



Mr. Malley asked if the creation of the unit would affect the store's storage, to which Mr. Westgate indicated that it would not.

Mr. Coutu stated that he is willing to support the application but noted that it is imperative the owner/operator of the convenience store to adhere to Hudson's sign ordinances.

Mr. Malley moved to grant the requested waiver of §275.8.C.2.p that calls for two (2) parking spaces per residential unit, to allow for one (1) space for a caretaker's unit, based on the Board's discussion, the testimony of the Applicant's representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver. Seconded by Mr. Coutu. Motion passed 3-0-0.

Mr. Malley moved to approve the application for a caretaker's unit at 99 River Road, Map 256, Lot 1, subject to the following stipulation:

1. The Notice of Decision shall be recorded at the HCRD.

Mr. Coutu seconded the motion. Motion passed 3-0-0.

B. Backstreet Bar & Grill Outdoor Seating                      76 Derry Street Unit 5  
MSP# 05-16    Map 165/Lot 147

Purpose of the plan: to permit outdoor seating along the front of unit 5 A & B.

**Applicants:** Randy and Jacob Duguay

The applicants presented an overview of their plan to provide an outdoor dining area containing 7 tables and 14 seats along their storefront.

Mr. Malley moved to accept the site plan application for 76 Derry Street, Unit 5 A & B, Map 165 Lot 147. Motion seconded by Mr. Coutu. Passed 3-0-0.

Mr. Groth opened the public hearing at 10:37am

Diane Cannava, a resident of Willow Creek and HOA president, expressed the following concerns:

1. Exterior crowd control
2. Excessive noise
3. Staffing of the outdoor dining area.
4. Hours of operation.
5. Potential of outdoor entertainment.
6. Trespassers through the Willow Creek neighborhood by suspected bar patrons.
7. Police related concerns.

Mr. Groth closed the public hearing at 10:51 am

Mr. Groth explained that as part of an approval, several conditions would be put in place in contemplation of Ms. Cannava's concerns, explaining that since the zoning and regulations are mostly silent on this type of use these considerations have to be handled in a conditioned approval until regulations are put in place. Mr. Groth also noted a communication from Police Chief William Avery who stated that "Backstreet has really not been an issue for HPD [Hudson Police Department]." Chief Avery noted his only concern was the potential of noise impacts on abutting residential properties, and would like to have a mechanism in place to discontinue the outdoor area in the event it becomes a problem.

At 11:04am, the committee decided to continue the meeting at the site in order for the applicant to demonstrate his seating plan. Upon arriving to 76 Derry Street, the committee observed the layout and found that only 5 tables would fit in the space, not the 7 initially proposed. Four tables can be located on the left side of the door, and one table to the right of the door. Furthermore, since there is not a clear line of sight of the seating area from the interior, the committee requested that the outdoor area be staffed by a waiter/waitress.

Mr. Malley moved to approve the application for outdoor seating along the storefront of 76 Derry St. Unit #5 A&B, subject to the following stipulations:

1. The Notice of Decision shall be recorded at the HCRD.
2. The stanchions shall be located to appropriately enclose the seating area as required by the Liquor Commission.
3. Tables and chairs shall be secured when the restaurant is closed.
4. Hours of operation for the outdoor seating shall be from open to 11:00 P.M. Sunday through Thursday, and open to midnight (12:00 A.M.) Friday and Saturday. The hours of operation may be reviewed on an annual basis and altered by the Town Planner and Code Enforcement Officer.
5. After hours of operation, the seating area shall be closed to public access.
6. Outdoor speakers or live music is prohibited.
7. Outdoor seating shall be seasonal, being allowed from May 1<sup>st</sup> to October 31<sup>st</sup>.
8. The seating area shall not exceed 5 tables with 2 chairs at each table.
9. The seating area shall be monitored and served by staff.

10. The Applicant, its successors and assigns, shall be responsible for managing and controlling the conduct of its Patrons utilizing the outdoor seating such that the Patrons shall not engage in any nuisance or offensive conduct, as a result of noise or otherwise, which may adversely impact neighboring property owners.
11. The foregoing conditions are material terms and requirements of approval, any violation of which may be grounds for revocation of approval by the Planning Board.

Motion seconded by Mr. Groth. Motion passed 2-0-1 (Mr. Coutu abstained)

#### IV. ADJOURNMENT

Meeting adjourned at 11:30 a.m.

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Brian Groth  
Town Planner