Paliy 2 Lot Subdivision

STAFF REPORT

November 8, 2017

SITE: 19 Library St -- Map 182/Lot 111 -- SB# 09-17

ZONING: TR - Minimum lot size 10,000 sq. ft. and 90 ft. of frontage.

PURPOSE OF PLAN: to depict the subdivision of Map 182/Lot 111, into two separate lots. Application Acceptance & Hearing.

PLAN UNDER REVIEW ENTITLED: Paliy Subdivision Plan, Tax Map 182, Lot 111, 19 Library St, Hudson, NH, prepared by Edward N. Herbert Assoc., Inc., 1 Frost Rd., Windham, NH, dated: September 2017 (revised through 10-26-17), consisting of Sheets 1 - 2 (said plans are attached hereto).

ATTACHMENTS:

- 1) Subdivision Application and Project Narrative, date stamped October 30, 2017 Attachment "A".
- Zoning Determination #17-61 by Zoning Administrator Bruce Buttrick dated 17 JULY 17 – Attachment "B".
- 3) Comments from Town Engineer Elvis Dhima Attachment "C".
- 4) CAP Fee Worksheet Attachment "**D**".

OUTSTANDING ISSUES:

- 1. The purpose of the plan is to create a parcel for sale using excess land. Under the subdivision regulations, each new lot that is created must meet zoning regulations and constitute a "buildable" lot, and the applicant has provided a zoning determination establishing the requirements that are reflected on the subdivision plan. The lot will be served by public utilities.
- 2. Town Engineer Elvis Dhima has pointed to the need to keep any driveway for the lot away from the street intersection, and the draft approval stipulations alert the developer and any lot purchaser that the driveway location is subject to review and approval by the Town Engineer.
- 3. HR 334-74.5 requires that the Planning Board assess impact fees at the time of subdivision approval and note the fee in its Notice of Decision. In the past, staff has recommended and the Planning Board has required that a note be added to the subdivision plan stating the amount and requirement for the impact fee that is assessed. The Decision Notice that will contain the requirement for payment of the impact fee will be recorded with the subdivision plan, and it is more likely that the public would see it there than as a note on the subdivision plan. With the Board's consent, we will no longer include a condition of approval that the note be added to the subdivision plan. Attachment "D" contains the CAP Fee Worksheet and the proposed assessment of \$5693 per lot based on the 2017 Impact Fee schedule adopted by the Planning Board.

Paliy Subdivision Staff Report November 8, 2017 Page 2

APPLICATION TRACKING:

13 OCT 17 – Subdivision application submitted.

20 OCT 17 – Application deemed incomplete.

30 OCT 17 – Application deemed complete.

8 NOV 17 – Scheduled for acceptance and hearing.

RECOMMENDED ACTION: For this meeting, staff recommends application acceptance, conduct the public hearing, and consider subdivision approval in accordance with the below DRAFT MOTIONS. In the event that the Board determines more time is needed to review the application, a motion for deferment is provided after the draft acceptance motion.

MOTION TO ACCEPT:

I move to accept the 2-lot Subdivision application for 19 Library St., Map 182/Lot 111.

Motion by:	Second:	Carried/Failed:

MOTION TO DEFER CONSIDERATION:

I move to defer the public hearing on this Subdivision application date specific to the 13 DEC 2017 Planning Board meeting.

Motion by: ______Second: _____Carried/Failed: _____

MOTION to APPROVE:

I move to approve the subdivision plan entitled: Paliy Subdivision Plan, Tax Map 182, Lot 111, 19 Library St, Hudson, NH, prepared by Edward N. Herbert Assoc., Inc., 1 Frost Rd., Windham, NH, dated: September 2017 (revised through 10-26-17), consisting of Sheets 1 - 2:

- 1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
- 2. A cost allocation procedure (CAP) amount of \$5693 per residential lot shall be paid prior to the issuance of a Certificate of Occupancy for the new lot.
- 3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of -Record.

- 4. Approval of this plan shall be subject to final engineering review, including the location of the new driveway which should be located at a proper distance from the intersection.
- 5. Construction activities involving the proposed undeveloped lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Motion by: _____Second: ____Carried/Failed: _____.

ATTACHMENT A

SUBDIVISION PLAN APPLICATION FOR PLAN REVIEW TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application:	Tax Map # <u>181</u> Lot #000
Name of Project: A Library St	
Zoning District:	General SB#
ZBA Action:	
PROPERTY OWNER:	DEVELOPER:
Name: Syptianua Paliy	
Address: 19 hibrary ST	
Address: Hudson, WH 03051	
Telephone # <u>603 - 505 - 1059</u>	
Fax #	
Email: Lawa Paling & gmallicem	
PROJECT ENGINEER	
Name: Svetlance Paling	Telephone #
Address: Same as Habbye	Fax #
Address:	Email:
<u>PURPOSE OF PLAN:</u>	
Sub-dividinug one lot into	two lots.

THE THE REAL REAL AND THE AND THE AND THE AND THE THE THE THE AND THE AND THE THE THE THE THE AND THE THE THE AND THE	I SHIT MAR AND SHIT COL COL CAN AND SHIT AND AND AND AND	ana aina aina ilaki alsi alsi aina kani kati aina bini buli ilaki kati kati	andi Kuli sana pang kang kang kang kini nani jang pang pang kang k	nal lang lang seni ana ang ban ulan pan sait katé katé lang lang ang ang ang ang
	(FOR TOWN U	SE)		
Plan Routing Date:	Sub/Site	Date:		
I have no comments	I have co	mments (attac	h to form)	
(Initials)			Date:	
DEPT:				
Zoning Engineering	Assessor	Police	_ Fire	_ Planning
Consultant		Highway I	Department	
	r parti Bana dangi palay jama palay kang pang kang pang jama jama pang	and suc use suc the this and the sec such dust had not the	and	nna and and and and and and and and and
Fees Paid				

Page 3 of 16 Rev: Aug 2015

SITE DATA SHEET

Plan Name: 19 hibro	ary ST
Plan Type: Subdivision Plan	/
Legal Description:	Map <u>182</u> Lot <u>111-00</u>
Date: <u>12/13/2017</u>	Map Lot
Location:	19 hibrary St 831
Total Area:	S.F. <u>36,198</u> Acres: <u>831</u>
Area in Wetlands:	Wone
Zoning:	Town Residence (TR)
Lots Not Meeting Required Dimensions:	Wowe
Required Area:	10,000
Required Frontage:	90
Water and Waste System Proposed:	town water and town sever
Number of Lots With Existing Buildings:	1 lot with existing
Existing Buildings To Be Removed:	Newe
Flood Zone Reference:	X
Proposed Linear Feet Of New Roadway:	Nove

LOT AREA CALCULATION TABLE

H	iy St	DITCAN L								
FRONTAGE	150' Librau	NON 90, 20, 20000								
BUILDABLE AREA (net contiguous upland useable)	existinus a-tamily 150' Library St	* 3006								
AREA > 25% SLOPE	Nove	Now .								
WETLAND AREA	Newe	Now?								
TOTAL AREA	27, 18 A Saft.	10,000 sqft	2							
LOT #	1.	2.	3.	4.	5.	6.	7.	×.	9.	10.

Data Sheets Checked By:

Date:

Page 5 of 16 Rev: Aug 2015

APPLICATION FOR SUBDIVISION PLAN REVIEW TOWN OF HUDSON, NEW HAMPSHIRE

I hereby apply for Subdivision Plan Review and acknowledge I will comply with all of the Ordinances of the Town of Hudson, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the Subdivision Plan specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s), by the filing of this application as indicated above, hereby give permission for any member of the Hudson Planning Board, the Town Engineer, the Conservation Commission and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on his (their) property in connection with this applications.

Signature of Owner:

If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

Signature of Developer:

The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The Code Enforcement Officer/Building Inspector must be notified within two (2) working days of any change by the individual in charge of the project.

Technical Review Signature:

Planner Approval Signature: _____

PALIY SUBDIVISON PLAN

TAX MAP 182 LOT 111 19 LIBRARY STREET HUDSON, NH

PROJECT NARRATIVE:

THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE MAP 182, LOT 111 INTO 2 LOTS. THE SUBJECT PARCEL IS LOCATED AT 19 LIBRARY STREET AND CONTAINS 0.85 ACRES.

THE HOUSE WILL REMAIN ON THE EXISTING LOT 111 AND WILL CONTAIN 0.62 ACRES WITH 180 FEET OF FRONTAGE ON LIBRARY STREET. THIS LOT IS SERVICED BY TOWN WATER AND SEWER AND WILL MEET ALL TOWN CODES FOR SETBACKS FROM NEW LOT.

THE PROPOSED LOT (NEW LOT #111-001) WILL CONTAIN 0.23 ACRES WITH 115.45 FEET OF FRONTAGE ON SCHOOL STREET. THIS LOT WILL BE SERVICED BY TOWN WATER AND SEWER AND WILL MEET ALL TOWN CODES.

ATTACHMENT B

TOWN OF HUDSON

Land Use Division



12 School Street Hudson, New Hampshire 03051 Tel: 603-886-6008

-886-6008 Fax: 603-594-1142

Zoning Determination #17-61

July 27, 2017

Svetlana Paliy PO Box 472 Pelham, NH 03076

Re: <u>19 Library Street</u> <u>182/111-000</u> District: Town Residence (TR)

Dear Ms. Paliy:

Your requests for zoning review and determination if the current lot can be subdivided as shown on proposed sketch has been completed

Zoning review / Determination:

Per Zoning Table of Permitted Principle Uses (#334 21) and Table of Minimum Dimensional Requirements (#334-27):

If the new lot has a minimum lot size of 10,000 sqft and 90 ft frontage on each street. This is a corner lot therefore School St and Library St are considered front yards with 30ft front setbacks, 15ft side & rear setbacks; Be mindful that the setbacks for existing structures and driveways must remain in compliance with zoning setbacks etc. in regards to any new lot lines. Single family use only permitted on the new lot; Driveways are regulated through the Engineering Dept (886-6008) The subdivision process is regulated through the Planning Board (886-6008)

Please feel free to contact me if you have any further questions regarding the zoning ordinance on this matter.

Sincereh 17 adbes

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

cc Zoning Board of Adjustment J Michaud, Town Assessor J Cashell, Interim Town Planner Chief Buxton Deputy O'Brien File

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

ATTACHMENT C

Dhima, Elvis

From: Sent: To: Cc: Subject:

Dhima, Elvis Thursday, October 26, 2017 2:59 PM Thebarge, George Goodwyn, Tracy 19 Library Street

George

I have the following comment:

1. The proposed driveway for the new lot shall be located the furthest distance away from the intersection of Library & School Street. The plan and profile for the driveway shall be stamped by a licensed professional engineer in the State of New Hampshire.

Thank you

Ε

Elvis Dhima, P.E. **Town Engineer**

Town of Hudson, NH 12 School Street Hudson, NH 03051 Phone: (603) 886-6008 Mobile: (603) 318-8286



Town of Hudson **NEW HAMPSHIRE 03051**

ATTACHMENT D

TOWN OF HUDSON

Planning Board



Glenn Della-Monica, Chairman Marilyn McGrath, Selectmen Liaison

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

CAP FEE WORKSHEET - 2017

Date:	10-30-17	Zone #	1	_ Map/Lot: _	182/111-001	
_					19 Library S	treet
Project	t Name:	2-Lot Subdi	vision			
Propos	ed ITE Use #	#1: <u>Single-I</u>	Family			
Propos	ed Building	Area (square 1	footage):_		N/A	S.F.

CAP FEES: (ONE CHECK NEEDED)

1.	(Bank 09) 2070-701	Traffic Improvements	<u>\$</u>	1,715.00
2.	(Bank 09) 2050-182	Recreation	<u>\$</u>	400.00
3.	(Bank 09) 2080-051	School	<u>\$</u>	3,578.00
		Total CAP Fee	<u>\$</u>	5,693.00

Check should be made payable to the <u>Town of Hudson</u>.

Thank you,

Tracy Goodwyn Planning Administrative Aide

LIST OF ABUTTERS <u>MAP 182</u> LDT

3

12

- LOT #
 101 TOWN DF HUDSON
 12 SCHOOL ST., HUDSON, NH 03051
 102 TOWN DF HUDSON SCHOOL DISTRICT
 20 LIBRARY ST., HUDSON, NH 03051
 101 TOWN DF HUDSON SCHOOL DISTRICT
 20 LIBRARY ST., HUDSON, NH 03051
 111 SVENTLANA PALLY 8986-1698
 188 MAMMOTH RD., PELHAM, NH 03076
 124 SARAH & JASON NICH 8925-0172
 13 SCHOOL ST., HUDSON, NH 03051
 13 NICHOLAS & KIMBERLY BUCCARELLI 8577-0063
 11 SCHOOL ST., HUDSON, NH 03051
 15 JOHN KDSTRO 8036-1347
 13 CHASE ST., HUDSON, NH 03051
 16 SHAWNA VILKINS 8956-0133
 11 CHASE ST., HUDSON, NH 03051
 16 SHAWNA VILKINS 8956-0133
 11 CHASE ST., HUDSON, NH 03051
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 11 CHASE ST., HUDSON, NH 03051
 16 SHAWNA VILKINS 8956-0133
 11 CHASE ST., HUDSON, NH 03051
 17 ST. JOHN THE EVANGELIST CHURCH
 17 ST. JOHN THE ST. CHURCH
 17 ST. JOHN THE ST. CHURCH
 18 SCHURCH ST., HUDSON, NH 03051
 19 RAYMOND JOHN & ANGELA BALCH 8203-2968
 26 LIBRARY ST., HUDSON, NH 03051
 26 DIBTRIPTE TD NOTIFY

ADDITIONAL PEOPLE TO NOTIEY

PAUL ZARNDWSKI, LLS. EDWARD N. HERBERT ASSDC., INC. 1 FRDST RD., WINDHAM, NH 03087

THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE MAP 182, LOT 111 INTO 2 LOTS. THE SUBJECT PARCEL IS LOCATED AT 19 LIBRARY STREET AND CONTAINS 0.85 ACRES.

.

.

THE HOUSE WILL REMAIN ON THE EXISTING LOT 111 AND WILL CONTAIN 0.62 ACRES WITH 100 FEET OF FRONTAGE ON LIBRARY STREET. THIS LOT IS SERVICED BY TOWN WATER AND SEVER AND WILL MEET ALL TOWN CODES FOR SETBACKS FROM NEW LOT.

THE PROPOSED LOT (NEW LOT #111-001) WILL CONTAIN 0.23 ACRES WITH 115.83 FEET FRONTAGE ON SCHOOL STREET. THIS LOT WILL BE SERVICED BY TOWN WATER AND SEWER AND WILL MEET ALL TOWN CODES.

NOTES

- THIS SITE IS CONTAINED WITHIN THE TR-TOWN RESIDENTIAL DISTRICT
 DRIGINAL LOT AREA: 37,182 SF. 0.85 ACRES.
 THE OWNER OF RECORD: SVETLANA PALIY, 188 MAMMOTH ROAD,
- THE DWNER DF RECORD SVETLANA PALLY, 188 MAMMOTH RDAD, PELHAM, NH 03076
 DEED REFERENCE: HCRD BODK 8986 PAGE 1698
 SPOT ELEVATIONS ARE DERIVED FROM AM ARBITRARY DN-SITE DATUM
 THE BUILDING LOCATIONS SHOWN FOR MAP 182 LOTS 112 AND 113 WERE DIGITIZED FROM THE TOWN DF HUDSON TAX MAP #112.
 BEARINGS SHOWN HEREDN ARE BASED ON MAGNETIC DBSERVATION TAKEN IN SEPTEMBER, 2017.
 PERAINCS SHOWN HEREDN ARE BASED ON MAGNETIC DBSERVATION TAKEN IN SEPTEMBER, 2017.
 PERAILLSBORDUGH COUNTY SDIL SURVEY, THERE ARE ND WETLANDS ON THE SUBJECT PARCEL.

PLAN REFERENCES:

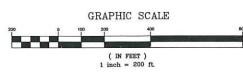
- PLAN DF LAND DF ST. JDHN THE EVANGELIST PARISH AND DTHERS LIBRARY STREET HUDSDN, NH. SCALE: 1'=40' DATED JUNE, 1955; BY: NED SPAULDING CIVIL ENGINEER. HCRD PLAN #1173.
- 2) PLAN OF LAND OF MINNIE MONTGOMERY, SCHOOL STREET, HUDSON, NH. SCALE: 1'=30' DATED: JULY, 1947, BY: NED SPAULDING, ENGINEER. HCRD PLAN #743.

APPROVED	BY	THE	HUDSON	PLANNING	BOARD
DATE OF MEETING					
PLANNING BOARD C	HAIRMA	N	SIGNA	TURE DATE	
SECRETARY			SIGNA	TURE DATE	

PLANNING BOARD SUBDIVISIONS ARE VALLID FOR ONE YEAR FROM THE DATE OF MEETING FINAL APPROVAL, FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING DRDINANCE, SEE N.H. RSA 674/39.

DWNER'S ACKNOWLEDGMENT OWNER

May -0/30/10 DATE



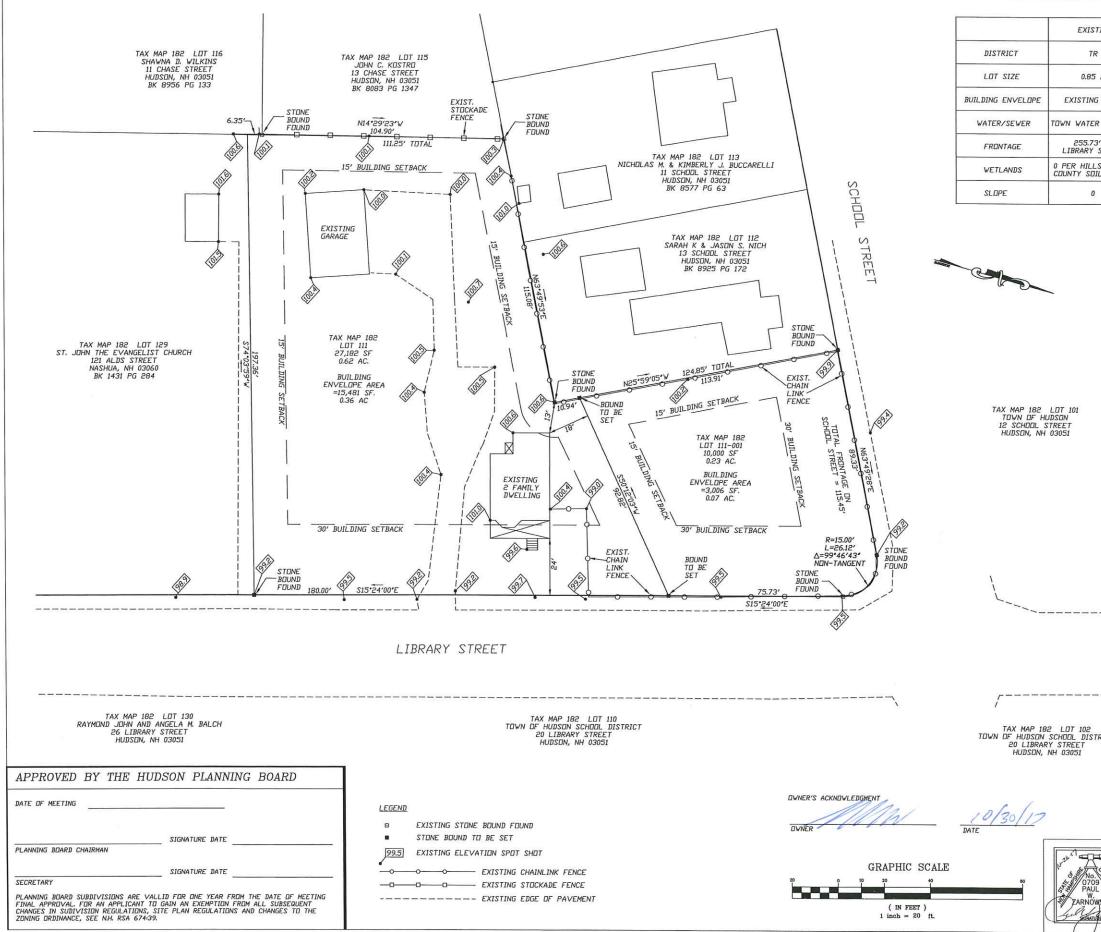


PALIY SUBDIVISON PLAN

TAX MAP 182 LOT 111 **19 LIBRARY STREET** HUDSON, NH



LIBRARY ST	DERRY ST
	TIFY THAT THIS PLAN IS THE RESULT OF A CLOSED BOUNDARY REE AND MEETS THE STANDARDS OF AN URBAN/SUBURBAN CLASS Y WITH AN ERROR BE CLOSURE OF I IN 10,000 OR BETTER. EDWARD AN HERBERT ASSOCIATES, INC. BY: PAUL Y. ZARNOWSKI, LLS DATE: SUBDIVISON PLAN TAX MAP 182 LOT 111 19 LIBRARY STREET HUDSON, NH PREPARED FOR: S VETLANA PALIY IBB MAIMOTH ROAD PELHAM, NH DATE: SEPTEMBER, 2017 EDWARD N. HERBERT ASSOC, INC. LAND SURVEYORS - CIVIL ENGINEERS



XISTING	LDT 182–111	LDT 182-111-001	TOWN CODE
TR	TR	TR	TR
0.85 AC	27,182 SF DR 0.62 AC	10,000 SF DR 0.23 AC	10,000 SF
TING HOUSE	EXISTING HOUSE	3,006 SF	
TER & SEWER	TOWN WATER & SEWER	TOWN WATER & SEWER	TOWN WATER & SEWER
5.73' DN RY STREET	180.00' DN LIBRARY STREET	115' ON SCHOOL STREET	90'
ILLSBORDUGH SDIL SURVEY	0 PER HILLSBORDUGH COUNTY SOIL SURVEY	0 PER HILLSBORDUGH COUNTY SOIL SURVEY	TOWN CODE
0	0	0	LESS THAN 25%

	I CERTIFY THAT THIS PLAN IS THE RESULT OF A CLOSED BOUNDARY TRAVERSE AND MEETS THE STANDARDS OF AN URBAN/SUBURBAN CLASS SURVEY WITH AN ERROR OF CLOSURE OF 1 IN 10,000 OR BETTER.
	EDWARD N. HERBERT ASSOCIATES, INC. BY: PAUL W. ZARNOWSKI, LLS
02 DISTRICT	
	REVISIONS: 10-26-17 PER TOWN COMMENTS
	PALIY SUBDIVISON PLAN
	TAX MAP 182 LOT 111 19 LIBRARY STREET HUDSON, NH
	PREPARED FOR SVETLANA PALIY 188 мамиотн Road PELHAM, NH
No. 350 0709 59	SCALE: 1'=20' DATE: SEPTEMBER, 2017
PAUL BAS	EDWARD N. HERBERT ASSOC., INC. LAND SURVEYDRS - CIVIL ENGINEERS 1 FROST ROAD WINDHAM, NH 03087 (603) 432-2462 SHEET 2 OF 2

Review the Draft Zoning Amendment Warrant Articles for the 2018 March Town Meeting

Staff Report 08 November 2017

The attached synopsis from the last Zoning Ordinance Review Committee (ZORC) meeting reflects the direction taken at their final meeting on October 18th. ZORC is an ad hoc committee made up of Planning Board and Zoning Board members tasked with reviewing the Zoning Ordinance and making recommendations for changes to be considered each year at Town Meeting. Although there was not complete consensus or closure on many potential land use issues ZORC discussed, the items listed in the meeting synopsis represent the topics and potential changes ZORC made the most progress on and considered to be workable for Town Meeting warrants.

At this workshop session, the Planning Board should consider the direction of amendments recommended by ZORC and the draft language for amendments and warrant articles prepared by staff to implement the ZORC recommendations. The attached 2017-2018 Zoning Amendment Calendar prepared by the NH Office of Strategic Initiatives provides the statutory timeline for putting zoning ordinance amendments in the Town Meeting warrants.

ATTACHMENTS:

- 1) ZORC Amendments Synopsis, dated 18 OCT 17 Attachment "A".
- 2) 2017-2018 Zoning Amendment Calendar Attachment "B".
- 3) Draft Warrant Articles for Zoning Ordinance Changes Attachment "C".

ATTACHMENT A

Zoning Ordinance Review Committee

Meeting synopsis for October 18, 2017

Donna Shuman

Member x

Meeting called to order at approximately <u>7:05</u> p.m.

I. ROLL CALL

In attendance = X; Partial Attendance = P; Excused Absence = E

William Collins

Member x

Maryellen Davis

Member E

Glenn Della-Monica, Chairman x

Charles Brackett

Member x____

BOS representatives:

 Town Staff:
 George Thebarge
 Bruce Buttrick

The committee proposes the following amendments/changes to the Zoning Ordinance:

To revise §334-10 Mixed/Dual Use. Eliminating #1 & #2.

To remove §334-15.1 prohibition of 800ft between gasoline stations.

To revise §334-16.1 to allow Town Staff (Zoning Administrator) to administratively review change of use (category to category) eliminate the PB site plan review required. Add "Town Staff" to Definitions".

To amend §334-32 the involuntary lot merger to conform with RSA 674:39aa.

To amend §334-82 the approval time limit to conform with RSA 674:33I-a.

To remove from the Table of Permitted Uses: "Major Commercial Project" and its' definition.

Table of Permitted Uses: move (D-22) Membership club, civic, social, professional or fraternal organization, as noted as IRS 501 C to (C-8) Under Community Facilities Uses Classification (same allowed districts).

Prepared by: Bruce Buttrick – Zoning Administrator Г

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13 First day to accept petitioned zoning amendments. [675:4]	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

2017 Zoning Amendment Calendar - Traditional March Town Meeting (non "SB2" towns) NH Office of Strategic Initiatives

Dec	ember					
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13 Last day to accept petitioned zoning amendments. [675:4]	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
					2	017

2017 Zoning Amendment Calendar - Traditional March Town Meeting (non "SB2" towns) NH Office of Strategic Initiatives

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11 Last day to post and publish notice of first public hearing if a second hearing is anticipated. [675:3]	12	13
14	15	16	17	18	19	20
21	22 Last day to hold first public hearing if a second hearing is anticipated. [675:3]	23	24	25 Last day to post and publish notice of final public hearing. [675:3]	26	27
28	29	30	31)18

2017 Zoning Amendment Calendar - Traditional March Town Meeting (non "SB2" towns) NH Office of Strategic Initiatives

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Last day to hold final public hearing and determine final form	6 Last day to deliver official copy of the final amendments to	7	8	9	10
11	of amendments. [675:3] 12	the Town Clerk. [675:3] 13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			
	Last day to post warrant and budget at the meeting location and a second public place. [<u>39:5</u>]					018

2017 Zoning Amendment Calendar - Traditional March Town Meeting (non "SB2" towns) NH Office of Strategic Initiatives

Sun	Mon	Tue	Wed	<i>Thu</i> 1	<i>Fri</i> 2	<i>Sat</i> 3
4	5	6 Last day to submit zoning ordinance protest petition.	7	8	9	10
11	12	[675:5] 13 Town Meeting [<u>39:1</u>]	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
					2	2018

ATTACHMENT C

Article Are you in favor of the adoption of Amendment No. as proposed by the Planning Board for the Town Zoning Ordinance as follows?

Amend Article III, General Regulations, § 334-10, subsections A. to eliminate the requirement that multiple uses on a single lot have enough lot area and lot frontage to meet the standards for each individual use, thereby requiring far more land area and frontage than is needed to serve the combined development. (Approved by the Planning Board by a vote of 0-0-0)

Alternative Explanatory Language

Amend Article III, General Regulations, § 334-10, subsections A. to allow multiple principal uses on the same lot without requiring the lot to meet area and frontage requirements for each individual use, provided that all individual uses meet all other performance standards. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-10. Mixed or dual use on a lot.

- A. Multiple principal uses on a lot are permitted, only as follows: provided that the lot meets the area and frontage requirements for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter pertaining to that use.
 - (1) The lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage and not less than 100% of the minimum frontage requirement for each additional principal use, except as provided by special exception under Article VI, § 334-26.
 - (2) The lot is of sufficient size to satisfy the minimum lot size requirements of each use independently.
 - (3) Each use is in conformity with all other requirements set forth in this chapter pertaining to that use.
- B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.
- C. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of property.

Amend Article III, General Regulations, § 334-15.1, to eliminate the requirement that lots with stores selling gasoline at retail be located at least 800 feet from another lot with a store selling gasoline at retail. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-15.1 Retail gasoline sales. [Added 3-12-2002 by Amdt. No. 1]

Any lot used for the sale of gasoline at retail shall not be located within 800 feet of any other lot used for the sale of gasoline at retail.

Amend Article III, General Regulations, §334-16.1 to delegate from the Planning Board to the Zoning Administrator the authority to determine whether a change of land use within land use classifications (e.g., residential, commercial, industrial) requires Planning Board site plan review based on intensity of use and/or anticipated community and neighborhood impacts. Amend Article II, Terminology §334-6 to add a definition of Zoning Administrator. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-16.1 Site plan approval. [Added 3-4-2000]

No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site development activity (other than one- or two-family residential activity) without first securing site plan approval from the Hudson Planning Board pursuant to this chapter. These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses or for "multifamily dwelling units," which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or resubdivision of the site. For the purpose of this chapter, change of use occurs Planning Board approval shall be required when the use of any land or building is changed from one land use classification to another land use classification (e.g., residential changes to commercial). or from one If a change of use is from one category to another category within a land use classification as specified in this chapter (e.g., grocery store changes to food service establishment e.g., business office changes to restaurant), The ZONING ADMINISTRATOR, with input from Planning, Engineering, and Building Inspectional Services staff shall evaluate whether increased intensity of use and/or potential community or neighborhood impacts warrant Planning Board review as part of a Zoning Determination. No building permits shall be issued until site plan approval has been obtained from the Town of Hudson Planning Board and is recorded with the Hillsborough County registry of Deeds.

§ 334-6 Definitions.

ZONING ADMINISTRATOR - The person holding the title of Zoning Administrator for the Town of Hudson, NH, and, under his or her supervision, any Town administrative, clerical and legal personnel who are engaged by or are employees of the Town and are responsible for the interpretation, administration, and enforcement of this ordinance.

Amend Article VIII, Nonconforming Uses, Structures and Lots, § 334-32 to bring Hudson's Zoning Ordinance into compliance with New Hampshire statutory requirements for treatment of nonconforming lots of record. Towns can no longer require the merger of contiguous lots not meeting zoning requirements for minimum lot frontage and area. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-32 Nonconforming lots. [Amended 3-4-2000]

A nonconforming lot is a lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in conformity with all provisions of this chapter. Notwithstanding the minimum lot area requirements set forth in Article VII, § 334-27, Table of Minimum Dimensional Requirements, in any district in which structures are permitted, a structure may be erected on a lot which was is a lot of record, even though such lot fails to meet the present requirements for frontage or area, or both, that are applicable for that use in the district allowed; provided, however, that such lot is not contiguous with another lot or lots in the same ownership, provided that the property is either on Town sewer or the property owner obtains a state and/or municipal septic permit, and further provided that the zone's minimum front, side and back yard setbacks are satisfied. Where two or more contiguous lots are under single or joint ownership at the time this section takes effect March 14, 2000, and either or both lots are nonconforming, the lots involved shall be considered as a single undivided lot of record for the purposes of this chapter. No structure or building shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land which would create a more conforming lot if said vacant land were combined with the lot deficient in area. Where a question exists to the applicability of this section merger rule, the Zoning Administrator shall make any administrative determination with reference RSA 674:39-a and 674:39-aa.

Amend Article XV, Enforcement and Miscellaneous Provisions, § 334-82 to extend the time limit for acting on a variance or special exception approval from one year to two years to bring the Hudson Zoning Ordinance into compliance with New Hampshire statutes. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-82 Time limit. [Added 3-14-1995 by Amdt. No. 13]

- A. A grant of a variance or special exception by the Hudson Zoning Board of Adjustment shall be valid for if exercised within a period of one year two years following the vote of approval by the Zoning Board of Adjustment.
- B. If subsequent Planning Board action is needed before work or activity may be commenced pursuant to the variance or special exception, the applicant or his/her successor in interest must gain application acceptance by the Hudson Planning Board within six months of the ZBA vote of approval regarding the granting of the special exception or variance in order to stay the one-year two-year limitation period set forth in Subsection A above. The term "application acceptance" is defined pursuant to Planning Board regulation and the New Hampshire Revised Statutes Annotated.
- C. For variances or special exceptions which require subsequent Planning Board review and which have gained application acceptance within six months of the original variance or special exception vote of approval, the variance or special exception shall be valid for a period of one-year two years from the Planning Board vote to give conditional or final approval to the applicant's plan, unless active and substantial development or building has begun on the site in accordance with the terms of the approved plan. If conditional approval precedes final approval, the one-year two-year time period shall run from the vote of conditional approval.
- D. For variances or special exceptions which do not require subsequent Planning Board review, all variances and special exceptions shall expire within one year two years of the vote of approval as specified in Subsection A above, unless active and substantial development or building has begun on the site in accordance with the special exception, variance or building permit or the variance or exception granted from the terms of this chapter has been

otherwise exercised by the applicant or successor in interest.

E. If an applicant who has been granted a variance or special exception fails to gain Planning Board application acceptance within six months of the vote of approval for the special exception or variance, the applicant shall not gain any exemption for the running of the one-year two-year time period which governs the grant of a variance or special exception.

Amend Article V, Permitted Uses, § 334-21 Table of Permitted Principal Uses to move "Membership club, civic, social, professional or fraternal organization" from "Commercial" land use classification to "Community Facilities" where it fits better. Also eliminate "Major commercial project" (> 100,000 sq. ft.) from the list of Commercial Uses and from Article II, § 334-6 Definitions. This category and definition were added in 2007 in an attempt to limit "big box" stores, but it only limits such stores in the Business District and the impacts are more effectively addressed by other regulations. (Approved by the Planning Board by a vote of 0-0-0)

This Article is further explained in its entirety as follows:

Proposed amendment indicated by strikethrough text for wording to be deleted and **bold text** for wording to be added.

§ 334-21 Table of Permitted Principal Uses.

C. COMMUNITY FACILITIES USES	R-1	R-2	TR	В	Ι	G	G-1
8. Membership club, civic, social, professional or fraternal organization	N	Ν	N	Р	Р	Р	Р

D. COMMERCIAL USES	R-1	R-2	TR	В	Ι	G	G-1
22. Membership club, civic, social, professional or fraternal organization	N	N	N	P	₽	₽	₽

D. COMMERCIAL USES	R-1	R-2	TR	В	Ι	G	G-1
27. Major commercial project	N	N	N	N	P	₽	₽

§ 334-6 Definitions.

MAJOR COMMERCIAL PROJECT

A retail, hotel, office, research, warehouse or industrial facility(ies) proposed on a parcel or adjoining parcels, which individually or in the aggregate exceed(s) 100,000 square feet of gross building area. [Added 3-13-2007 by Amdt. No. 1]

Planning Board Approvals of Condominiums Staff Report 08 November 2017

This item is on the agenda as response to a question raised by Selectman McGrath as to why the sale of condominiums in the 4 Site Drive business park did not receive Planning Board review and approval.

I sent a legal inquiry to Stephen Buckley of the New Hampshire Municipal Association asking how condominiums are treated under New Hampshire's statutes. In the attached email response dated October 13, 2017, Mr. Buckley explains that the State statutory definition of subdivision was revised to include condominium as a form of subdivision requiring local approval. To our knowledge, Hudson has not adopted this definition that includes condominium.

According to Mr. Buckley, in the absence of the term condominium in our subdivision definition, there is a presumption that the Town chose not to adopt the State's definition and to apply a separate subdivision approval process for condominiums, which are subject to the site plan review process that applies to all multi-family. Stephen went on to explain that if, on the other hand, the Town through its Planning Board has consistently required a separate subdivision approval process in addition to site plan approval, that fact could indicate legislative intent to follow the State definition of subdivision, notwithstanding the fact that the definition in our Subdivision Regulations did not change.

I have reviewed several past condominium projects, including the attached site plans for Cobblestone Village, Fox Hollow, and Sparkling River Condominiums. In all cases I have reviewed, condominiums in Hudson have only been approved through the site plan review process, and no subdivision approval was required or granted.

The Planning Board could, of course, propose a change to the definition of subdivision in Chapter 289 SUBDIVISION OF LAND to include condominiums if there is an identifiable need or benefit from doing so.

Thebarge, George

From: Sent: To: Subject: Attachments: Legal Inquiries <legalinquiries@nhmunicipal.org> Friday, October 13, 2017 2:13 PM Thebarge, George Town of Hudson Bussiere v Roberge.docx

Good Afternoon George:

You have posed a question about the authority of the Hudson Planning Board to exercise subdivision review authority over a condominium conveyance. As you correctly observe, RSA 672:14, I defines a "subdivision" as "the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, *condominium conveyance* or building development" (emphasis added). Thus if the Hudson Planning Board were employing this statutory definition of "subdivision" then the Board would have jurisdiction over the division of a preexisting industrial/commercial leasehold units into condominium units.

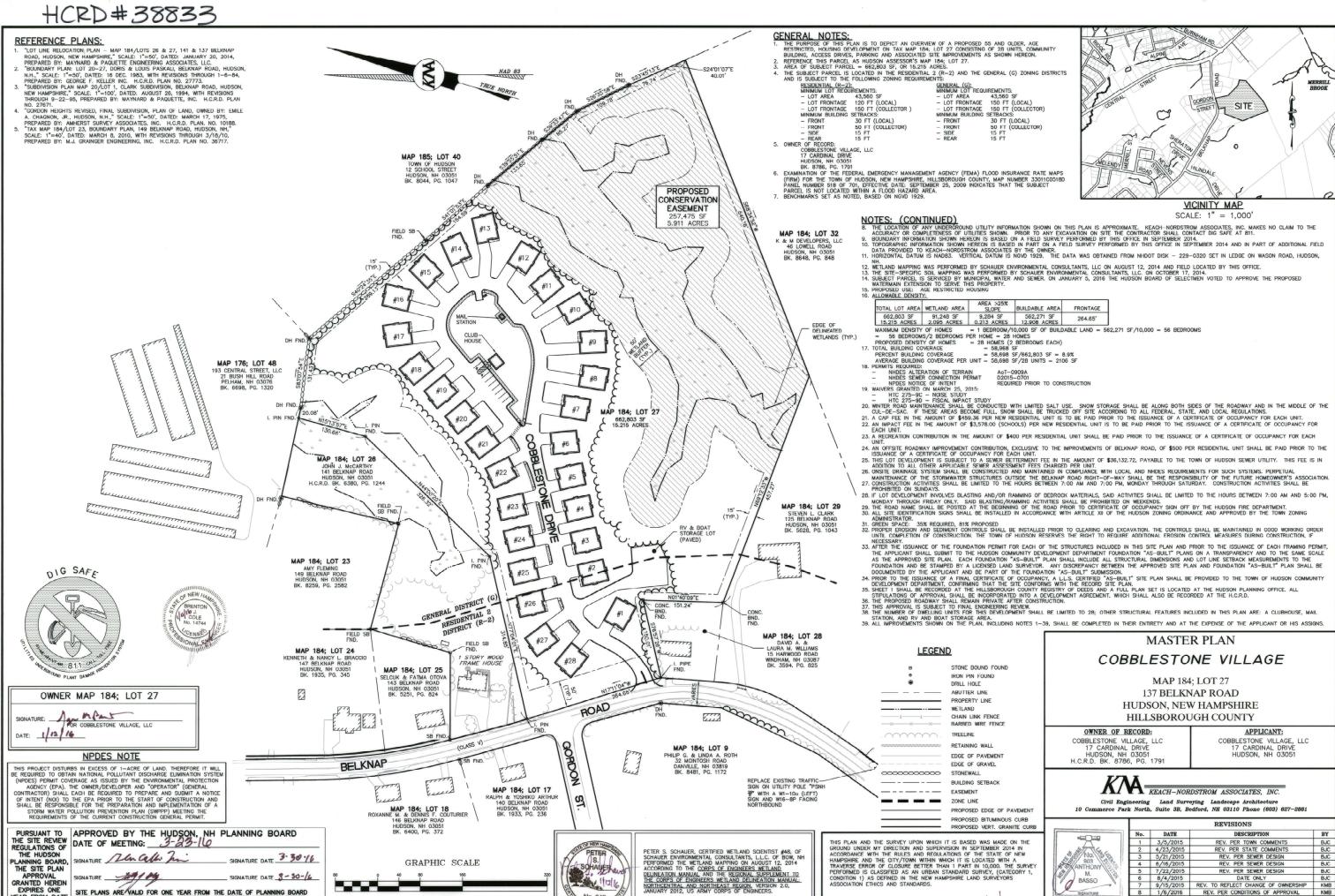
Based upon the attached case, *Bussiere v Roberge*, 142 N.H. 905 (1998) if the Planning Board had adopted a narrower version of the definition of subdivision in the Hudson Subdivision Regulations that did not include condominium as a form of subdivision subject to regulation, then a condominium subdivision may not be subject to Hudson Planning Board jurisdiction.

There is a subdivision definition in Hudson Town Code Chapter 276, entitled Administrative Requirements and Definitions, §276-2, that does not refer to condominium conveyance. This fact might be reason enough to conclude Hudson has deliberately decided not to regulate condominiums as subdivisions. On the other hand, it might also be the case that notwithstanding the language of the subdivision and administrative regulations, Hudson has consistently interpreted its regulations as providing that the Hudson Planning Board does regulate condominiums as subdivisions. On this legal principle the NH Supreme Court said in *Win-Tasch v. Merrimack*, 120 N.H. 6 (1980) said:

It is a well established principle of statutory construction that a longstanding practical and plausible interpretation given a statute of doubtful meaning by those responsible for its implementation without any interference (from) the legislature is evidence that such a construction conforms to the legislative intent.

Without a more exhaustive search of your local regulations and interpretations thereof, all I can offer are these general legal principles for your consideration.

Stephen C. Buckley, Esq. Legal Services Counsel NH Municipal Association 25 Triangle Park Drive Concord, NH 03301 Tel: (603) 224-7447 Email: <u>legalinquiries@nhmunicipal.org</u>



No. 048

SIGNATURE

EXPIRES ONE YEAR FROM DATE OF APPROVAL BOARD FINAL APPROVAL FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

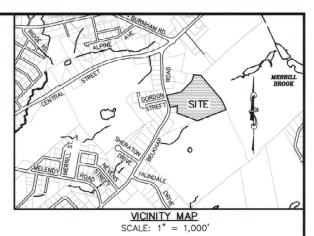
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(IN FEET) 1 inch = 80 ft

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NOTES: (CONTINUED) 8. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811. 9. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY THIS OFFICE IN SEPTEMBER 2014. 10. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED IN PART ON A FIELD SURVEY PERFORMED BY THIS OFFICE IN SEPTEMBER 2014 AND IN PART OF ADDITIONAL FIELD DATA PROVIDED TO KEACH-NORDSTROM ASSOCIATES BY THE OWNER. HORIZONTAL DATUM IS NAD83. VERTICAL DATUM IS NGVD 1929. THE DATA WAS OBTAINED FROM NHDOT DISK - 229-0320 SET IN LEDGE ON WASON ROAD, HUDSON,

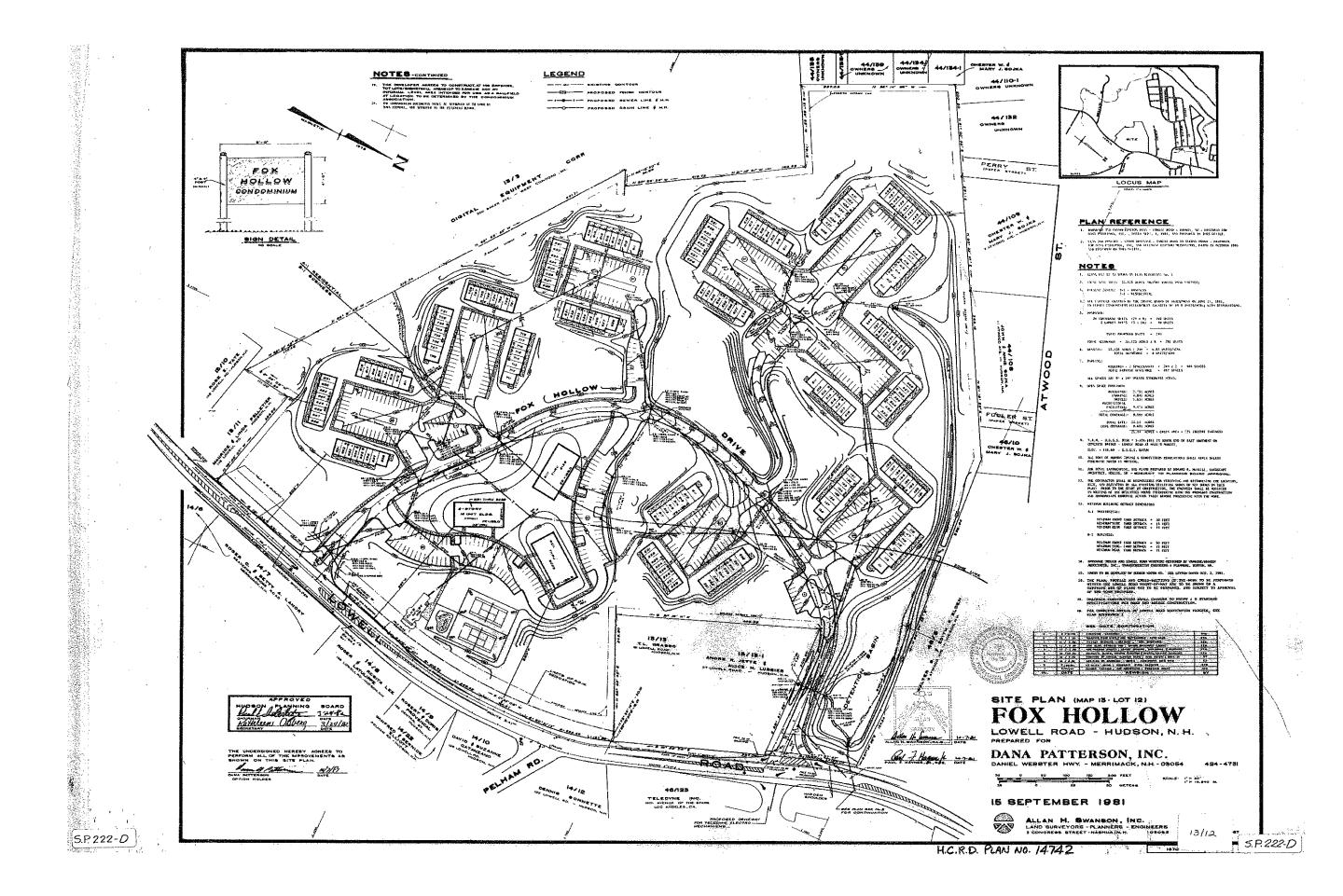
NH. 12. WETLAND MAPPING WAS PERFORMED BY SCHAUER ENVIRONMENTAL CONSULTANTS, LLC ON AUGUST 12, 2014 AND FIELD LOCATED BY THIS OFFICE. 13. THE SITE-SPECIFIC SOL MAPPING WAS PERFORMED BY SCHAUER ENVIRONMENTAL CONSULTANTS, LLC ON OCTOBER 17, 2014. 14. SUBJECT PARCEL IS SERVICED BY MUNICIPAL WATER AND SEWER. ON JANUARY 5, 2016 THE HUDSON BOARD OF SELECTMEN VOTED TO APPROVE THE PROPOSED WATERMAIN EXTENSION TO SERVE THIS PROPERTY. 15. PROPOSED USE: AGE RESTRICTED HUDSING 16. ALLOWABLE DENSITY.

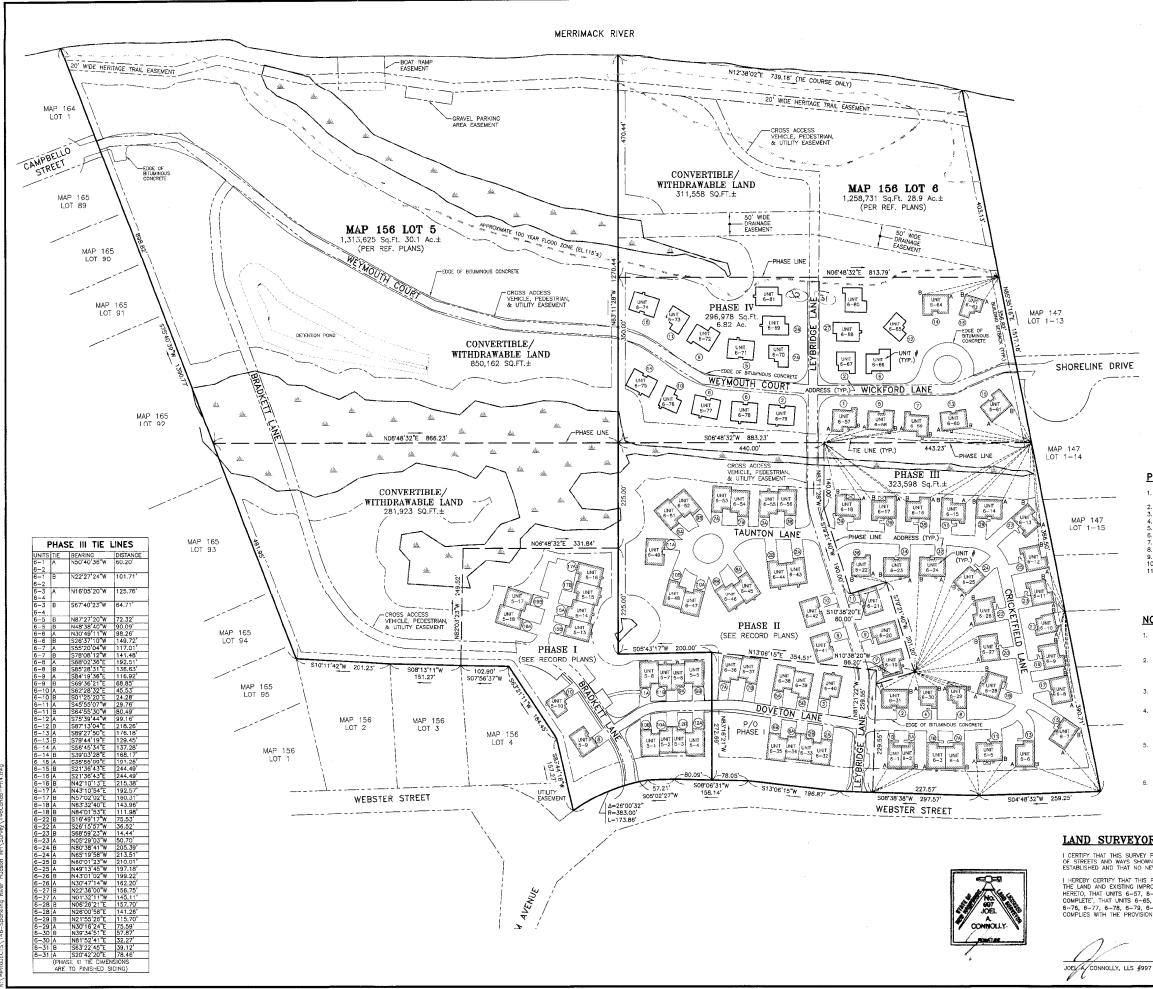
REA >25% SLOPE	BUILDABLE AREA	FRONTAGE]
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2.3 A RECREATION CONTRIBUTION IN THE AMOUNT OF \$400 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH

PROHIBITED UN SUNDATS. 28. IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM 28. IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDRIGOR MATERIALS, SID ACTIVITIES IN THOUGH FILID TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM, MONDAY THROUGH FIRIDAY ONLY. SAID BLASTING/RAMMING ACTIVITIES SHALL BE PROHIBITED ON WEEKENDS. 29. THE ROAD NAME SHALL BE POSTED AT THE BEGINNING OF THE ROAD PRIOR TO CERTIFICATE OF OCCUPANCY SIGN OFF BY THE HUDSON FIRE DEPARTMENT. 30. ALL SITE IDENTIFICATION SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH ARTICLE XI OF THE HUDSON ZONING ROBINANCE AND APPROVED BY THE TOWN ZONING ADMINISTRATOR. 30. ROBER FEDSION AND SEDIMENT CONTROLS SHALL BE INSTALLED PRIOR TO CLEARING AND EXCAVATION. THE CONTROLS SHALL BE MAINTAINED IN COOD WORKING OPDER VIETLE COMPLETION OF CONSTRUCTION. THE TOWN OF HUDSON RESERVES THE RIGHT TO REQUIRE ADDITIONAL EROSION CONTROL MEASURES DURING CONSTRUCTION, IF

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UNIT	TIÉ	BEARING	DISTANCE
6-57	A	N48'22'31"W	29.28'
6-57	В	N17'35'03"W	75.92'
6-58		N09'51'43"W	95.97'
6-58	В	N02'30'10"W	149.77'
6-59	A	N01'10'38"W	172.60'
	В	S09"42'30"W	221.33'
6-60	A	S13'56'47"W	192.63'
6-60	В	S19*22'28"W	138.79'
6-61	A	S34'01'16"W	95.18'
	9	S69'11'41"W	88.86'
	A	\$50*54'34"E	58.25'
6-63	8	S20*17'13"E	79.77'
6-64		S12'01'23"E	112.82'
6-64	8	S05*51'34"E	166.79'

PLAN REFERENCES:

1.	HILLSBOROUGH COUNTY REGISTRY
	OF DEEDS (H.C.R.D.) PLAN #33246.

- OF DEEDS (H.C.R.D.) PU H.C.R.D. PLAN #34668. H.C.R.D. RLAN #340717. H.C.R.D. PLAN #34717. H.C.R.D. PLAN #33223. H.C.R.D. PLAN #338264. H.C.R.D. PLAN #388264. H.C.R.D. PLAN #388277. H.C.R.D. PLAN #38359.

NOTES:

- THE INTENT OF THIS PLAN IS TO SHOW PHASE IV OF SPARKLING RIVER CONDOMINIUM. REFER TO PREVIOUSLY RECORDED PLANS AND CERTIFICATIONS FOR PHASE I, II, & III.
- THE AS-BUILT INFORMATION SHOWN HEREON FOR PHASE III AND PHASE V IS BASED ON A FIELD SURVEY BY THIS OFFICE BETWEEN NOVEMBER 2014 AND APRIL 2015. ALL OTHER INFORMATION WAS TAKEN FROM RECORD PLANS.
- BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM PLANS RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
- ALL UNITS IN PHASE I AND PHASE II ARE COMPLETE (PER REFERENCE PLANS), ALL ALL UNITS IN PHASE II ARE COMPLETE WITH THE EXCEPTION OF UNITS 6-11 AND 6-38 THAT ARE NOT YET COMPLETE (6-11 & 6-38 ARE FOUNDATIONS ONLY).
- N ADDITION TO EASEMENTS SHOWN HEREON MAP 156 LOTS 5 & 6 ARE SUBJECT TO A WATERLINE EASEMENT RECORDED IN BOOK 8648 PAGE 0850, AN EMERGENCY ACCESS EASEMENT RECORDED IN BOOK 7395 MADE UD42, AND A DHAINAGE ENSEMENT ID THE TUWN OF HUDSON RECORDED IN BOOK 7395 PAGE 0040.
- REFER TO DECLARATION OF CONDOMINIUM RECORDED AT THE HILLSBORQUGH COUNTY REGISTRY OF DEEDS IN BOOK 7673 PAGE 0584, AMENDUENTS TO DECLARATION OF CONDOMINUM RECORDED IN BOOK 7838 PAGE 1142, BOOK 7861 PAGE 0135, BOOK 8477 PAGE 2050, BOOK 8611 PAGE 1400, & BOOK 8616, PAGE 0378, AND PLANS ON FILE AT THE TOWN OF HUDSON FOR ADDITIONAL INFORMATION.

LAND SURVEYORS CERTIFICATION:

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PURILC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

In Hereby Certify that the the the the the discretely depicts the location and dimensions of the land and existing improvements and to the extent feasible, all easements approximate therein, that lumits 6-5, 6-58, 6-59, 6-80, 6-81, 6-53, & 6-40 depicted deferon are 'not yet complete', that lumits 6-65, 6-68, 6-67, 6-88, 6-69, 6-70, 6-71, 6-72, 6-73, 6-74, 6-75, 6-76, 6-76, 6-78, 6-78, 8-80, 6-81 depicted hereon are 'not yet degund and that this plane complete with the provisions of fiss 336-8:20 if & v.

5 5 2015

DATE

PROJECT #146 SHEET 1 of 1

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The Dubay Group, Inc. 84 Range Road Windham, NH 03087 603-458-6462 Engineers Planners Surveyors TheDubayGroup.com
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REVISIONS: REV: DATE: COMMENT: BY:
DRAWN BY: JAC CHECKED BY: JAC DATE: APRIL 30, 2015 SCALE: 1"=100' FILE: 146Condo-Ph4
PROJECT: MAP 156 LOT 5 & 6 SPARKLING RIVER CONDOMINIUM WEBSTER STREET HUDSON, NEW HAMPSHIRE OWNER OF RECORD SPARKLING RIVER, LLC 185 MAIN STREET NASHUA, NH 03060 LOT 5 BOOK 7053 PAGE 1385 LOT 6 BOOK 7053 PAGE 261 SHEET TITLE: CONDOMINIUM SITE PLAN PHASE IV