRAFALGAR SQUARE, STE 100, NASHUA, NH 03063-1981	APPLICANT NOTICE MAILED
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Paula Angeli</i>



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
	Total # of pieces listed by sender 1	Total # of pieces rec'vd at Post Office 1	Postmaster (receiving Employee) <i>Paula Angeli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

APPLICANT NOTIFICATION

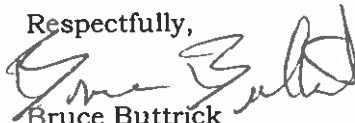
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

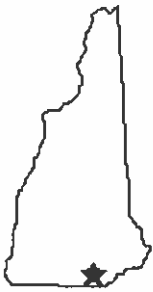
Case 147-016 (05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for 181 B Webster St., Hudson, NH [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- c. **To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]**
- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., 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

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

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- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

COMMERCIAL VEHICLE VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance **Article V, HZO Section(s) 334-22, Accessory Use Table** in order to permit the following:

To allow garaging or parking of commercial vehicles and equipment to continue to use 187 Webster Street.

FACTS SUPPORTING THIS REQUEST:

1. Granting the requested variance will not be contrary to the public interest, because:

There has been a landscaping business at this site for decades. A successful landscaping business inherently has multiple commercial vehicles. Allowing Regis's commercial vehicles to continue using this lot will not alter the character of the neighborhood, nor threaten the public health safety or welfare of the neighborhood nor the Town of Hudson.

2. The proposed use will observe the spirit of the ordinance, because:

Similar to the public interest criteria, allowing the multiple commercial vehicles to continue on this large lot will not harm any public rights nor alter the character of the neighborhood. Indeed, the landscaping business on this site has been going on so long that it is part of the character of the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

Regis Landscaping is an ongoing business providing services to the residences and businesses in the Town of Hudson and surrounding communities and maintains many employees through the year. Allowing Regis to continue is a significant benefit to Regis, its employees, and the property owner with no adverse impact to the Town. The balancing test of the substantial justice criteria weighs in favor of the applicant.

4. The proposed use will not diminish the values of surrounding properties, because:

We know there has been no impact to surrounding property values because of the successful build out of nearby developments.

COMMERCIAL VEHICLE VARIANCE

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
- A. 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

The property is unique and unusual given its long history with multiple mixed uses. Further, there are large area wetlands at the rear of the property which must be respected. Given the successful use of the property, the restriction of prohibiting multiple commercial vehicles is not fair and reasonable to the applicant nor Regis Landscaping.

- 2) Explain how the special conditions of the property cause the proposed use to be reasonable.

Regis’s operation is a benign commercial operation, as opposed to heavy industrial uses. Regis’s business provides services to residential customers. Allowing the long time landscaping operation to continue is a reasonable use of this lot.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-027

March 16, 2023

Andrew A. Prolman
Prunier & Prolman, PLLC
Ste 100
20 Trafalgar Sq
Nashua, NH 03063

Re: Variance request/application
Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Andrew,

I am in receipt of your 02/15/23 request as to which variances are needed for the entity/operation known as "Regis Landscaping" to continue at 181A Webster St, and per Superior Court Order dated August 3, 2022.

Currently this operation needed/needs variances to the Zoning Ordinance as follows:
§334-10A Mixed uses on a lot. The R-2 district does not allow mixed uses.

§334-21 Table of Permitted Principal Uses. This use as a Landscaping business (E-10) is not a permitted use in this district.

§334-21 Table of Permitted Principal Uses. This use also has associated retail sales of landscaping products (D-30) and is not a permitted use in this district.

§334-22 Table of Permitted Accessory Uses. The garaging or parking of: two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in this district.

§334-13 Junkyards prohibited; outdoor storage, current operation has numerous unregistered/junked vehicles/equipment, and **junk/debris**. Would need variance to maintain/continue such for a site plan approval.

Not seeing a site plan to review, there may be issues/activity within the Wetland Buffers on site needing a Variance: operations around and within the Buffer of the man-made wetland (small pond) in yard adjacent to side of building, as well as stockpiled landscape material and graded/disturbed ground surfaces in back yard.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encls: 02/15/2023 Zoning Determination Request and Superior Court Final Order
item#14

cc: Public Folder
Town Planner – B. Groth
Town Counsel – D. LeFevre
file

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

23-027



TOWN OF HUDSON
FEB 15 2023
Zoning Department

LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 02/15/2023

Property Location 181B Webster Street
 Map 147 Lot 16 Sublot 000

Zoning District if known R-2

Type of Request

Zoning District Determination Use Determination Set-Back Requirements
 Process for Subdivision/ Site Plan if required
 Other

Description of request / determination: (Please attach all relevant documentation)

Please advise as to the variance(s) required to keep Regis Landscaping on site per §14 of the August 3, 2022 Final Order in Town of Hudson v. Derry & Webster, LLC, Hillsborough County Superior Court Docket No. 226-220-CV-00632.

Applicant Contact Information:

Name: Andrew A. Prolman, Prunier & Prolman, PLLC
 Address: 20 Trafalgar Sq., Ste. 100, Nashua, NH 03063
 Phone Number: 603.883.8900
 Email: aprolman@prunierlaw.com

For Office use

ATTACHMENTS: TAX CARD | GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT || DATE: _____

13. The 3-family residence must be converted to a 2-family residence. All independent living facilities must be removed from the illegal 3rd residential unit, which must be combined with the other two (2) units such that there are only two (2) residential units. All work must comply with all applicable life safety and building codes. All required permits must be obtained from the Town prior to beginning any construction. The Court recognizes that the illegal 3rd residential unit is currently being occupied by a tenant under a lease which expires on November 30, 2022. The current tenant shall be required to vacate the illegal unit at the expiration of the lease, failing which, Derry & Webster shall commence the necessary eviction proceeding to gain possession of the 3rd residential unit and bring the Property into compliance.

14. The use of the Property related to the landscaping business as it currently exists is not permitted. The only permitted landscaping use is the "planting, growing and selling nursery stock." All other uses related or ancillary to the existing landscaping business are not permitted. Derry & Webster must cease and desist the illegal landscaping business and bring the Property into compliance within a period of eight (8) months from the date of this Order. If, during this eight (8) month time period, Derry & Webster should obtain a variance to permit the landscaping business or some iteration thereof, use of the Property shall comply with the terms and conditions of any such variance. Otherwise, the illegal landscaping use must cease and desist, and the Property must be brought into compliance with the HZO.

15. Except as may be permitted by the variances, the outdoor storage of materials, vehicles, heavy equipment, and junk is not permitted, and must be removed from the Property in keeping with the terms and conditions of this Order.

16. Any uses and disturbances within the WC overlay zoning district must be abated. In conjunction with obtaining site plan approval from the Planning Board, Derry & Webster shall obtain approval of a remediation plan to restore any disturbed areas within the protected wetland or the adjacent buffer.

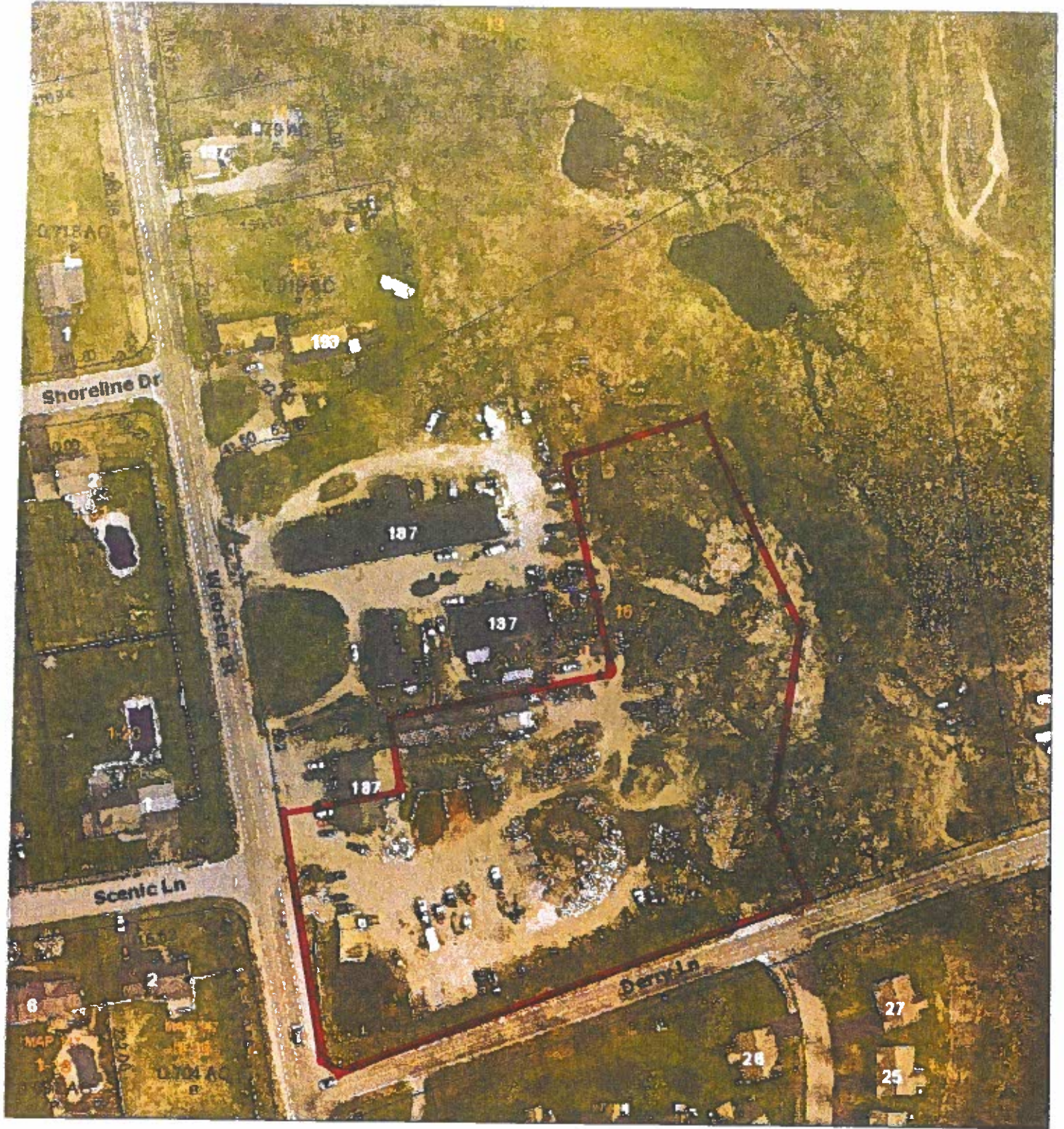
17. Site plan approval for the complete site (Map 147, Lot 016-000) must be obtained no later than January 23, 2024.

18. Hudson is hereby awarded its attorney fees and costs actually expended in this matter pursuant to RSA § 676:17, II. Hudson is hereby awarded its attorney fees and costs in the amount of \$7,750.00. Derry & Webster shall tender payment to Hudson in four (4) equal monthly payments, with the first payment being due within thirty (30) days of this Order, and each subsequent payment due on the same day of each month thereafter until paid in full.

19. Pursuant to RSA § 676:17, I, Derry & Webster is subject to civil fines and penalties up to \$275.00 for first offenses, and \$550.00 per day for second offenses, for each day the violations have continued. Derry & Webster was first notified of the offenses on September 30, 2019. By agreement of the parties, the imposition of civil fines and penalties against Derry & Webster is to be withheld, provided that, Derry & Webster complies with this Final Order. In the event that Derry & Webster fails to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.


Refer to Variance a.
For parcel Tax Assessor cards
Map 147 Lot 016-000

185 Webster Street (Map 147 Lot 016-000)

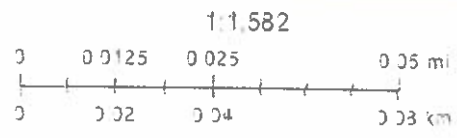


May 8, 2023

Legend

-  Easement Lines
-  Parcels

APPROXIMATE AREA
OF
REGIS LANDSCAPING

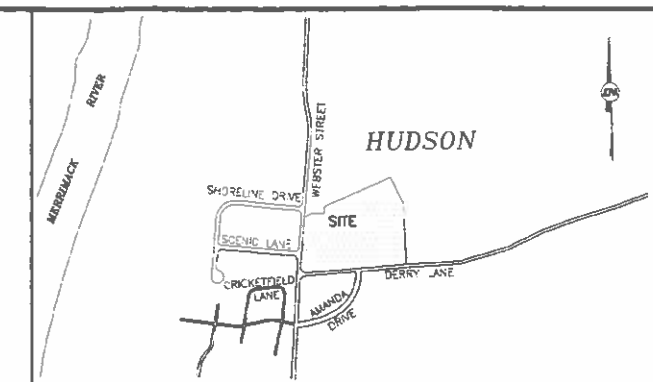


LEGEND

- GB-F GRANITE BOUND FOUND
- VHB-F HIGHWAY BOUND FOUND
- PP-F IRON PIPE FOUND
- P-F IRON PIN FOUND
- SL STREET LIGHT
- UP UTILITY POLE
- SIGN
- SEWER MANHOLE
- WATER VALVE
- HYDRANT
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- WETLAND BUFFER
- SOIL LINE
- STOCKADE FENCE
- EOP EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- SETBACK
- TREE LINE
- GAS LINE
- SEWER LINE
- OHU OVERHEAD UTILITIES
- P&R POST & RAIL FENCE
- EASEMENT
- DEODOROUS TREE
- CONIFEROUS TREE
- SHRUB

SCS SOILS LEGEND

- DeA DEERFIELD LOAMY FINE SAND
0 TO 3 PERCENT SLOPES
 - So SCARBORD MUCKY FINE SANDY LOAM
0 TO 3 PERCENT SLOPES
 - WdA WINDSOR LOAMY SAND
0 TO 3 PERCENT SLOPES
- SOURCE: USDA-SCS WEB SOIL SURVEY
HILLSBOROUGH COUNTY

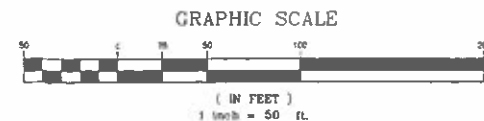


NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 147 LOT 16 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
- EXISTING AREA OF PARCEL: 448,206 S.F. OR 10.289 ACRES.
- OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
BK 5834 PG 1327
- THE SUBJECT PARCEL IS LOCATED ENTIRELY WITHIN THE RESIDENTIAL (R-2) ZONING DISTRICT.
- DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
- FRONT 50' ARTERIAL (WEBSTER STREET)
- FRONT 30' LOCAL (DERRY LANE)
- SIDE 15'
- REAR 15'
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN NOVEMBER AND DECEMBER OF 2019 AND UPDATED IN MAY OF 2023.
- HORIZONTAL DATUM IS NAD83 AND VERTICAL DATUM IS NAV88.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, COMMUNITY PANEL NUMBER 33011005120 PANEL NUMBER 512 OF 701 EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN FLOOD HAZARD ZONE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG-SAFE AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.

REFERENCE PLANS:

- "HOUSE LOTS IN HUDSON, N.H. FOR SALE BY W.E. DEARBORN" SCALE 1"=200' RECORDED AT THE H.C.R.D. AS PLAN #232-14.
- "STREET LAYOUT PLAN," HILTON HOMES, INC. HUDSON, N.H. DATED: AUGUST, 1966. SCALE: 1"=20'. PREPARED BY: A.E. MAYNARD, PROFESSIONAL ENGINEER. RECORDED AT THE H.C.R.D. AS PLAN #1459.



**EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC**
MAP 147 LOT 16
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:

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

KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS

No.	DATE	DESCRIPTION	BY

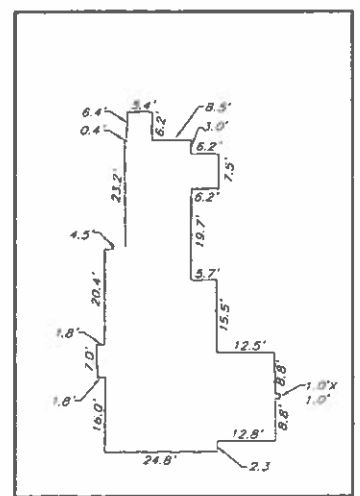
DATE: MAY 4, 2023 SCALE: 1" = 50'
PROJECT NO: 19-1105-1 SHEET 1 OF 1

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019 AND UPDATED IN MAY OF 2023 SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000) FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

6/5/23
DATE
LICENSED LAND SURVEYOR

TOWN OF HUDSON
Zoning Department
MAY 09 2023

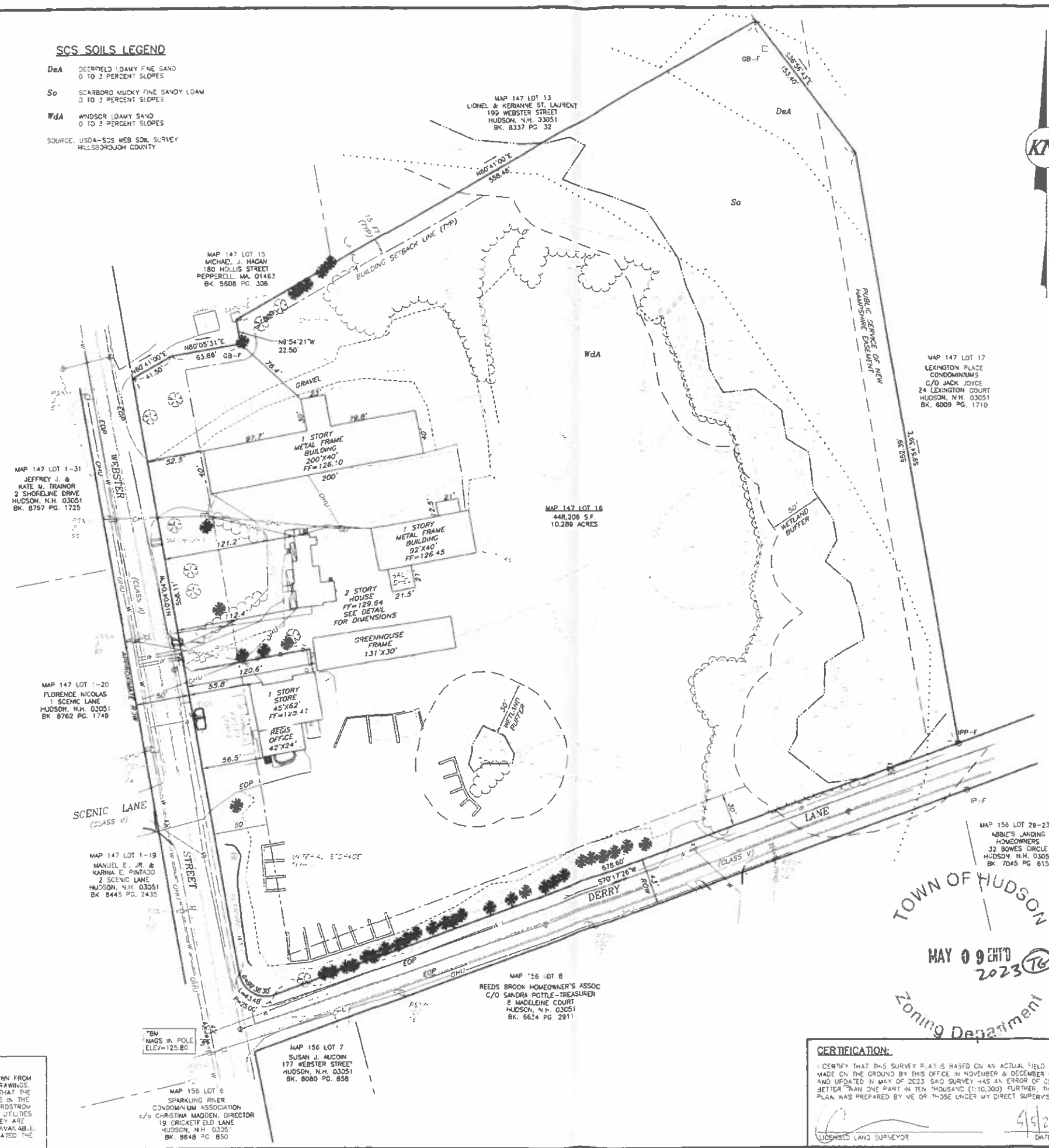


DIG SAFE



UTILITY NOTE

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



Printed
 5/09/2023
 4:28PM
 Created
 5/09/2023
 4:19 PM

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

Receipt# 728,860
 tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 181 B Webster Street Map 147 Lot 016-000 (R-2 Zone)			
	Four (4) Variances	0.00	740.0000	0.00
	Abutter Notices	0.00	77.1100	0.00
			Total:	817.11

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK # 1549	740.00	0.00	740.00
Derry & Webster, LLC	CHECK	CHECK # 1550	77.11	0.00	77.11
			Total Due:		817.11
			Total Tendered:		817.11
			Total Change:		0.00
			Net Paid:		817.11

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

On **05/25/2023**, the Zoning Board of Adjustment heard **Case 147-016 d.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH to allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

Mixed Use

MAY 09 ENT'D
2023 TW

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 147-016^{d.}(05-25-23)
Date Filed 5/9/23


Name of Applicant Derry & Webster, LLC Map: 147 Lot: 16 Zoning District: R2
c/o Vatche Manoukian, Manager

Telephone Number (Home) 603-883-8900 (Work) _____

Mailing Address 253 Main Street, Nashua, NH 03060

Owner Derry & Webster, LLC

Location of Property 181B Webster Street
(Street Address)


Signature of Applicant Date 5-9-2023


Signature of Property-Owner(s) Date 5-9-2023

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

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

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

Date received: 5/9/23

COST:

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

Abutter Notice:

Direct Abutters x Certified postage rate \$ 4.78 = \$ N/A

Indirect Abutters x First Class postage rate \$ 0.63 = \$ N/A

Total amount due: \$ 185.00

Amt. received: \$ 740.00

Receipt No.: 728,860

Received by: TSG

Check #
1549
(4 Variances)

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

CERTIFIED PLOT PLAN:

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

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


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

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



Signature of Applicant(s)

5-9-2023
Date



Signature of Property Owner(s)

5-9-2023
Date

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Manuele E. Pintado, Jr. & Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	001	Florence Nichols	1 Scenic Lane Hudson, NH 03051
147	001	Jeffrey J. Trainor & Kate M. Trainor	2 Shoreline Drive Hudson, NH 03051
147	001	Benjamin Matthew Webster & Jane Anne Webster	1 Shoreline Drive Hudson, NH 03051
147	015	Michael J. Hagan	180 Hollis Street Pepperell, MA 01463
156	007	Susan J. Aucoin	177 Webster Street Hudson, NH 03051
147	014	Brian D. Pigeon	197 Webster Street Hudson, NH 03051
147	013	Lionel St. Laurent & Kerianne St. Laurent	199 Webster Street Hudson, NH 03051
147	001-018	Paul & Kimberly Mocerri	6 Scenic Lane Hudson, NH 03051
156	006	Sparkling River Condominium Association Inc. c/o Richard Frescura	19 Cricketfield Lane Hudson, NH 03051
156	008	Reeds Brook Home Owners Assoc. c/o Sandra Pottle, Treasurer	8 Madeleine Ct. Hudson, NH 03051
147	017	Lexington Place Condominiums c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029	Abbie's Landing Homeowners	32 Bowes Circle Hudson, NH 03051
147	016	Derry & Webster LLC	253 Main Street Nashua, NH 03060
		Keach-Nordstrom, Inc.	11 Commerce Park, Suite 3 Bedford, NH 03110



Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

Manuele E. Pintado, Jr. &
Karina E. Pintado
2 Scenic Lane
Hudson, NH 03053

**Applicant provided-
Abutter Mailing Labels*

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Florence Nichols
1 Scenic Lane
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
2 Shoreline Drive
Hudson, NH 03051

Jeffrey J. Trainor & Kate M. Trainor
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Jane Anne Webster
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Michael J. Hagan
180 Hollis Street
Pepperell, MA 01463

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Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051

Sparkling River Condominium
Association, Inc.
c/o Richard Frescura
19 Cricketfield Lane
Hudson, NH 03051



Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

Reeds Brook Home Owners Assoc.
c/o Sandra Pottle, Treasurer
8 Madeleine Ct.
Hudson, NH 03051

** Applicant provided -
Abutter Mailing Labels.*

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Lexington Place Condominiums
c/o Jack Joyce
24 Lexington Court
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Abbie's Landing Homeowners
32 Bowes Circle
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Westchester Place Condominiums
7 Westchester Court
Hudson, NH 03051

Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

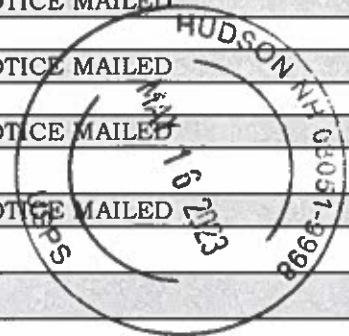
Derry & Webster, LLC
253 Main Street
Nashua, NH 03060

Keach-Nordstrom, Inc.
11 Commerce Park, Suite 3
Bedford, NH 03110

Keach-Nordstrom, Inc.
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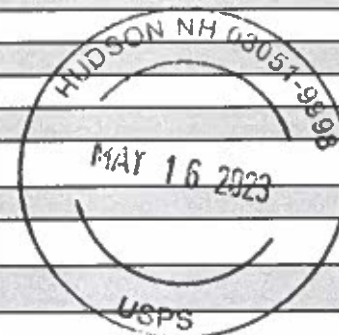
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5622 73	DERRY & WEBSTER LLC 253 MAIN STREET, NASHUA, NH 03060	APPLICANT NOTICE MAILED
2	9589 0710 5270 0646 5622 80	MANUEL E. PINTADO, JR; KARINA E. PINTADO 2 SCENIC LANE, HUDSON, NH03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5622 97	FLORENCE NICOLAS 1 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5623 03	JEFFREY J. TRAINOR & KATE M. TRAINOR 2 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5623 10	BENJAMIN MATTHEW WEBSTER & ANNE WEBSTER JANE 1 SHORELINE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5623 27	MICHAEL J. HAGAN 180 HOLLIS STREET, PEPPERELL, MA 01463	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5623 34	SUSAN J. AUCOIN 177 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5623 41	BRIAN D. PIGEON 197 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5623 58	LIONEL ST. LAURENT & KERIANNE ST. LAURENT 199 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5623 65	PAUL & KIMBERLY MOCERI 6 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) <i>Paula Angelis</i>



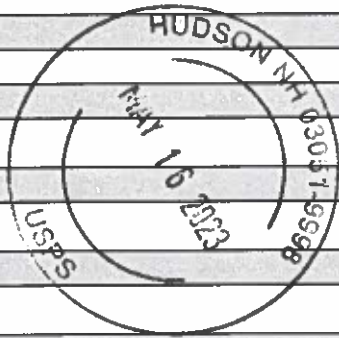
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 2 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	9589 0710 5270 0646 5623 72	SPARKLING RIVER CONDOMINIUM ASSOC. INC.; c/o RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 0646 5623 89	REEDS BROOK HOMEOWNERS ASSOC.; c/o SANDRA POTTLE, TREASURER 8 MADELEINE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5623 96	LEXINGTON PLACE CONDOMINIUMS; c/o JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5624 02	ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5624 19	KEACH-NORDSTROM, INC. 11 COMMERCE PARK, SUITE 3, BEDFORD, NH 03110	APPLICANT NOTICE MAILED
6	9589 0710 5270 0646 5624 26	ANDREW PROLMAN, ESQ., PRUNIER & PROLMAN, PLLC 20 TRAFALGAR SQUARE, STE 100, NASHUA, NH 03063-1981	APPLICANT NOTICE MAILED
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Paula Angeli</i>



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 (a-d) 4-VARIANCES 181 B WEBSTER STREET Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/25/2023 ZBA Meeting
1	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	1	1	<i>Paula Angeli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 15, 2023

APPLICANT NOTIFICATION

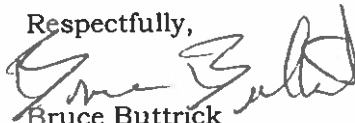
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/25/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

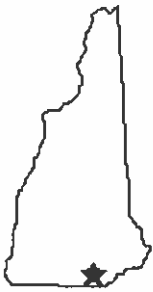
Case 147-016 (05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for 181 B Webster St., Hudson, NH [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. **To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., 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

Dillon Dumont, Selectmen Liaison

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

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- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. **To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]**

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

MIXED USE VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III, HZO Section(s) 334-10A in order to permit the following:

To maintain the existing mixed uses on 185-187 Webster Street.

FACTS SUPPORTING THIS REQUEST:

1. Granting the requested variance will not be contrary to the public interest, because:

There has been a landscaping business at this site for decades. Allowing the mixed uses on this lot to continue will not alter the character of the neighborhood, nor threaten the public health safety or welfare of the neighborhood nor the Town of Hudson.

2. The proposed use will observe the spirit of the ordinance, because:

Similar to the public interest criteria, allowing the multiple uses to continue on this large lot will not harm any public rights nor alter the character of the neighborhood. Indeed, the mixed uses on this site have been going on so long that they are the character of the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

Regis Landscaping is an ongoing business providing services to the residences and businesses in the Town of Hudson and surrounding communities and maintains many employees through the year. Allowing Regis to continue is a significant benefit to Regis, its employees, and the property owner with no adverse impact to the Town. The balancing test of the substantial justice criteria weighs in favor of the applicant.

4. The proposed use will not diminish the values of surrounding properties, because:

We know there has been no impact to surrounding property values because of the successful build out of nearby developments.

MIXED USE VARIANCE

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
 - A. 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

The property is unique and unusual given its long history with multiple mixed uses. Further, there are large area wetlands at the rear of the property which must be respected. Given the successful use of the property, the restriction of prohibiting mixed uses is not fair and reasonable to the applicant nor Regis Landscaping.

- 2) Explain how the special conditions of the property cause the proposed use to be reasonable.

Regis's operation is a benign commercial operation, as opposed to heavy industrial uses. Regis's business provides services to residential customers. Allowing the long time landscaping operation to continue is a reasonable use of this lot.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-027

March 16, 2023

Andrew A. Prolman
Prunier & Prolman, PLLC
Ste 100
20 Trafalgar Sq
Nashua, NH 03063

Re: Variance request/application
Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Andrew,

I am in receipt of your 02/15/23 request as to which variances are needed for the entity/operation known as "Regis Landscaping" to continue at 181A Webster St, and per Superior Court Order dated August 3, 2022.

Currently this operation needed/needs variances to the Zoning Ordinance as follows:
§334-10A Mixed uses on a lot. The R-2 district does not allow mixed uses.

§334-21 Table of Permitted Principal Uses. This use as a Landscaping business (E-10) is not a permitted use in this district.

§334-21 Table of Permitted Principal Uses. This use also has associated retail sales of landscaping products (D-30) and is not a permitted use in this district.

§334-22 Table of Permitted Accessory Uses. The garaging or parking of: two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in this district.

§334-13 Junkyards prohibited; outdoor storage, current operation has numerous unregistered/junked vehicles/equipment, and **junk/debris**. Would need variance to maintain/continue such for a site plan approval.

Not seeing a site plan to review, there may be issues/activity within the Wetland Buffers on site needing a Variance: operations around and within the Buffer of the man-made wetland (small pond) in yard adjacent to side of building, as well as stockpiled landscape material and graded/disturbed ground surfaces in back yard.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encls: 02/15/2023 Zoning Determination Request and Superior Court Final Order
item#14

cc: Public Folder
Town Planner – B. Groth
Town Counsel – D. LeFevre
file

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

23-027



TOWN OF HUDSON
FEB 15 REC'D
Zoning Department

LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 02/15/2023

Property Location 181B Webster Street
 Map 147 Lot 16 Sublot 000

Zoning District if known R-2

Type of Request

Zoning District Determination Use Determination Set-Back Requirements
 Process for Subdivision/ Site Plan if required
 Other

Description of request / determination: (Please attach all relevant documentation)

Please advise as to the variance(s) required to keep Regis Landscaping on site per §14 of the August 3, 2022 Final Order in Town of Hudson v. Derry & Webster, LLC, Hillsborough County Superior Court Docket No. 226-220-CV-00632.

Applicant Contact Information:

Name: Andrew A. Prolman, Prunier & Prolman, PLLC
 Address: 20 Trafalgar Sq., Ste. 100, Nashua, NH 03063
 Phone Number: 603.883.8900
 Email: aprolman@prunierlaw.com

For Office use

ATTACHMENTS: TAX CARD | GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT || DATE: _____

13. The 3-family residence must be converted to a 2-family residence. All independent living facilities must be removed from the illegal 3rd residential unit, which must be combined with the other two (2) units such that there are only two (2) residential units. All work must comply with all applicable life safety and building codes. All required permits must be obtained from the Town prior to beginning any construction. The Court recognizes that the illegal 3rd residential unit is currently being occupied by a tenant under a lease which expires on November 30, 2022. The current tenant shall be required to vacate the illegal unit at the expiration of the lease, failing which, Derry & Webster shall commence the necessary eviction proceeding to gain possession of the 3rd residential unit and bring the Property into compliance.

14. The use of the Property related to the landscaping business as it currently exists is not permitted. The only permitted landscaping use is the "planting, growing and selling nursery stock." All other uses related or ancillary to the existing landscaping business are not permitted. Derry & Webster must cease and desist the illegal landscaping business and bring the Property into compliance within a period of eight (8) months from the date of this Order. If, during this eight (8) month time period, Derry & Webster should obtain a variance to permit the landscaping business or some iteration thereof, use of the Property shall comply with the terms and conditions of any such variance. Otherwise, the illegal landscaping use must cease and desist, and the Property must be brought into compliance with the HZO.

15. Except as may be permitted by the variances, the outdoor storage of materials, vehicles, heavy equipment, and junk is not permitted, and must be removed from the Property in keeping with the terms and conditions of this Order.

16. Any uses and disturbances within the WC overlay zoning district must be abated. In conjunction with obtaining site plan approval from the Planning Board, Derry & Webster shall obtain approval of a remediation plan to restore any disturbed areas within the protected wetland or the adjacent buffer.

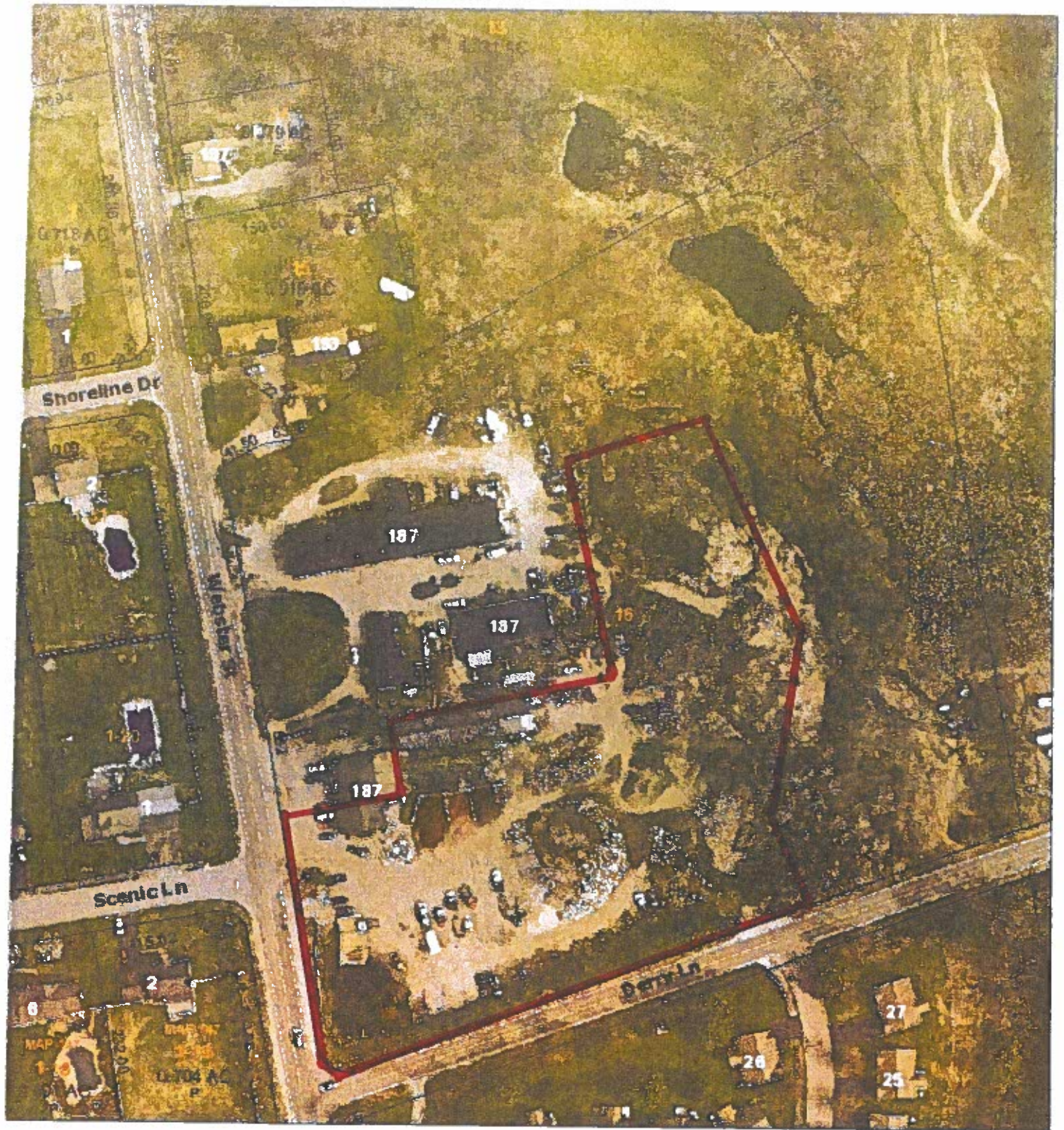
17. Site plan approval for the complete site (Map 147, Lot 016-000) must be obtained no later than January 23, 2024.

18. Hudson is hereby awarded its attorney fees and costs actually expended in this matter pursuant to RSA § 676:17, II. Hudson is hereby awarded its attorney fees and costs in the amount of \$7,750.00. Derry & Webster shall tender payment to Hudson in four (4) equal monthly payments, with the first payment being due within thirty (30) days of this Order, and each subsequent payment due on the same day of each month thereafter until paid in full.

19. Pursuant to RSA § 676:17, I, Derry & Webster is subject to civil fines and penalties up to \$275.00 for first offenses, and \$550.00 per day for second offenses, for each day the violations have continued. Derry & Webster was first notified of the offenses on September 30, 2019. By agreement of the parties, the imposition of civil fines and penalties against Derry & Webster is to be withheld, provided that, Derry & Webster complies with this Final Order. In the event that Derry & Webster fails to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.

Refer to Variance a.
For parcel Tax Assessor cards
Map 147 Lot 016-000

185 Webster Street (Map 147 Lot 016-000)



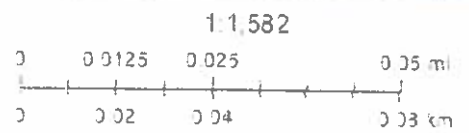
May 8, 2023

Layer 1

Easement_Lines

Parcels

APPROXIMATE AREA
OF
REGIS LANDSCAPING

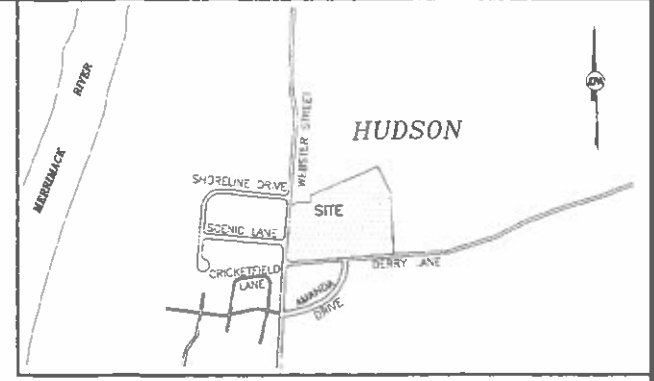


LEGEND

- GB-F GRANITE BOUND FOUND
- NHHR-F N.H. HIGHWAY BOUND FOUND
- PP-F IRON PIPE FOUND
- P-F IRON PIN FOUND
- SLT STREET LIGHT
- UP UTILITY POLE
- SIGN
- SEWER MANHOLE
- WATER VALVE
- HYDRANT
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- WETLAND BUFFER
- SOIL LINE
- STOCKADE FENCE
- EOP EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- SETBACK
- TREE LINE
- GAS LINE
- SEWER LINE
- OVERHEAD UTILITIES
- POST & RAIL FENCE
- EASEMENT
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB

SCS SOILS LEGEND

- DeA DEERFIELD LOAMY FINE SAND
0 TO 1 PERCENT SLOPES
 - So SCARBORO MUCKY FINE SANDY LOAM
0 TO 1 PERCENT SLOPES
 - WdA WINDSOR LOAMY SAND
0 TO 3 PERCENT SLOPES
- SOURCE: USDA-SCS WEB SOIL SURVEY
HILLSBOROUGH COUNTY

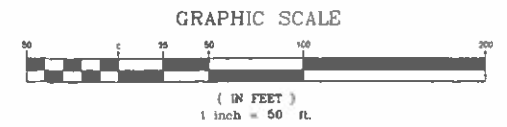


NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON MAP 147 LOT 16 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
- EXISTING AREA OF PARCEL: 448,206 S.F. OR 10.289 ACRES.
- OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
BK. 6834 PG. 1327
- THE SUBJECT PARCEL IS LOCATED ENTIRELY WITHIN THE RESIDENTIAL (R-2) ZONING DISTRICT.
- DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
- FRONT 50' ARTERIAL (WEBSTER STREET)
- FRONT 30' LOCAL (DERRY LANE)
- SIDE 15'
- REAR 15'
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN NOVEMBER AND DECEMBER OF 2019 AND UPDATED IN MAY OF 2023.
- HORIZONTAL DATUM IS NAD83 AND VERTICAL DATUM IS NAVD83.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, COMMUNITY PANEL NUMBER 330100012D PANEL NUMBER 512 OF 701, EFFECTIVE DATE, SEPTEMBER 25, 2009 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN, PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT "DIG-SAFE" AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS, OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.

REFERENCE PLANS:

- "HOUSE LOTS IN HUDSON, N.H. FOR SALE BY J.E. DEARBORN" SCALE: 1"=200' RECORDED AT THE H.C.R.D. AS PLAN #202-1A.
- "STREET LAYOUT PLAN," HILTON HOMES, INC. HUDSON, N.H. DATED: AUGUST, 1966. SCALE: 1"=20'. PREPARED BY: A.E. MAYNARD, PROFESSIONAL ENGINEER, RECORDED AT THE H.C.R.D. AS PLAN #3459.



**EXISTING CONDITIONS PLAN
LAND OF
DERRY & WEBSTER, LLC**
MAP 147 LOT 16
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:

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



Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 827-2801

REVISIONS

No.	DATE	DESCRIPTION	BY

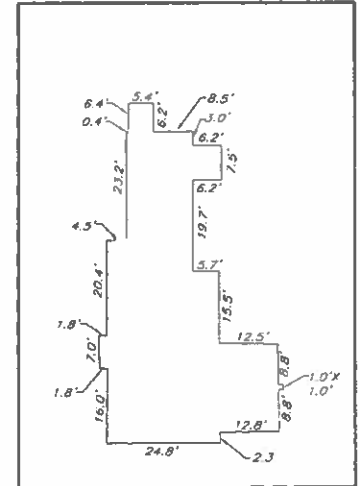
DATE: MAY 4, 2023 SCALE: 1" = 50'
PROJECT NO: 19-1105-1 SHEET 1 OF 1

CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019 AND UPDATED IN MAY OF 2023. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000) FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

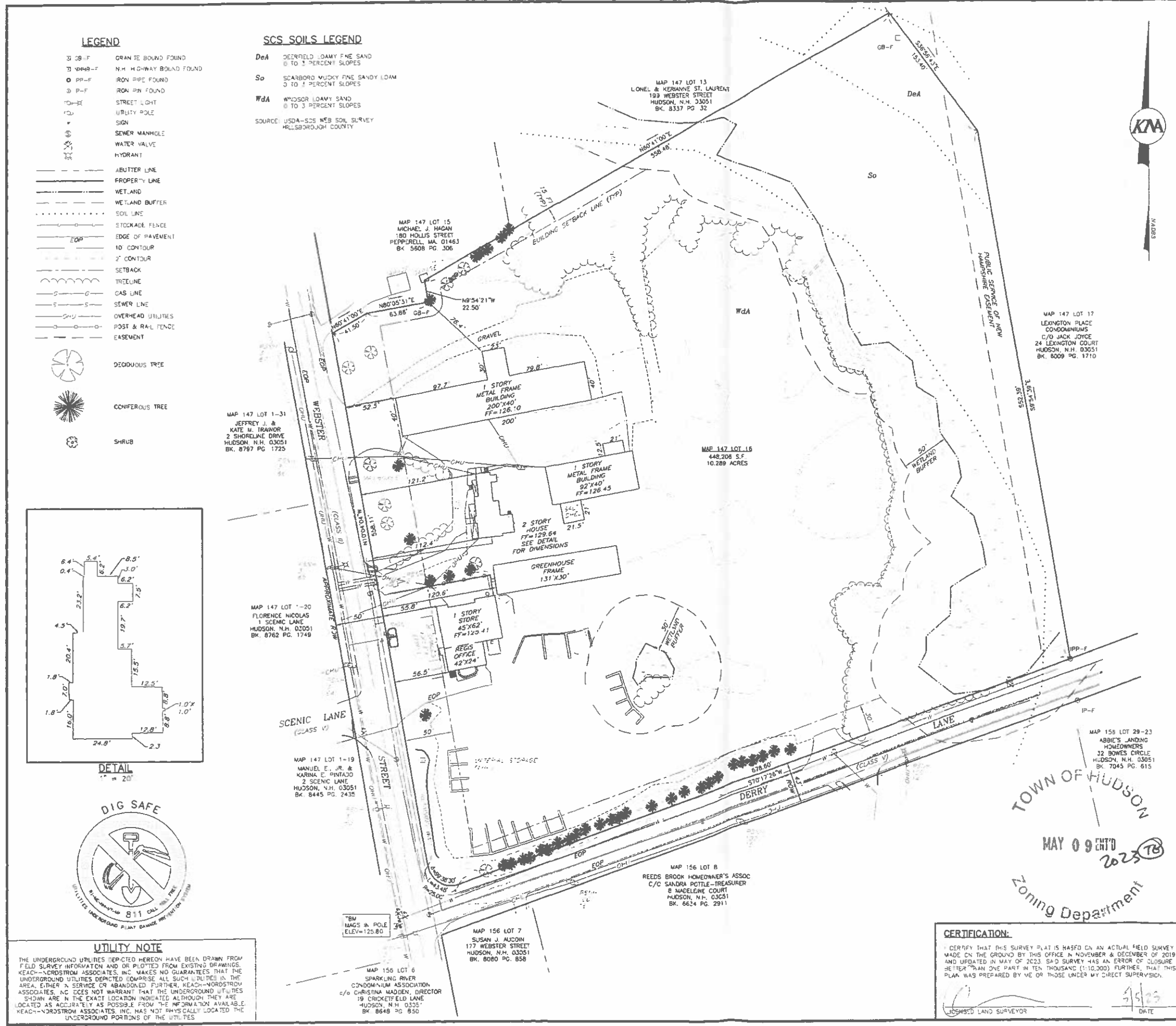
JOSHUA D. LAND SURVEYOR DATE: 5/5/23

TOWN OF HUDSON
MAY 09 2023
Zoning Department



UTILITY NOTE

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



Printed
5/09/2023
4:28PM
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5/09/2023
4:19 PM

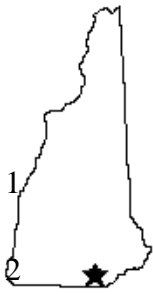
Transaction Receipt

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

Receipt# 728,860
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 181 B Webster Street Map 147 Lot 016-000 (R-2 Zone)			
	Four (4) Variances	0.00	740.0000	0.00
	Abutter Notices	0.00	77.1100	0.00
			Total:	817.11

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK # 1549	740.00	0.00	740.00
Derry & Webster, LLC	CHECK	CHECK # 1550	77.11	0.00	77.11
			Total Due:		817.11
			Total Tendered:		817.11
			Total Change:		0.00
			Net Paid:		817.11



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 – April 27, 2023 - draft

The Hudson Zoning Board of Adjustment met on Thursday, April 27, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

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

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

Members present were Gary Daddario (Regular/Chair), Tim Lanphear (Alternate), Normand Martin (Regular/Vice Chair), Marcus Nicolas (Regular), Jim Pacocha (Regular), Dean Sakati (Regular) and Edward Thompson (Alternate/Clerk). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused was Tristan Dion (Alternate).

IV. **PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:** **DEFERRED HEARING:**

1. **Case 174-197 (04-27-23)(deferred from 02-23-23):** Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a Variance for **79 Ferry St., Hudson, NH** [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:
 - i. To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]
 - ii. To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]

Mr. Buttrick read the Case into the record noting that it was continued from the 2/23/2023 meeting and that he received written notice, an email dated 3/21/23, from

50 the Applicant to withdraw the application and, according to the Board's Bylaws
51 Section 143.10 Deferment and Withdrawal a motion is needed from the Board to
52 accept the withdrawal. Motion made by Mr. Martin and seconded by Mr. Nicolas to
53 accept the requested withdrawal of Case 174-197 without prejudice. Roll call vote was
54 5:0.

55
56 Board next addressed Agenda item #5 as it was not properly advertised and requires a
57 continuation.

58
59 **NEW HEARINGS:**

60
61 1. **Case 191-042 (04-27-23):** Christopher Reilly, **24 B Street, Hudson, NH**
62 requests a Variance to install an above ground pool within the front yard
63 setback leaving 15 feet ("A" street side) where 30 feet is required. [Map 191, Lot
64 042-000; Zoned Town Residence (TR); HZO Article VII: Dimensional
65 Requirements; §334-27, Table of Minimum Dimensional Requirements.]

66
67 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
68 4/12/2023 noting that it is a corner lot with a single family conforming Use and two
69 (2) front setbacks from A Street and B Street and added that the frontage along A
70 Street actually serves as a Side yard.

71
72 Chris Reilly introduced himself as the Property Owner of 24 B Street, stated that his
73 lot is a corner lot with bushes along A Street that is in actuality his sideyard and
74 noted that several abutters also have pools. Mr. Reilly addressed the criteria for the
75 granting of a Variance and the information shared included:

- 76
77 (1) *not contrary to public interest*
- 78 • The proposed location of the pool is to be in his backyard
 - 79 • Because his lot is a corner lot, his 'backyard' is bordered by A Street which
80 requires a 30' setback instead of a 5' setback
 - 81 • The optimal location for the proposed pool is within the front setback of his
82 sideyard as the land is flat
 - 83 • To place the pool outside of the setback is topographically unsuitable for a
84 pool as the land is sloped and would require re-grading and the construction
85 of a retaining wall that would be unduly expensive and raise other concerns,
86 especially considering that his neighbor has a fence along the property line
 - 87 • There is existing foliage along A Street that will shield the pool from view
 - 88 • The proposed location for the above ground pool is nowhere near the
89 intersection of A Street and B Street and will not cause any visual
90 impediment
 - 91 • There will be no deck construction around the pool – just a ladder into the
92 pool
 - 93 • The requested Variance will not be contrary to public interest and there will
94 be no overcrowding of land
- 95 (2) *will observe the spirit of the Ordinance*
- 96 • The spirit of the Ordinance is to keep certain uses separated and promote the
97 health, safety and general welfare of the inhabitants
 - 98 • This use fits in with the neighborhood – there are two (2) direct abutters and
99 many other houses in the neighborhood that have pools

- 100 • The request is in accord with the essential character of the TR zoning district
 101 – small residential lots which reflect that reflect a traditional New
 102 England town or village
 103 • A backyard pool is a quintessential part of suburban life
 104 • The zoning purposes of setbacks will not be impaired, nor will there be
 105 overcrowding or safety concerns and nor will there be any aesthetic
 106 changes to the neighborhood with the granting of this variance
 107 (3) *substantial justice done*
 108 • Because the property is a small 0.277 acre lot size and is a corner lot with
 109 two 30' front setbacks and two 5' rear & side setbacks, there is very little
 110 buildable space and the buildable space that is available is
 111 topographically challenged and would require re-grading and
 112 construction of a retaining wall
 113 • The request to install an above-ground pool 15' into the setback is modest
 114 and reasonable, especially considering if the side yard was not bordered
 115 by the road it would only require a 5' setback and the proposed location
 116 would be 60'-100' away from the dwellings of abutters
 117 • Substantial justice would be done to the property owner
 118 (4) *not diminish surrounding property values*
 119 • A pool is a common feature in the neighborhood and will not negatively
 120 impact surrounding properties
 121 (5) *hardship*
 122 • The lot has an irregular shape and is a corner lot subject to 2 30' front
 123 setbacks instead of 3 5' setbacks and 1 30' front setback
 124 • The small amount of available land outside the setbacks is
 125 topographically unsuited for a pool as the land slopes and would require
 126 expensive re-grading of land and construction of a retaining wall
 127 • Because of the unique positioning and dimensions of the property, the
 128 pool will still be approximately 15' from the Applicant's 'side yard'
 129 property line
 130 • The proposed distance to the property line is 3X more than what would
 131 be required if not bordered by A Street
 132

133 Mr. Lanphear asked and Mr. Reilly confirmed that there will be no deck around the
 134 pool and that access will just be a ladder. Mr. Pacocha asked why the location could
 135 not be further out of the setback and Mr. Reilly stated that the proposed location is
 136 flat, that it begins to slope down to his neighbor's lot where he has placed a fence and
 137 added that the proposed location also has shrubbery along A Street to shield the pool
 138 from view.
 139

140 Public testimony opened at 7:31 PM. No one addressed the Board.
 141

142 Motion made by Mr. Martin and seconded by Mr. Nicolas to grant the motion as
 143 requested with no stipulations as all five (5) criteria have been satisfied. Roll call vote
 144 was 5:0. Variance granted. The 30-day Appeal period was noted.
 145

- 146 **2. Case 204-003 (04-27-23):** Daniel Proulx, Jr., Managing Member of Monument
 147 Construction, LLC, **149 Lowell Rd.**, Hudson, NH requests a Variance to allow a
 148 proposed gravel area for equipment storage in the rear of the existing garage (to
 149 be converted to office space) and three (3) 8' x 40' storage containers on a ¾"
 150 stone pad constituting an Industrial Use as a Contractor's Yard (E-15) where it

151 is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business
152 (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
153

154 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
155 4/14/2023, noted that at the 3/23/2023 meeting the ZBA upheld his Determination
156 that the Contractor's Yard did exist and required a Variance, and added that both the
157 Town Engineer and the Town Planner submitted review comments.
158

159 Atty. Robert Shepard of Smith-Weiss, Shepard, Kanakis & Spony, PC in Nashua, NH
160 introduced himself and Daniel Proulx, Jr. a disabled veteran and manager and
161 operator of Monument Construction LLC, noted that the existing building and garage
162 purchased in July 2020 is to be converted to office space for the contractor business,
163 that a Site Plan application was submitted to the Planning Board with a plan prepared
164 by Meisner Prem Corporation dated 11/09/2022 that showed three (3) storage
165 containers at the lowest elevation level at the rear of the property and a gravel area
166 that has been determined to classify it as a Contractor's Yard. Atty. Shepard stated
167 that it would be acceptable to add conditions upon the Contractor's Yard like (1) no
168 heavy equipment to be on site, like tractor trailers or excavators; and (2) a restriction
169 that no more than 3 pieces of smaller equipment like skidders and bobcats. The three
170 (3) storage containers are considered accessory structures that are a necessary to the
171 main purpose of the property, which is the business office for Monument Construction
172 services, LLC. The storage containers would be used to store construction materials
173 and equipment and accessed by pick-up trucks.
174

175 Atty. Shepard addressed the criteria for the granting of a Variance and the information
176 shared included:
177

178 (1) *not contrary to public interest*

- 179 • Property was a non-conforming Use as a residence in the B Zone and the
180 change to a business office is a Permitted use
- 181 • Adding 3 storage units in the rear of the property will allow Applicant to fully
182 use the business office for the construction company
- 183 • The use of the 3 storage containers will not alter the essential character of the
184 neighborhood, threaten public health, safety or welfare or otherwise injure
185 public rights
- 186 • The use of the property will be according to an approved Site Plan from the
187 Planning Board

188 (2) *will observe the spirit of the Ordinance*

- 189 • The primary use of the property will be as a business office
- 190 • As an accessory use and structure, Monument Construction Services, LLC,
191 will utilize 3 storage containers to store construction materials, supplies
192 and equipment to better service customers
- 193 • The storage containers will be located in the rear of the property at a lower
194 elevation and probably with plantings to further shield them

195 (3) *substantial justice done*

- 196 • There will be no harm to the general public or other individuals
- 197 • The storage containers will allow the construction company to better service its
198 customers
- 199 • Substantial justice would be done to the property owner

200 (4) *not diminish surrounding property values*

- 201 • The proposed Use will be in conformity with the Business Zone and will
 202 enhance property values, for the Applicant and neighbors
 203 (5) *hardship*
- 204 • Primary purpose of the property will be as a business office for the
 205 construction company
 - 206 • It is a normal use for a construction business office to also have storage
 207 available for construction materials, supplies and equipment
 - 208 • The contractor's yard portion of the property will be accessory to the
 209 business office
 - 210 • It is fair and reasonable to expect that a business office for a
 211 construction company would want to have storage capability for storage
 212 for construction materials, supplies and equipment
 - 213 • The property is located o a busy highway surrounded by other more
 214 intensive commercial uses
 - 215 • The special condition of the property is that the storage units would be
 216 located in the rear of the property, out of sight of the public at large and
 217 pursuant to an approved Site Plan by the Planning Board
 - 218 • The ability to have 3 storage containers on the property is essential to
 219 the operation of a construction business office
 - 220 • The Zoning Ordinance does not define the term 'contractor's yard'
 - 221 • The use of a contractor's yard in conjunction with the business office can
 222 be controlled by conditions imposed by the Planning Board to make it a
 223 compatible use in the Business District
 224

225 In response to Mr. Lanphear's question, the height of the 8' x 40' storage containers
 226 would be 24'. Mr. Lanphear asked if consideration has been given to pave the gravel
 227 area and whether paving would eliminate the classification of a contractor's yard. Mr.
 228 Roy noted that there is no definition of a contractor's yard in the Zoning Ordinance, let
 229 alone any definition pertaining to the degrees of a contractor's and added that an
 230 attempt should be made to reduce the intensity of a contractor's yard in the Business
 231 District. It was also confirmed that the site is serviced by Town water and sewer.
 232

233 Public testimony opened at 8:00 PM. No one addressed the Board.
 234

235 Mr. Martin asked if the Site Plan has been approved by the Planning Board. Atty.
 236 Shepard responded that it has not been approved as of yet. Mr. Martin and Ms. Roy
 237 inquired about the storage containers, whether they were permanent or whether they
 238 could go onto a job site and received the response that it could be possible, although
 239 unlikely, that two (2) could be relocated to a job site but not the third larger/longer
 240 one.
 241

242 Discussion ensued regarding potential conditions for the Variance. Mr. Buttrick
 243 stated that from a Code Enforcement point of view, the GVW (Gross Vehicle Weight)
 244 should also be stipulated, to which Mr. Daddario countered that the stipulation
 245 should just be "no heavy equipment stored or parked overnight" regardless of the
 246 GVW.
 247

248 In response to Mr. Martin's questions regarding materials, Mr. Proulx responded that
 249 ninety percent (90%) of materials go direct from supplier to job sites, which could be in
 250 New England, New York, and North Carolina; and any materials or equipment needed
 251 from storage containers would generally be retrieved by employees in pickup trucks.

252
253 Discussion also arose on the possibility of paving the gravel area. Opinions expressed
254 that pavement could prevent larger equipment to the site and other opinions that the
255 decision should be under the Planning Board's purview as they take into consideration
256 other factors like a regulated amount of impervious surface.

257
258 Mr. Martin made the motion to grant the Variance with three (3) stipulations:
259 (1) No heavy equipment to be onsite day or night
260 (2) No more than three (3) pieces of smaller equipment be on site day or night
261 (3) Proposed gravel area to be paved unless otherwise directed by the Planning
262 Board during Site Plan Review.

263 Mr. Daddario seconded the motion.

264
265 Mr. Martin spoke to his motion noting that the granting of the Variance as conditioned
266 satisfies the criteria for the granting of a Variance as the Applicant will be keeping his
267 business low-key, that substantial justice would be done, that the conversion to a
268 business will enhance the surrounding properties, that enforcing the Zoning
269 Ordinance would cause hardship and that the contractor's yard is a reasonable
270 accessory use to the construction company. Mr. Daddario concurred and added that
271 the change to office space and use meets the Zoning Ordinance since it corrects a
272 prior non-conforming Use, that the contractor's yard will not have any heavy
273 equipment, that all setbacks are exceeded, that it benefits the Property Owner with no
274 harm to the general public, that the transition to office space from a residence in the
275 Business Zone will not diminish surrounding property values, that a contractor's yard
276 without heavy equipment is consistent with the Business Zone and that accessory
277 storage in conjunction with office space for a construction company is reasonable,
278 especially with the stipulations.

279
280 Roll call vote was 3:2. Mr. Martin and Mr. Daddario opposed. Variance granted with
281 three (3) stipulations. The 30-day Appeal period was noted.

282
283 Board took a break at 8:33 PM. Meeting resumed at 8:42 PM.

284
285 **3. Case 110-011 (04-27-23):** Donald Lamothe, **19 Putnam Rd., Hudson, NH**
286 requests an Equitable Waiver of Dimensional Requirement to allow a shed to
287 remain approx. eight (8) feet in the rear yard setback where 15 feet is required.
288 [Map 110, Lot 011-000; Zoned General-One (G-1); HZO Article VII: Dimensional
289 Requirements; §334-27, Table of Minimum Dimensional Requirements.]

290
291 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
292 4/14/2023 noting that it is an existing non-conforming corner lot due to reduced size,
293 and his Zoning Administrator Comment that confirmed that the Applicant/Property
294 Owner secured a Building Permit with the setback indicated, had the inspection and
295 approval by the Town and that there has been no notice of violation nor deficiency
296 noted and concluded that the principal of estoppel applies.

297
298 Donald Lamothe introduced himself as the Property Owner and stated that the shed in
299 question was built in 2010, over two (2) decades ago, and at that time he believed that
300 the shed was located twenty five feet (25') from his property line. That information was
301 based from the developer that built the house behind him back in 1985. Clearly there
302 was a mistake and the shed now appears eight feet (8') from the property line, not the

303 required fifteen feet (15'). Mr. Buttrick confirmed that the Building Permit for the shed
304 identified the location to be fifteen feet (15') from the property line.

305
306 Mr. Lamothe stated that there has been no enforcement ever taken because the
307 discrepancy was just noticed on 3/27/2023 by the Zoning and Code Enforcement
308 Administrative Aide Tracy Goodwyn when he applied for a Building Permit for a second
309 shed. Mr. Lamothe stated that no persons have been affected by the shed's current
310 location as the shed is completely on his property and the area of land abutting his
311 property is a wooden section of land that is not being used by the current property
312 owners. The shed does not create any public or private nuisance, nor does it obstruct
313 or prevent anyone from using their property. The house in the lot abutting the shed is
314 over one hundred feet away.

315
316 Mr. Lamothe stated that he does not believe that any public or private benefit would
317 be gained by moving the shed as it is not interfering with or impeding any use or
318 access of any public or private land use. Mr. Lamothe stated that if the shed needs to
319 be moved, the cost would be high and would include at a minimum: (1) surveying his
320 property to identify the exact location of the property line in question; (2) modifying the
321 irrigation system to move/remove some sprinkler heads; (3) preparing the new location
322 for the shed; and (4) the expense of physically moving the shed and the rough
323 estimates he has received for this work could easily exceed \$3,000.

324
325 Public testimony opened at 8:56 PM. No one addressed the Board.

326
327 Mr. Martin made the motion to grant the Equitable Waiver of Dimensional
328 Requirement. Mr. Nicolas seconded the motion. Mr. Martin spoke to his motion
329 noting that the requirements have been met, that the error occurred more than ten
330 (10) years ago with a Building Permit and Inspection, that the location poses no
331 nuisance and that there has never been a complaint registered with the Town and that
332 there is a high correction cost. Mr. Nicolas concurred for the same reasons. Roll call
333 vote was 5:0. Equitable Waiver granted. The 30-day Appeal period was noted.

334
335 **4. Case 136-001 (04-27-23):** Joseph A Miara, Jr., Trustee, Granite Realty Trust, **12**
336 **Bockes Road, Hudson, NH** requests a Variance to build a proposed 80 ft. x 120
337 ft. garage and attached 80 ft. x 45 ft. covered awning. This is an expansion of an
338 existing, non-conforming use, not permitted in the R-2 district.[Map 136, Lot 001-
339 000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses,
340 Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

341
342 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
343 4/17/2023 noting the previous activity with both the Planning Board (PB) and Zoning
344 Board of Adjustment (ZBA) and that the non-conforming Use status of the lot came
345 into being in 1985 when the area was rezoned to the R-2 District. Mr. Buttrick stated
346 that In-House Review Comments have been received from the Town Engineer
347 regarding intent of providing water and sewer to the proposed structure and the Town
348 Planner noting that Site Plan Review with PB is required.

349
350 Mr. Daddario stated that he was formerly engaged in the practice of law with Atty.
351 Westgate but is no longer and that their practice together had nothing to do with this
352 Case, that he does not feel prejudiced in voting on the Case and asked whether he
353 should recuse himself. No Board Member asked for his recusal.

354

355 Atty. J. Bradford Westgate of Winer and Bennett, LLP, in Nashua, NH introduced
356 himself as representing the Applicant, stated that he has no opposition with Mr.
357 Daddario sitting on the Case, and introduced Allison Lewis from Keach-Nordstrom
358 Associates, Inc., and Chris Grioux and Chris Cleaver from Miara Transportation.
359

360 Atty. Westgate stated that in 2022 the Board approved an 80 ft. x ~79 ft. 'hoop'
361 structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed
362 location in the westerly side at the rear of the property; however, as his client pursued
363 the 'hoop' structure further, it was determined that the 'hoop' structure was not to be
364 a cost-effective solution for his client to store vehicles and equipment out of the
365 elements and allow personnel to clear snow and ice in readiness for travel and
366 transport on public roads and comply with Jessica's Law. Atty. Westgate stated that
367 the Variance request now before the Board is for a permanent metal structure for the
368 garage building of approximately 80' x 120' and approximately 25' in height with a
369 proposed covered area of 45' x 80' adjacent to and immediately east of the proposed
370 garage as well as parking spaces, additional paved surfaces for vehicle
371 maneuverability and stormwater management.
372

373 Atty. Westgate stated that Miaria Transportation operates a specialty moving and
374 storage business and deals primarily with storage and shipping of machinery for
375 manufacturing, fabricating and other commercial or industrial facilities that requires a
376 number of specialty and often different and unique flatbeds trailers and flatbed trailers
377 whose oversized loads require special permitting.
378

379 Atty. Westgate addressed the variance criteria necessary to satisfy and the information
380 included:
381

382 (1) *not contrary to public interest*

- 383 • Not contrary to allow installation and use of a building and overhang to
384 improve operations and aid in compliance to Jessica's Law
- 385 • Site developed when lot was in commercial/industrial zone
- 386 • Proposed location in western section of lot abuts open space parcel for a
387 residential development and has a 150' wide power line easement through it
- 388 • It is in the public interest to permit reasonable, natural expansion of a long
389 standing business property

390 (2) *will observe the spirit of the Ordinance*

- 391 • Observes the spirit of the Ordinance
- 392 • Will permit a reasonable improvement to better facilitate operations in that
393 portion of the property

394 (3) *substantial justice done*

- 395 • Granting the variance would allow an upgrade to the facility and compliance
396 to Jessica's Law
- 397 • If variance denied, the general public would realize no appreciable gain
- 398 • Is a modest expansion of the non-conforming use and does not increase the
399 land area currently being used to operate the business
- 400 • Substantial justice is done by granting the Variance since it permits the
401 possibility that the project can move forward with Site Plan Review with
402 the Planning Board
- 403 • The general public would realize no appreciable gain from denying the
404 Variance but denial would cause significant adverse impact to the
405 Applicant and deny them reasonable expansion

- 406 (4) *not diminish surrounding property values*
 407 • The proposed building/new construction with overhang, parking spaces,
 408 additional paved areas, stormwater management facilities on the westerly
 409 portion of the property will not diminish property values
 410 • The proposed location is many hundreds of feet from the duplex at 16
 411 Bockes Road and the residential properties along the southern property
 412 line
 413 • See supporting letter dated 4/27/2023 from Randy Turmel of Keller
 414 Williams Gateway Realty

- 415 (5) *hardship*
 416 • The property is relatively large
 417 • When property developed it was a permitted use but in 1984 the Zone
 418 changed to residential and the site then became a Non-conforming Use and
 419 now requires a variance to expand/grow
 420 • Site has existed for over 30 years as a developed moving and storage facility
 421 • If site was located across Bockes Road it would be in the G-1 Zone where its
 422 use would be permitted and a variance would not be needed
 423 • Lot has good onsite buffering in its southerly half and buffering to the west
 424 • The building will be integral to Miara Transportation's operation and aid in
 425 compliance with Jessica's Law and will be located at the rear of the site
 426 where tractor trailers and box trailers and other equipment and vehicles
 427 currently reside, but not under cover
 428

429 Mr. Thompson asked Atty. Miner to address the comment from the Town Engineer.
 430 Atty. Westgate stated that there is no intent to have the garage water and sewer in the
 431 new building. in response to Mr. Sakati's question, Atty. Westgate responded that
 432 there are approximately 250' of wooded area between the proposed garage and the
 433 houses.

434
 435 Public testimony opened at 9:26 PM. No one addressed the Board.
 436

437 Motion made by Mr. Nicolas to grant the Variance as requested. Mr. Pacocha
 438 seconded the motion. Mr. Nicolas spoke to his motion stating that the granting of the
 439 Variance would not alter the character of the neighborhood, nor would there be any
 440 threat to public health or welfare, that it encourages good use of the land and property
 441 values would not be diminished, that justice would be done to the owner and the
 442 benefit to the owner would not outweigh benefit to the public, that the proposed
 443 building is shorter than the hoop structure previously approved in 2022, that the
 444 hardship was caused by the Zone change and that the proposed use is reasonable.
 445 Mr. Pacocha stated that all five (5) criteria have been satisfied and concurred with Mr.
 446 Nicolas. Roll call vote was 5:0. Variance granted. The 30day Appeal period was noted
 447

448 **5. Case 165-139 (04-27-23):** Kevin A. & Lucie Y. Jeffery, **99 Webster St., Hudson,**
 449 **NH** requests a Variance to allow a proposed 805 sq. ft. deck expansion on an
 450 existing non-conforming structure. The deck expansion encroaches 12.7 feet into
 451 the side yard setback leaving 2.3 feet where 15 feet is required and 30.8 feet into
 452 the front yard setback leaving 19.2 feet where 50 feet is required. [Map 165, Lot
 453 139-000, Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-
 454 27, Table of Minimum Dimensional Requirements.]
 455

456 Mr. Buttrick read the Case into the record, noted that request also requires a Use
457 Variance which was not posted/advertised and suggested that the Case should be
458 deferred to the 5/11/2023 meeting. At 7:12 PM Mr. Daddario asked if anyone was
459 present for this Case. No one addressed the Board. Motion made by Mr. Martin and
460 seconded by Mr. Nicolas to defer the hearing to the 5/11/2023 meeting. Vote was 5:0.

461
462 Board next addressed the first Case under New Hearings.

463
464 **V. REQUEST FOR REHEARING:**

465
466 No requests were presented for Board consideration.

467
468 **VI. REVIEW OF MINUTES:**

469
470 03/09/23 edited Draft Minutes; Motion made by Mr. Martin, seconded by Mr.
471 Sakati and unanimously voted to approve the 3/9/2023 Minutes as edited and
472 presented.

473 03/23/23 edited Draft Minutes: Mr. Thompson offered a correction to the name
474 of an abutter. Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously
475 voted to approve the 3/23/2023 Minutes as edited and amended.

476
477 **VII. OTHER:**

478 1) Reminder: Planning & Zoning Spring 2023 Conference- **Saturday, April 29, 2023**
479 8:45 AM-3:30 PM

480 Mr. Buttrick read the item into the record and encouraged everyone to sign up and attend.

481
482 2) Reminder: May 11, 2023 carry-over ZBA meeting

483 Mr. Buttrick noted that there are two (2) Cases, both Variances, one for 99 Webster Street and
484 another for 100 Lowell Road and asked each Member to bring the information for each to that
485 meeting.

486
487 3) ZORC – Zoning Ordinance Review Committee

488 Mr. Buttrick reported that the Planning Board has decided to resume ZORC and seeks two
489 (2) volunteers from the Zoning Board. Both Mr. Martin and Mr. Lanphear volunteered.

490
491
492 Motion made by Mr. Martin, seconded by Mr. Nicholas and unanimously voted to adjourn
493 the meeting. The 4/27/2023 ZBA meeting adjourned at 9:37 PM.

494
495 Respectfully submitted,
496 Louise Knee, Recorder