



**TOWN OF HUDSON
PLANNING BOARD
PUBLIC MEETING
TOWN OF HUDSON, NH
NOVEMBER 13, 2013**

12 School Street

Hudson, New Hampshire 03051

603/886-6005



The Town of Hudson Planning Board will hold a regularly scheduled meeting on Wednesday, November 13, 2013 at 7:00 p.m. in the "Buxton Community Development Conference Room" at Town Hall. The following items will be on the agenda:

- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES
- V. MINUTES OF PREVIOUS MEETING(S)
 - A. 03-13-13 Minutes
 - B. 06-26-13 Minutes
 - C. 08-14-13 Minutes
 - D. 09-11-13 Minutes
 - E. 09-25-13 Minutes
- VI. CASES REQUESTED FOR DEFERRAL
- VII. CORRESPONDENCE
- VIII. PERFORMANCE SURETIES
- IX. ZBA INPUT ONLY
- X. PUBLIC HEARINGS
- XI. OLD BUSINESS/PUBLIC HEARINGS
 - A. Retail Center Site Plan 201 Lowell Road
SP# 06-13 Map 216/Lot 011

Purpose of plan: proposed development calling for the construction of a 10,465 SF commercial/retail building. Hearing. Deferred Date Specific from the 10-23-13 Meeting.
- XII. DESIGN REVIEW PHASE
- XIII. CONCEPTUAL REVIEW ONLY
 - A. Review Concept Plan to Subdivide Land 90 Gowing Road
CSB# 04-13 Map 231/Lot 053

Purpose of plan: to present a Conceptual Open Space Development (OSD) Subdivision Plan for the 32 acre parcel, having a street address of 90 Gowing Road, Map 231/Lot 053. Conceptual Review Only.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Aquatime Pools
SP# 07-13

Map 251/Lot 002
89 River Road

Purpose of Plan: to convert 1,600 sf of existing light industrial space to accessory retail sales with associated office mezzanine space above. No change to existing building footprint or site layout proposed. Application Acceptance and Hearing.


XV. OTHER BUSINESS

A. Presentation on the Cost Allocation Procedure (CAP) Fee Assessment Update Report, prepared by VHB, Inc., Presenter, Martin Kennedy, P.E.

XVI. ADJOURNMENT

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.



John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 11-01-13.

Retail Center 201 Lowell Road

Staff Report

November 13, 2013

As with the attached Aquatime Pools Site Plan application, the revised plans, per board action at the Oct. 23d meeting, have not been submitted as of this writing, which is Thursday, Oct. 31st. Normally, staff would be writing staff reports on Tuesday through Thursday or Friday the week before a meeting. However, as stated in the Aquatime Pools staff report, I'll be on vacation next week, so I have to report now the most up-to-date information available on each agenda item. In regard to this application – 201 Lowell Rd. – at the Oct. 23d meeting the board requested the following changes to the plan:

- 1) Delete reference to Advance Auto Parts, i.e., since this will not be the actual building tenant.
- 2) The revised plans will/do include enhancements to the existing landscaping along the front of Advanced Spa and Pool and within the parking area of this facility.
- 3) The applicant will clarify and show on the revised plan the required number of parking spaces for Advanced Spa and Pool, as well as for the new building.
- 4) In accordance with the below Decisions for the Oct. 23d meeting, the following waivers were voted on as cited:

MINUTES/DECISIONS OF THE PLANNING BOARD MEETING DATE: OCTOBER 23, 2013

A. Retail Center Site Plan 201 Lowell Road
SP# 06-13 Map 216/Lot 011

Purpose of plan: Site development for 10,465 SF commercial/retail building. Application Acceptance & Hearing.

Mr. Barnes moved to accept the Site Plan Application for the proposed Retail Center at 201 Lowell Road – Map 216/Lot 011. Motion seconded by Mr. Malley. All in favor – motion carried.

Requested Waivers:

1. Section 275-8(22) – 35' Wide Green Area Adjacent to ROW

Mr. Della-Monica moved to grant the requested waiver – Section 275-8(22) – because this waiver involves an existing encroachment condition, which poses nominal, if any, adverse impact on abutting properties, monetary or otherwise, and as such, the granting of this waiver will not violate the purposes or general standards of this chapter. Motion seconded by Mr. Barnes. Vote: 6-1-0 (RM opposed). Motion carried.

2. Section 275-8(24) – Open Space

3. Section 275-8(25) – Travelway Within Rear Yard Setback

Mr. Della-Monica moved to grant the requested waiver – Section 275-8(25) – because the adjacent property is industrially developed, and as such, a significant buffer is unnecessary, thus, the granting of this waiver will not violate the purposes or general standards of this chapter and will result in a general benefit to the Town, because the extra width of driveway within this rear yard will provide safe travel for emergency vehicles and customary vehicular traffic. Motion seconded by Mr. Barnes. All in favor – motion carried.

4. Section 275-8(26) – Number of Parking Spaces

5. Section 275-8(31) – 10% of Interior Parking Shall be Landscaped

Mr. Della-Monica moved to grant the requested waiver – Section 275-8(31) – because landscaping along the perimeter of the site will be more effective to serve purposes of the ordinance enumerated in section 334-2; further within the proposed parking lot, interior landscape islands present a nuisance during winter maintenance, as such, the granting of this waiver will not violate the purposes or general standards of this chapter. Motion seconded by Mr. Ulery. Vote: 5-2-0 (JB & RM opposed). Motion carried.

6. Section 275-9(B) – Traffic Study

Mr. Della-Monica moved to grant the requested waiver – Section 275-9(B) because the site is located adjacent to, and is designed to take advantage of, the existing controlled intersection, i.e.,

- (a) The location of the primary driveway for this development was selected and constructed as part of the Hampshire Drive/Lowell Road intersection project. This driveway location can be seen on the existing conditions plan.
- (b) Relatively low traffic volumes on Hampshire Road provide a safe route to and from the site.
- (c) It is reasonable to assume that the existing traffic signal was designed to accommodate the anticipated traffic from this site.
- (d) The proposed right turn ingress serves to relieve some traffic volume from the Hampshire Drive/Lowell Road intersection by allowing southbound patrons of the businesses on this subject lot the option to enter the site without traveling through the controlled intersection; thus the granting of this waiver will not violate the purposes or general standards of this chapter. Motion seconded by Mr. Barnes. All in favor – motion carried.

7. Section 275-9(C) - Noise Study

Mr. Della-Monica moved to grant the requested waiver – Section 275-9(C) – because the site will be occupied by a relatively small retail use, and is located in a highly developed commercial corridor, and as such, the granting of this waiver will not violate the purposes or general standards of this chapter. Motion seconded by Mr. Barnes. All in favor – motion carried.

8. Section 275-9(D) – Fiscal and Environmental Impact

Mr. Della-Monica moved to grant the requested waiver of – Section 275-9(D) – because the proposed use is a relatively small retail use; and the storm water management report demonstrates no negative environmental impact on surface water nor groundwater resources, and as such, the granting of this waiver will not violate the purposes or general standards of this chapter. Motion seconded by Mr. Barnes. All in favor – motion carried.

Selectman Maddox moved to defer further review of this project date specific to the November 13, 2013 Planning Board Meeting. Motion seconded by Mr. Malley. All in favor – motion carried.

5) The side setback parking issue raised at the Oct. 23d meeting, re: a waiver was granted at the July 10, 2013 Meeting, per the below meeting minutes (see bold-print) for the parking setback for existing spaces between the Subaru Dealership and Advanced Spa and Pool.

MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: JULY 10, 2013

II. NEW BUSINESS/PUBLIC HEARINGS

A. Nashua Subaru Lot Line Relocation Map 216/Lots 11 & 13
SB# 05-13 193 Lowell Road

Purpose of plan: To adjust lot line to separate current Nashua Subaru dealership (193 Lowell Road) from existing commercial/retail building at 199 Lowell Road and merge this latter property with the south abutting parcel having a street address of 201 Lowell Road, Map 216/Lot 11. Application Acceptance & Hearing.

Mr. Maddox moved to accept the LLR Plan application for 193 Lowell Road – Map 216/Lots 11 & 13. Motion seconded by Mr. Della-Monica. All in favor – motion carried.

Mr. Della-Monica moved to grant the requested waiver HTC 275-8(25) – Parking and Driveway with Setbacks – because the existing parking lot and driveway configuration between the abutting lot areas of Lots 011 and 013 provide the only means of vehicular access and maneuverability between these lots, leading to the only means of street access, as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan regulations.

Motion seconded by Mr. van der Veen. Vote: 6-1-0 (MM opposed). Motion carried.

Mr. Della-Monica moved to approve the Lot Line Relocation Plan entitled: “Lot Line Relocation Plan Map 216, Lot 013, 193 Lowell Road, Hudson, NH, prepared by Promised Land Survey, LLC, 230 Rockingham Road, Derry, NH 03038 dated: June 11, 2013, revised July 2, 2013, consisting of Sheet 1 of 1 and Notes 1 – 7 in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the HCRD, together with the Plan.
2. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
3. Prior to Planning Board endorsement of the Plan-of-Record, Town Counsel shall favorably recommend on:

- a) The Temporary Access Easement for benefit of vehicle movement pertaining to Lot 013 over Lot 011.
 - b) The 15' Vehicular Turning Easement for benefit of vehicle movement pertaining to Lot 013 over Lot 011.
4. Prior to Planning Board endorsement of the Plan, a Hall Chart shall be inscribed on the Plan, depicting the lot areas for each of the lots.

Motion seconded by Mr. Barnes. Vote: 6-1-0 (MM opposed). Motion carried.

The remaining **DRAFT MOTIONS** for the board to consider voting on at the meeting are as follows. Again, as of this writing the revised plans are pending, so for the meeting staff will have the DRAFT MOTIONS properly amended to reflect the correct latest revision date and # of Sheets and Notes, i.e., if such #s change from what has already been submitted.

DRAFT MOTIONS:

2. Section 275-8(24) - Open Space

I move to grant the requested waiver - Section 275-8(24) - because this waiver involves the open space surrounding the existing building at 199 Lowell Road, and no changes are proposed at this building, as such, the granting of this waiver will not violate the purposes or general standards of said regulation, and because the balance of the site will be constructed in conformance with this regulation.

Motion by: _____ Second: _____ Carried/Failed: _____

4. Section 275-8(26) - Number of Parking Spaces

I move to grant the requested waiver - Section 275-8(26) - because the applicant has presented evidence and testimony sufficient to warrant the granting of the specified reduced number of parking spaces from the required 34 to 28, and as such, the granting of this waiver will not violate the purposes or general standards of this chapter.

Motion by: _____ Second: _____ Carried/Failed: _____

MOTION TO APPROVE:

I move to approve the "Advanced Auto Parts" 201 Lowell Road, Hudson, NH, prepared by SFC Engineering Partnership, Inc., 66 Gold Ledge Avenue, Auburn, NH 03032, dated: September 16, 2013 (no revision date), consisting of Sheets 1 – 12, Sheets L1 & L2 and Notes 1 – 26, in accordance with the following terms and conditions:

- 1) All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
- 2) Prior to the Planning Board endorsement of the Plan, the Development Agreement shall be favorably reviewed and recommended on by Town Counsel, together with the associated site development easement documents.
- 3) All improvements shown on the Plan, including Notes 1-26, shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 4) After the issuance of the foundation permit and prior to the issuance of the framing permit, the applicant shall submit to the Hudson Community Development Department a foundation "As-Built" plan on a transparency and to the same scale as the approved site plan. The foundation "As-Built" plan shall include all structural dimensions and lot line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation "As-Built" plans shall be documented by the applicant and be part of the foundation "As-Built" submission.
- 5) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved Plan.
- 6) Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet L1 of the Plan.
- 7) Construction activities on the site shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday. No construction activities shall occur on Sunday.
- 8) This approval shall be subject to final engineering review, including approval of the SWPPP.
- 9) Prior to the issuance of a Certificate of Occupancy a CAP Fee in the amount of \$35,685.65 (calculated in accordance with the 2013 CAP Fee Matrix), shall be submitted to the Town.

Motion by: _____ Second: _____ Carried/Failed: _____

Review 90 Gowing Road OSD Concept Subdivision Plan

Staff Report
November 13, 2013

SITE: 90 Gowing Road -- Map 231/Lot 053

ZONING: Residential-Two (R-2) – Minimum Lot Size w/out sewer and water 60,000 sf for a duplex and 43,560 sf (1 acre) for a single-family dwelling and 150 ft. of frontage.

PURPOSE OF PETITION: to present an 18-Lot Conceptual Open Space Development (OSD) Subdivision Plan for the 32 acre parcel located at 90 Gowing Road, Map 231/Lot 053. **Conceptual Review Only.**

PLANS UNDER REVIEW ENTITLED: Conceptual Plan Open Space Development “Wojcik Property” Map 231/Lot 053 and the Conventional Yield Plan, “Wojcik Property” Gowing Road, Hudson, New Hampshire, Map 231/Lot 053, prepared by Meisner Brem Corporation, 51 Main St., Salem, NH, dated Oct. 29, 2013 (no revisions), each of the aforementioned plans consist of Sheet 1 of 1, with the Concept Plan having Notes 1 & 2 (said plans are attached hereto).

ATTACHMENTS:

- Conceptual Plan application and Narrative, date stamped Oct. 30, 2013 – Attachment “A”.

OUTSTANDING ISSUES/ STAFF COMMENTS:

By definition, the results and actions of the board concerning a Conceptual Plan Review are non-binding, pursuant to RSA 676:4.II.(a), i.e., relative to the possible subsequent submission of a Subdivision and/or Site Plan Applications for the same project. Said RSA is provided below in bold print, together with (regular print) other statutory preliminary plan review provisions. Please note, in preparation for this meeting, and to make sure all the so called legal T’s are crossed and I’s dotted, staff consulted with Town Counsel, and he determined this review complies with the RSA terms and conditions for same, i.e., as specified in RSA676:4.II.(a).

With the above in mind, staff provides the following issues of concern with this submission:

- 1) The Lot Detail Charts on the Conceptual and Yield Plans do not include wetlands and slope areas (if any) greater than 25%. Rather, both charts only include frontage and aggregate lot area. Of particular concern: it is apparent on the Yield Plan that a significant amount of the rear portions of Lots 8, 9, 10 & 11 are in the Musquash Pond/Wetland, and the same holds true on the Conceptual Plan, wherein Lots 13, 14, 15 & 16 also include said wetland.

Note: the above chart discrepancy could have been avoided if staff and the project engineer had additional time to review the plans leading up to the deadline in preparing same for this hearing. In essence, staff is writing this report, a week before the normal deadline and literally 5 minutes after receiving the plans for the first time, with this morning (Thurs., Oct.

31st) being the deadline to draft this report. Please note further, in preparation for Wednesday night's meeting staff will request the project engineer, Jeffrey Brem, P.E., to revise the Concept and Yield Plans, to include the typical Hall Chart data, so that at the hearing the board will have an accurate depiction for the allowed number of lots for the OSD, based on the number of lots accurately calculated in the Yield Plan, per zoning. These revised plans may end up being included in your hardcopy packets – stay tuned!

- 2) The minimum lot area (i.e., contiguous upland, minus slope area >25% and wetland area) depicted on Conventional Yield Plan, 43,560 sf (1 acre) is correct for a single-family dwelling. A duplex requires a minimum lot size of 60,000 sf. The attached plans and narrative, presently, do not clarify if the OSD is for single-family or duplex dwellings. At the hearing or in the pending revised plans, this issue should be clarified.
- 3) There appears that the required 400 ft. of safe sight distance, looking west on Gowing Rd., may require a sight distance easement. This issue can be further clarified/discussed at the hearing.
- 4) Other issues of concern, include the proposed requested waivers cited in the Project Narrative, Pg. 3, Section IV. Waivers. These 3 proposed waivers can also be discussed at the hearing. Note: in regard to the granite curbing and sidewalk waivers, the board may want to take into consideration that in lieu of sidewalks and granite curbing being installed in the ROW, that a contribution equal to the cost of same be made to the Town's sidewalk fund. This arrangement was provided for the Senter Farm OSD Subdivision and others in past years. Regarding the waiver to exceed the 1,000 ft. cul-de-sac length, Gowing Rd., from Somerset Drive, is, in effect, a cul-de-sac that already exceeds the 1000 ft. length by over a mile. As such, the board, working with the HFD, can further review this waiver request, relative to providing adequate fire safety measures being taken into consideration for this proposed subdivision. Also of considerable concern regarding this waiver is the present condition of Gowing Road leading into the subject parcel. The Road Agent and Town Engineer will, as with all subdivisions, have to be consulted on this issue, relative to determining if any needed road improvements need to be made to Gowing Rd. to accommodate this development.
- 5) Other than the above outstanding issues, the attached Project Narrative, is well written and gives one a highly vivid depiction of the parcel's landscape – to a point that one actually gets a sense of being on the parcel.
- 6) At the end of the hearing, the board may want to consider conducting a straw-pole in support/opposition of the proposal.

RECOMMENDATION: With this present application being a Conceptual Plan Review Only, after the applicant's presentation at the hearing, perhaps, addressing each of the above-cited outstanding issues, answering questions from the board and audience members, the applicant will most likely seek a consensus opinion of the board, i.e., whether members favor or oppose this proposal. After receiving a consensus (i.e., if the board chooses to provide such), the applicant will be able to determine the next step: i.e., to prepare submission of a Definitive OSD application for this project. Note: again, as provided by the below-cited RSA 676:4, with this being a Conceptual Plan Review Only, no official action is required by the board.

APPLICATION TRACKING:

- This application was submitted on 10/29/13.
- Conceptual Review scheduled for 11/13/13.

DRAFT MOTION: N/A because Conceptual Review is nonbinding.

Planning Board

Section 676:4

676:4 Board's Procedures on Plats. –

II. A planning board may provide for preliminary review of applications and plats by specific regulations subject to the following:

(a) **Preliminary conceptual consultation phase.** The regulations shall define the limits of preliminary conceptual consultation which shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under subparagraph I(d), but such discussions may occur only at formal meetings of the board.

(b) Design review phase. The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph I(d). The board may establish reasonable rules of procedure relating to the design review process, including submission requirements. At a public meeting, the board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

(c) Preliminary review shall be separate and apart from formal consideration under paragraph I, and the time limits for acting under subparagraph I(c) shall not apply until formal application is submitted under subparagraph I(b).

III. A planning board may, by adopting regulations, provide for an expedited review and approval for proposals involving minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and public required under subparagraph I(d). A hearing, with notice as provided in subparagraph I(d), shall be held if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval or if the planning board determines to hold a hearing.

IV. Jurisdiction of the courts to review procedural aspects of planning board decisions and actions shall be limited to consideration of compliance with applicable provisions of the constitution, statutes and regulations. The procedural requirements specified in this section are intended to provide fair and reasonable treatment for all parties and persons. The planning board's procedures shall not be subjected to strict scrutiny for technical compliance. Procedural defects shall result in the reversal of a planning board's actions by judicial action only when such defects create serious impairment of opportunity for notice and participation.

"A"

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

Date of Application: _____ Tax Map # 26 Lot # 2-78

Name of Project: "Wojcik Property"

Zoning District: _____ General CSB# 04-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Richard & Elaine Wojcik (same)

Address: 90 Gowing Road

Address: Hudson, NH 03051

Telephone # 781-272-2200

Fax # _____

Email: Richard.Wojcik@RaymondJames.com

PROJECT ENGINEER

SURVEYOR

Name: Jeffrey Brem, Meisner Brem Corp. Kurt Meisner, Meisner Brem Corp.

Address: 142 Littleton Rd. (Same as Engineer – See left)

Address: Westford, MA 01886

Telephone # 978-692-1313

Fax # 978-692-0303

Email: jabrem@meisnerbrem.com

PURPOSE OF PLAN:

The purpose of the plan is to subdivide the property from one lot to 18 lots as an Open Space Development.

CONCEPTUAL SUBDIVISION PLAN DATA SHEET

PLAN NAME: "Wojcik Property"

PLAN TYPE: CONCEPTUAL SUBDIVISION PLAN

LEGAL DESCRIPTION: MAP 26 LOT 2-78

DATE: October 29, 2013

Location by Street 90 Gowing Road

Zoning: R2 Residential

Proposed Land Use: Residential – Open Space

Existing Use: Residential

Surrounding Land Use(s): Residential

Number of Lots Occupied: 1 Existing Lot

Existing Area Covered by Building: 0.06 Acres

Existing Buildings to be Removed: 0

Proposed Area Covered by Building: 1.0 Acres

Open Space Proposed: 15.7 Acres

Open Space Required: 3.0 Acres

Total Area: S.F.: 1,552,042 Acres: 35.63

Area in Wetland: _____ Area Steep Slopes: _____

Required Lot Size: 22,500 (also state subdivision for septic)

Existing Frontage: 201.49

Required Frontage: 75'

Building Setbacks:	<u>Required*</u>	<u>Proposed</u>
Front:	<u>15'</u>	<u>15'</u>
Side:	<u>7.5'</u>	<u>7.5'</u>
Rear:	<u>7.5'</u>	<u>7.5'</u>

**CONCEPTUAL SUBDIVISION PLAN DATA SHEET
(Continued)**

Flood Zone Reference: _____

Width of Driveways: 9' _____

Number of Curb Cuts: 18 all on new roads _____

Proposed Parking Spaces: 36 + _____

Required Parking Spaces: 36 _____

Basis of Required Parking (Use): Residential _____

Dates/Case #/Description/Stipulations
of ZBA, Conservation Commission,
NH Wetlands Board Actions:
(Attach stipulations on separate sheet)

(FOR TOWN USE)	
Data Sheet Checked By: _____	Date: _____

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

SCHEDULE OF FEES

A. Review Fees

1. Conceptual Review Only
\$100.00 \$ 100.00

B. Postage

16 Property owners within 200 feet
@.46 (First class) \$ 7.36

C. Advertising (PUBLIC NOTICE) For all site plans \$ 40.00

TOTAL \$ 147.36

<u>For Town Use</u>			
AMOUNT DUE	\$ _____	DATE RECEIVED	_____
AMOUNT RECEIVED	\$ _____	RECEIPT NO.	_____
		RECEIVED BY:	_____

LIST OF ABUTTERS

List of all the names and addresses of the owner(s) of record of the property and abutters, as of the time of the last assessment for taxation made by the concerned property by a street(s), public land(s) or stream(s) up to distance of 200 feet from subject tract.

I. ALL PROPERTY OWNERS WITHIN 200 FEET

HUDSON

MAP <u>231</u>	LOT <u>53</u>	NAME <u>RICH. & ELAINE WOJCIK</u>	ADDRESS <u>90 GOWING RD. HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>17</u>	NAME <u>LAURIE & BROWN DENNIS WILKINSON</u>	ADDRESS <u>9 BEAVER PATH HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>18</u>	NAME <u>STEPHEN & DEBRA MOREAU</u>	ADDRESS <u>7 BEAVER PATH HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>19</u>	NAME <u>DANIEL MARSHALL</u>	ADDRESS <u>5 BEAVER PATH HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>20</u>	NAME <u>GORDON & JOAN TINKHAM</u>	ADDRESS <u>3 BEAVER PATH HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>35</u>	NAME <u>KEVIN BOND</u>	ADDRESS <u>86 GOWING RD. HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>36</u>	NAME <u>MICHAEL & SUSAN LAROCHE</u>	ADDRESS <u>88 GOWING RD. HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>40</u>	NAME <u>TOWN OF HUDSON</u>	ADDRESS <u>12 SCHOOL ST. HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>51</u>	NAME <u>GILLUM REV. TST.</u>	ADDRESS <u>91 GOWING RD. HUDSON, NH 03051</u>
MAP <u>231</u>	LOT <u>52</u>	NAME <u>ROBERT RALLIS</u>	ADDRESS <u>89 GOWING RD. HUDSON, NH 03051</u>
MAP <u>232</u>	LOT <u>8</u>	NAME <u>MICHAEL & HEIDI JAKOBY</u>	ADDRESS <u>94 GOWING RD. HUDSON, NH 03051</u>
MAP <u>232</u>	LOT <u>9</u>	NAME <u>WM. & JACQUELINE GRZESIK</u>	ADDRESS <u>92 GOWING RD. HUDSON, NH 03051</u>
MAP <u>226</u>	LOT <u>1</u>	NAME <u>TOWN OF PELHAM</u>	ADDRESS <u>6 VILLAGE GREEN PELHAM, NH 03076</u>
MAP <u>226</u>	LOT <u>2</u>	NAME <u>TOWN OF HUDSON</u>	ADDRESS <u>12 SCHOOL ST. HUDSON, NH 03051</u>
MAP <u>219</u>	LOT <u>3</u>	NAME <u>TOWN OF HUDSON</u>	ADDRESS <u>" " "</u>
MAP <u>236</u>	LOT <u>1</u>	NAME <u>BRIAN CARTER</u>	ADDRESS <u>3 LITTLE HALES LN. HUDSON, NH 03051</u>
MAP _____	LOT _____	NAME _____	ADDRESS _____
MAP _____	LOT _____	NAME _____	ADDRESS _____

ELHAM	MAP <u>2</u>	LOT <u>73</u>	NAME <u>TOWN OF PELHAM</u>	ADDRESS <u>6 VILLAGE GREEN PELHAM, NH 03076</u>
ELHAM	MAP <u>2</u>	LOT <u>78</u>	NAME <u>DENNIS VEINS IRREV TST.</u>	ADDRESS <u>75 KEYES HILL RD. PELHAM, NH 03076</u>

MAP _____	LOT _____	NAME _____	ADDRESS _____
MAP _____	LOT _____	NAME _____	ADDRESS _____
MAP _____	LOT _____	NAME <u>MEISNER BREM CORP.</u>	ADDRESS <u>142 LITTLETON RD, STE. 16 WESTFORD, MA 01886</u>
MAP _____	LOT _____	NAME _____	ADDRESS _____
MAP _____	LOT _____	NAME _____	ADDRESS _____



MEISNER BREM CORP
(978) 692-1313 FAX (978) 692-0303
142 LITTLETON RD., STE. 16
WESTFORD, MA 01886

“A”
cont
PROJECT NARRATIVE

PROJECT: WOJCIK LAND
MBC PROJECT NO. 7083
LOCATION: GOWING ROAD, HUDSON, NH
PURPOSE: **NARRATIVE TO ACCOMPANY CONCEPTUAL PLAN**
DATE: OCTOBER 29, 2013

I. INTRODUCTION

This report is intended to provide background information relative to the proposed 18 lot Open Space Residential Subdivision off Gowing Road (near 90 Gowing Road) in Hudson, NH presently owned by Richard & Elaine Wojcik.

Hudson Zoning Ordinance, Article X1 allows Open Space Development for projects that set aside a minimum area as permanent open space. The regulatory purpose and definition of Open Space Development in Hudson's Zoning Ordinance provides the goals and objectives most clearly:

Purpose: The purpose of open space developments is to preserve the rural and scenic character of Hudson by encouraging more efficient patterns of land development which conserve open and green spaces, farmland, wildlife habitats, water resources, scenic areas and other natural resources. It is also designed to provide for increased recreational opportunities and to promote greater neighborhood cohesion, without altering overall land use densities or land use patterns.

Definition: Open Space Development (OSD): A form of land subdivision where lot size and other dimensional requirements and minimum road widths may be reduced in exchange for the permanent preservation or provision of proportional areas of open space, farmland, recreational land and other lands. An "OSD" shall adhere to the permitted uses and density requirements otherwise applicable to the district in which the "OSD" is located.

II. LAND DESCRIPTION

The property consists of 35.6 acres of various landforms. A portion of the property (approximately 2 acres) is presently a homesite with a dwelling, garage, sports court, long driveway, and lawn areas around the home. Other improvements on the land include a small apple orchard to the south portion of the property (less than 1 acre), a small blueberry patch to the east of the orchard, a large centrally located and aesthetically pleasing hay field of approximately 300' x 400', a widening portion of Musquash Brook to the northwest which includes a small, beautiful pond, and various mixed woodland areas. Stone walls are throughout.

The wetlands are limited to Musquash Brook to the north and west, a small drainage channel to the west, and a small drainage channel near Gowing Road to the south.

The topography generally goes down-hill from Gowing Road and along the southerly line property line to the north by the brook. In virtually all areas the slope is gentle and slightly rolling.

A small section of the property of approximately 3.7 acres crosses into Pelham, NH adjacent to Town of Pelham owned land.

III. PROPOSED PROJECT

Pursuant to Section 334-50 of Article X1 of the Hudson Zoning Ordinance, lot density is determined by a Yield Plan which shows the lot density available of the land without the benefit of the Open Space regulations. Attached with this plan is the Yield Plan which shows 18 lots available meeting frontage, area, roadway, and other requirements of Hudson Zoning and Land Use regulations.

These 18 lots are allowed to be reduced by up to 50% pursuant to Section 334-51. Any reduction of lot sizes is required to compensate in same by setting aside that area gained by not having it within the lot, at least, as open space. This calculation for this project is summarized in the Table on the Plan entitled "Lot Details" and shows that the total open space required is 3.00 acres. The required open space required by each lot is shown within the tabulation.

Each lot will have private, on site septic systems and wells so it should be noted that the lots will be required to meet state of NH lot sizing computation so the lot areas may need to be adjusted once in-situ soil information is obtained.

III. OPEN SPACE

The project proposes to provide over 5 times the required open space to 15.7 acres.

In order to meet the objectives of the Open Space Development as outlined in the purpose and definition, the plan protects the wetland associated with Musquash Brook and the pond that bisects the project's northern boundary.

The plan protects the land in Pelham to join the bulk of protected land in Pelham and to avoid the multi-town issues associated with buildings that cross town lines.

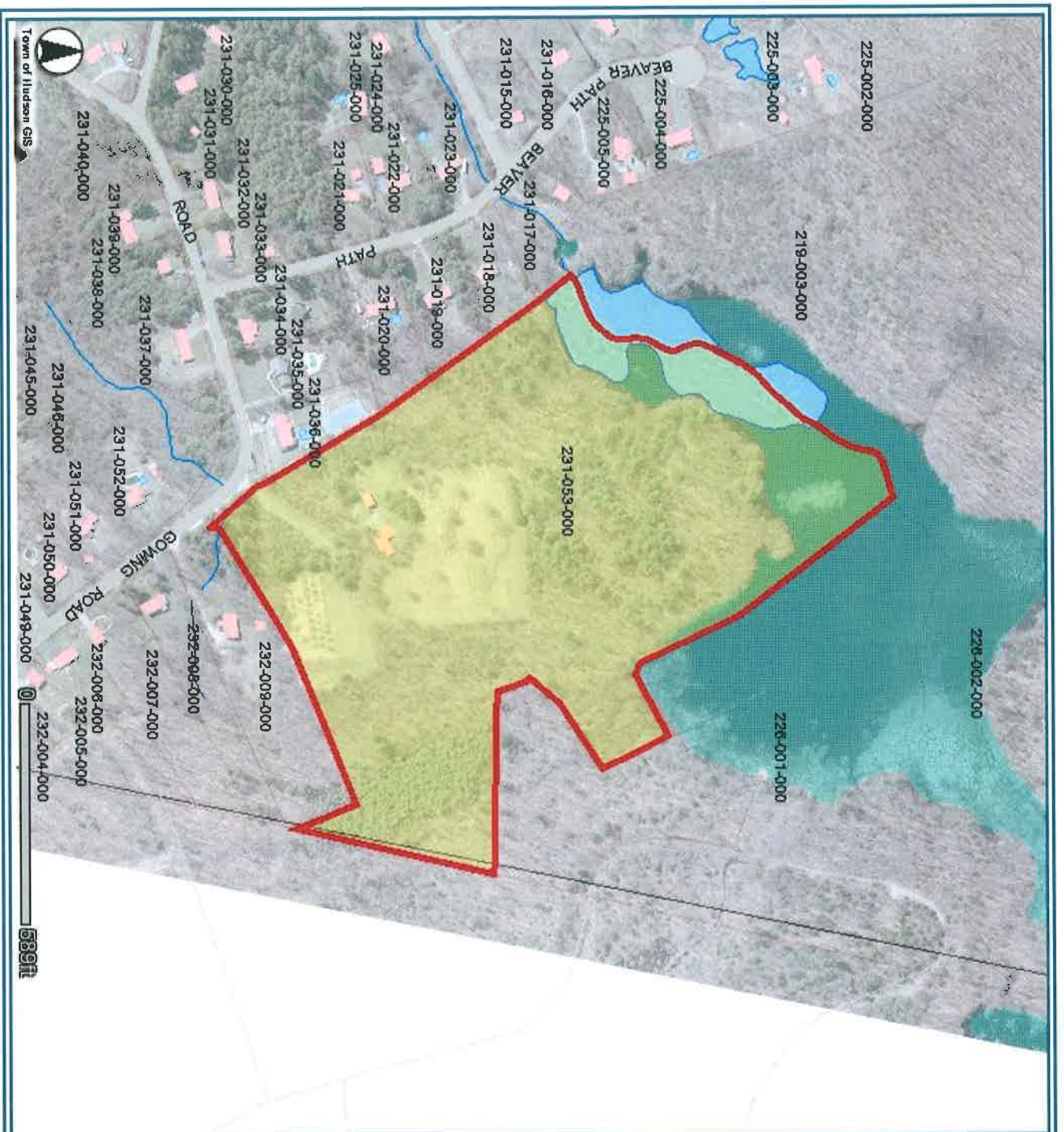
The plan also protects the rear of several lots along the existing subdivision road, Beaver Path, and the adjacent lot on Gowing Road (to the west) by providing a large swath of open space.

Finally, the large, dominant, and striking field in the center of the project is slated for protection by this plan, as opposed to easily developed lots. The purposes of providing an open space plan is not just to protect open space but to allow a flexibility in design to protect specific vistas, fields, agricultural and similar resources. So this plan's primary design includes protecting the field and even aligns the roadways so that the many of existing stone walls will become the limits of the right of ways, thereby further preserving the historic significance of stone walls and our past agrarian lifestyles.

IV. WAIVERS

The only waivers to the Land Use Regulations considered at this time are the following:

1. Section 289-18,B, Cul-de-sac Roads: Waiver for exceeding 1000 feet total length as defined by approximately 275 feet due to protecting the field in the middle of the site.
2. Cross Section: Granite Curbing, Cost consideration, no curbing on Gowing
3. Cross Section: Sidewalk – no sidewalk on Gowing, trails to be provided.



Town of Hudson New Hampshire

Geographic Information System

GIS Map Print
My Map

Subject Property Data

Parcel ID	231-053-000
Owner	WOJCIK, RICHARD
Location	90 GOWING RD
AccountNumber	1470
Co-Owner	WOJCIK, ELAINE
Owner Addr	90 GOWING ROAD
Owner CSZ	HUDSON, NH 03051
Land Value	128169
Yard Value	15600
Building Value	241400
Total Value	385169
Acreage	32.729
zone1	R2
Use Code	016
Year Built	1981
Building Style	CONTEMPORARY
Bedrooms	3
Fuel Type	PROPANE
Sale Date	6/9/1990
Sale Price	0
Book/Page	2774/0283

Disclaimer
The Town of Hudson makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Hudson shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



LOCUS MAP
NOT TO SCALE

ZONING: R-2 RESIDENTIAL
MINIMUM LOT AREA = 43,560 S.F.
MINIMUM LOT FRONTAGE = 150 FEET
FRONT YARD = 10 FEET (MIN.)
REAR YARD = 10 FEET (MIN.)
SIDE YARD = 15 FEET

OWNER OF RECORD:
 RICHARD WOLCIK
 90 GOWING ROAD
 HUDSON, NH 03051

NOTES:
 1. BOUNDARY INFORMATION IS COMPILED FROM PLANS BY OTHERS.
 2. LOTS TO BE SERVICED WITH PRIVATE WELLS AND INDIVIDUAL SEPTIC SYSTEMS.

LOT #	FRONTAGE	LOT AREA
1	350'	49,000 S.F.
2	360'	54,000 S.F.
3	395'	56,000 S.F.
4	390'	150,000 S.F.
5	470'	52,000 S.F.
6	470'	52,000 S.F.
7	470'	52,000 S.F.
8	160'	100,000 S.F.
9	160'	120,000 S.F.
10	175'	87,000 S.F.
11	170'	84,000 S.F.
12	150'	49,000 S.F.
13	165'	54,974 S.F.
14	400'	21,000 S.F.
15	345'	21,000 S.F.
16	450'	53,000 S.F.
17	440'	44,000 S.F.
18	700'	90,000 S.F.

LEGEND

- EXISTING CONTOUR
- EDGE OF WETLAND
- STONE WALL
- TREE LINE
- PROPOSED 4,000 S.F. SEPTIC AREA
- PROPOSED WELL AND 75' RADIUS



DATE: 10/29/13	SCALE: 1" = 150'
PROJECT: MEISNER BREM CORPORATION	PROJECT NO: 13-001
CONCEPTUAL PLAN	CONVENTIONAL YIELD PLAN
"WOJCIK PROPERTY"	
GOWING ROAD	
HUDSON, NEW HAMPSHIRE	
ASSESSOR'S MAP 231 / LOT 053	
OWNER/APPLICANT:	
RICHARD WOLCIK	
HUDSON, NH 03051	
DATE: 10/29/13	

1 OF 1



LOT #	FRONTAGE	LOT AREA	TOTAL OPEN SPACE
1	24.7	34,748 S.F.	10,715 S.F.
2	20.2	20,120 S.F.	14,062 S.F.
3	21.0	30,170 S.F.	14,878 S.F.
4	12.5	50,551 S.F.	0 S.F.
5	15.9	56,694 S.F.	8,506 S.F.
6	19.1	30,077 S.F.	14,923 S.F.
7	13.1	30,093 S.F.	14,307 S.F.
8	15.3	31,470 S.F.	15,300 S.F.
9	13.0	30,510 S.F.	14,430 S.F.
10	13.0	30,510 S.F.	14,430 S.F.
11	8.0	44,924 S.F.	0 S.F.
12	7.1	62,088 S.F.	0 S.F.
13	8.0	44,924 S.F.	0 S.F.
14	7.1	62,088 S.F.	0 S.F.
15	8.0	44,927 S.F.	0 S.F.
16	10.1	49,983 S.F.	5,243 S.F.
17	19.6	44,477 S.F.	5,243 S.F.
18	30.6	88,956 S.F.	0 S.F.

OPEN SPACE	
TOTAL LOT AREA = 1419 ACRES	
TOTAL OPEN SPACE REQUIRED = 110 ACRES	
10 ACRES OF OPEN SPACE TO BE PROVIDED BY THE DEVELOPER	
100 ACRES OF OPEN SPACE TO BE PROVIDED BY THE STATE	
TOTAL OPEN SPACE PROVIDED = 110 ACRES	
TOTAL OPEN SPACE REQUIRED = 120 ACRES	
TOTAL OPEN SPACE PROVIDED = 110 ACRES	
TOTAL OPEN SPACE DEFICIT = 10 ACRES	



PROPOSED WELL AND 75' RADIUS

PROPOSED 4,000 S.F. SEPTIC AREA

LEGEND

EXISTING CONTOUR - - - - -

EDGE OF WETLAND - - - - -

STONE WALL - - - - -

TREE LINE - - - - -

PROPOSED 4,000 S.F. SEPTIC AREA

PROPOSED WELL AND 75' RADIUS

LOCUS MAP NOT TO SCALE

ZONING: R-2 RESIDENTIAL

CONVERTIBLE: YES

MINIMUM LOT FRONTAGE = 45,000 S.F.

MINIMUM LOT AREA = 15,000 S.F.

FRONT YARD = 30 FEET (MIN.)

REAR YARD = 15 FEET (MIN.)

SIDE YARD = 15 FEET

MINIMUM LOT FRONTAGE = 22,500 S.F.

FRONT YARD = 15 FEET (MIN.)

MINIMUM LOT FRONTAGE = 75 FEET

FRONT YARD = 75 FEET (MIN.)

SIDE YARD = 75 FEET

OWNER OF RECORD: RICHARD WOJCIK

OWNER OF RECORD: HUDSON, NH 03051

NOTES:

1. BOUNDARY INFORMATION IS COMPILED FROM PLANS BY OTHERS

2. LOTS TO BE SERVICED WITH PRIVATE WELLS AND INDIVIDUAL SEPTIC SYSTEMS.

MEISNER BREM CORPORATION
 100 STATE STREET, SUITE 200
 WINDSOR, NH 03093
 TEL: 603.888.1111 FAX: 603.888.1112

PROJECT NO. 2013-001
 SHEET NUMBER: 001 OF 1

DATE: OCTOBER 29, 2013

SCALE: 1" = 100'

CONCEPTUAL PLAN
 OPEN SPACE DEVELOPMENT
 "WOJCIK PROPERTY"
 HUDSON, NEW HAMPSHIRE

ASSessor'S MAP 211 / LOT 053

OWNER/APPLICANT:
 RICHARD WOJCIK
 90 COWING ROAD
 HUDSON, NH 03051

REV. 1	10/29/13	10/29/13
REV. 2	10/29/13	10/29/13
REV. 3	10/29/13	10/29/13
REV. 4	10/29/13	10/29/13
REV. 5	10/29/13	10/29/13

Aquatime Pools Site Plan

Staff Report

November 13, 2013

NOTE: staff will be on vacation the week of November 4th. As such, this report remains incomplete as follows:

The below-cited Plan revision date and the # of Notes included on same have been left blank. These items will be completed for the night of the hearing, relative to the DRAFT MOTIONS if voted on.

Staff requested that revised plans be submitted by the applicant's Eng., Richard Maynard, prior to next Tuesday's deadline for submitting same. The revised plans should include those changes cited in the OUTSTANDING ISSUES section of this report, together with the latest revision date and correct # of Notes.

SITE: 89 River Rd. -- Map 251/Lot 002 -- SP# 07-13

ZONING: G-1

PURPOSE OF PLAN: to convert 1,600 sf of existing light industrial space to accessory retail sales with associated office mezzanine space above. No change to existing building footprint or site layout proposed. Acceptance and Hearing.

PLAN UNDER REVIEW ENTITLED: Aquatime Pools - 89 & 91 River Road, Hudson, New Hampshire, Amended Site Plan Map 251/Lot 2, prepared by Maynard & Paquette Engineering Associates, LLC, 23 East Pearl Street, Nashua, NH 03060, dated: October 7, 2013, last revised on _____, consisting of Sheet 1 of 1 and Notes 1 - _____ (said plans are attached hereto).

ATTACHMENTS:

- 1) Amended Site Plan application and Waiver Forms, date stamped Oct. 16, 2013 - "A".
- 2) Comment Reports/Forms from: Deputy HFD Fire Chief, John O'Brien, Town Eng., Patrick Colburn, Road Agent, Kevin Burns, and Asst. Assessor, Jim Michaud. - "B".
- 3) 2003 Aquatime Pools Planning Board Notice of Approval, 2003 Development Agreement-of-Record and Access & Egress Easement - "C".
- 4) April 23, 2003 Planning Board Meeting Minutes (2003 Aquatime Pools approval hearing) - "D".
- 5) 2003 Approved Site Plan-of-Record, HCRD #32734 - "E".
- 6) CAP Fee Form "F".

REQUESTED WAIVERS:

1. HTC 275-9B -- Traffic Study
2. HTC 275-9(D) -- Fiscal Impact Study
3. HTC 275-9(C) -- Noise Study

OUTSTANDING ISSUES:

The original Site Plan for Aquatime Pools was approved on April 23, 2003. Please see attached Notice of Approval, Development Agreement-of-Record, Access and Egress Easement, Minutes of Approval Hearing (04/23/03) and Site Plan-of-Record attachments "C", "D" & "E" respectively. During the lengthy review of the 2003 Site Plan application, one of the stipulations of approval includes Note #18, as inscribed on said plan, reads: "Retail Sales Shall Not be Allowed." In essence, this note is the cause for this application, together with the proposed 1,200 sf of office space included in the proposed mezzanine above the proposed 1,600 sf of retail space.

The particular outstanding issues concerning this present application to amend the previously approved Site Plan, as reported to the applicant's engineer, Richard Maynard, P.E., include the following items:

Richard: After reviewing the Aquatime Pool Plan and application, I would like to suggest that the following revisions be made to same:

- 1) The existing building on the submitted "Amended Site Plan Map 251/Lot 2 Aquatime Pools..." includes the wording on the front portion of the building: "EX.RETAIL WITH MEZZANINE"; This inscription should this read "PROPOSED Retail w/ MEZZANINE"? Also, this citation does not include the square footage of this portion of the building. It should cite: "1,600 sf, plus 1,200 sf of mezzanine space"?
- 2) Note #12 on the Plan indicates the parking requirements for the existing residential use and existing manufacturing use. This Note should also include: Proposed Retail 8 spaces, plus 4 parking spaces needed for the mezzanine office space.
- 3) In regard to the two interior parking spaces cited at the end of Note #12 – are these spaces included in the residential 2-car garage or somewhere else on the site? I did not find the designated parking spaces for these 2 parking spaces.
- 4) Note #2 on the Plan should read: General One (G-1).
- 5) The attached Approved Plan-of-Record HCRD # 32734 ("F"), has several pertinent notes not included on the submitted revised plan. Please review and amend the submitted plan accordingly, especially the citation concerning the CAP Fee and Development Agreement. NOTE: the new CAP Fee is \$7,116.00 (difference in 2013 CAP Fee Matrix between manufacturing/industrial space and retail @ \$2.22 X 1,600 sf), plus the sf of office space @ \$2.97 per sf X 1,200 sf = \$3,564.00.
- 6) For the hearing, Nov. 13th, please remember to submit 17 reduced-size revised copies of the plan set by next Tuesday, Nov. 5th at 10 A.M. with appropriate revisions, as suggested above.
- 7) Add your signature over your stamp on the Plan.
- 8) Finally, please remember to bring 5 full-size plan sets to the hearing on Nov. 13th.

APPLICATION TRACKING:

10/16/13 - Application to Amend the Aquatime Pools Approved Site Plan submitted.
11/13/13 – Initial public hearing scheduled for this application.

RECOMMENDED ACTION: For this hearing, staff recommends application acceptance and for the hearing to be conducted. Taking into consideration that retail use was adamantly denied during the 2003 review of this development site, the board may want to conduct more than one

hearing on this application, especially if the above-cited outstanding issues are not resolved, per the pending revised plans. On the other hand, board members may want to consider the minor nature of the proposed accessory retail and office uses, which go hand-in-hand with the primary use, together with the fact that a number of retail establishments are located in the immediate vicinity of this site. As such, the proposed changes in use would pose no measureable adverse impact upon the vicinity.

In any event, and relative to the possibility that the board may decide to approve this application at this hearing, DRAFT MOTIONS, to this effect are provided below.

DRAFT MOTIONS:

I move to accept the Aquatime Pools Site Plan application to amended the 2003 Approved Site Plan, location 89 Lowell Rd., Map 251/Lot 002.

Motion by: _____ Second: _____ Carried/Failed: _____.

REQUESTED WAIVERS:

- 4. HTC 275-9B -- Traffic Study
- 5. HTC 275-9(D) -- Fiscal Impact Study
- 6. HTC 275-9(C) -- Noise Study

1) HTC 275-9B - Traffic Study

I move to grant the requested waiver HTC 275-9B - Traffic Study - because the proposed partial change in uses within an existing building (i.e., 1,600 sf of retail sales and associated mezzanine office uses to replace the existing light manufacturing use) will have a nominal impact on the affected roadway system, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

Motion by: _____ Second: _____ Carried/Failed: _____.

2) HTC 275-9C – Noise Study

I move to grant the requested waiver: HTC 275-9C - Noise Study - because such a study is unnecessary taking into consideration that the activities associated with the proposed use changes (i.e., retail and office) shall be conducted inside an existing building, and in all likelihood, create a lower degree of ambient sound than the existing light manufacturing use, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

Motion by: _____ Second: _____ Carried/Failed: _____.

3) HTC 275-9D – Fiscal Impact Study

I move to grant the requested waiver: HTC 275-9D - Fiscal Impact Study - because in addition to the submitted plans, CAP fee and other submitted application materials, said study is unnecessary in order to evaluate the fiscal impact of this development, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

Motion by: _____ Second: _____ Carried/Failed: _____

DRAFT MOTION TO APPROVE:

I move to grant approval for the Site Plan entitled: Aquatime Pools - 89 & 91 River Road, Hudson, New Hampshire, Amended Site Plan Map 251/Lot 2, prepared by Maynard & Paquette Engineering Associates, LLC, 23 East Pearl Street, Nashua, NH 03060, dated: October 7, 2013, last revised on _____, consisting of Sheet 1 of 1 and Notes 1 – _____ in accordance with the following terms and conditions:

- 1) All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
- 2) Prior to the Site Plan-of-Record and Development Agreement being recorded at the HCRD, both shall be favorably reviewed and recommended on by Town Counsel.
- 3) A C.A.P. fee of \$7,116.00 shall be paid prior to the issuance of a certificate of occupancy.
- 4) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved Plan.
- 5) Construction activities on the site shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday. No construction activities shall occur on Sundays.
- 6) The daily hours of operation shall not exceed the hours between 7:00 A.M. and ____ P.M.
- 7) Deliveries and pick-up of products shall be exclusive to the hours between 9:30 A.M. and 9:00 P.M.
- 8) Hours for refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M. Monday thru Saturday and prohibited on Sunday.
- 9) This approval shall be subject to all applicable terms and conditions of approval included in the 2003 Site Plan Approval for this site, as inscribed on the Site Plan-of-Record, HCRD #32734 and associated Development Agreement, HCRD BK 7084 PG 2246.

Motion by: _____ Second: _____ Carried/Failed: _____

"A"

PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application: Oct. 7, 2013 Tax Map # 251 Lot # 2

Name of Project: Aqua time Pools

Zoning District: _____ General SP# 7-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Taymar Realty, LLC Taymar Realty, LLC
Address: 7 Middlesex Road 7 Middlesex Road
Address: Tyngsboro, MA 01879 Tyngsboro, MA 01879
Telephone # - _____
Fax # - _____
Email: - _____



PROJECT ENGINEER

SURVEYOR

Name: Maynard & Paquette Eng Assoc, LLC Maynard & Paquette Eng Assoc, LLC
Address: 23 East Pearl Street 23 East Pearl Street
Address: Nashua, NH 03060 Nashua, NH 03060
Telephone # (603)-883-8433 (603)-883-8433
Fax # (603)-883-7227 (603)-883-7227
Email: MPEALLC@AOL.COM MPEALLC@AOL.COM

PURPOSE OF PLAN:

To propose a partial change of use to convert 1600^{SF} of the ex-
light ind. bldg. to accessory retail sales w/assoc. office/mezzanine
space above. No changes to bldg. footprint or site layout proposed.

Plan Routing Date: 10-18-13 For Town Use PR Meeting Sub/Site Date: 11-13-13
_____ I have no comments _____ I have comments (attach to form)
Title: _____ Date: _____
(Initials)
DEPT: _____ Zoning _____ Engineering _____ Assessor _____ Police _____ Fire _____ Planning
_____ Consultant _____ Highway Department
Fees Paid: _____

SITE DATA SHEET

PLAN NAME: Aquetime Pools

PLAN TYPE: SITE PLAN

LEGAL DESCRIPTION: MAP 251 LOT 2

DATE: October 7, 2013

Location by Street: 89 & 91 River Road

Zoning: G1 - General One

Proposed Land Use: Residential, Retail, L. Manufacturing

Existing Use: Residential, L. Manufacturing

Surrounding Land Use(s): Mixed

Number of Lots Occupied: 1

Existing Area Covered by Building: 7425 SF

Existing Buildings to be removed: -

Proposed Area Covered by Building: 7425 SF

Open Space Proposed: 74 %

Open Space Required: 40 %

Total Area: S.F.: 170,673 Acres: 3.92

Area in Wetland: S.F. 16,650 ± Area Steep Slopes: 24,500 ±

Required Lot Size: 87,120 SF

Existing Frontage: 141 FT

Required Frontage: 200 FT

Building Setbacks:

	<u>Required*</u>	<u>Proposed</u>
Front:	<u>50 FT</u>	<u>51 FT</u>
Side:	<u>15 FT</u>	<u>16 FT</u>
Rear:	<u>15 FT</u>	<u>195 FT</u>

**SITE PLAN DATA SHEET
(Continued)**

Flood Zone Reference: NFIP FIRM Panel 33011C0658D

Width of Driveways: 23 FT

Number of Curb Cuts: 1

Proposed Parking Spaces: 17

Required Parking Spaces: 15.2

Basis of Required Parking (Use): Residential, Manufacturing, Retail

Dates/Case #/Description/Stipulations
of ZBA, Conservation Commission,
NH Wetlands Board Actions:
(Attach stipulations on separate sheet)

Hudson Town Code		
<u>Waivers Requested:</u>	<u>Reference</u>	<u>Regulation Description</u>
	1. <u>HTC 289-6D</u>	<u>Traffic Study</u>
	2. <u>HTC 289-6D</u>	<u>Fiscal Impact Study</u>
	3. <u>HTC 289-6D</u>	<u>Noise Study</u>
	4. _____	_____
	5. _____	_____
	6. _____	_____
	7. _____	_____
	8. _____	_____

(Left column for Town Use)

Impact Fees:
C.A.P Fee: _____

Development Agreement
Proposed: _____

<i>For Town Use</i>	
Data Sheet Checked By: _____	Date: _____

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

Thirty (30) days prior to Planning Board Meeting, a complete site plan to include all supporting materials/documents must be submitted in final form. The site plan shall comply with the following specifications/requirements:

Applicant
Initials

Staff
Initials

- MP a) Submission of nine (9) full sets of Site Plans (sheet size: 22" x 34") shall be submitted at the time of application filing, followed by the submission of seventeen (17) 11" X 17" plan sets (revised if applicable) to the Community Development Department no later than 10:00 A.M., Tuesday the week prior to the scheduled public hearing/conceptual review date.
- MP b) A Site Plan narrative, describing the purpose, locations, long-range plans, impacts on traffic, schools, and utilities
- MP c) Plan scale at not less the one inch equals fifty feet (1" = 50')
- MP d) Locus plan with 1,000' minimum radius of site to surrounding area
- MP e) Plan date by day/month/year
- MP f) Revision block inscribed on the plan
- MP g) Planning Board approval block inscribed on the plan
- MP h) Title of project inscribed on the plan
- MP i) Names and addresses of property owners and their signatures inscribed on the plan
- MP j) North point inscribed on the plan
- MP k) Property lines: exact locations and dimensions
- MP l) Square feet and acreage of site
- MP m) Square feet of each building (existing and proposed)
- MP n) Names and addresses of bordering abutters, as shown on Tax Assessor's records not more than five (5) days prior to application date to be listed on the plan.

JL

JL

JL

JL

JL

JL

JL

JL

JL

JL

JL

Applicant Initials		Staff Initials
MP	o) Location of all structures, roads, wetlands, hydrants, wells, septic systems, 4k reserve areas, floodways/floodplains, driveways, travel areas, parking areas and natural features within 200 feet of the tract	JR
MP	p) Locations of existing and proposed permanent monuments and bench marks within 200 feet of the development tract	JR
N/A	q) Pertinent highway projects	N/A
MP	r) Assessor's Map and Lot number(s)	JR
MP	s) Waiver application form shall be submitted with the site plan application, note on plan listing waivers requested/granted; and all waivers granted to the site plan regulations shall be listed on the final plan; waivers to checklist shall be reduced to writing and be signed by the Planning Board Chairman and Planning Board Secretary and recorded with the plan	JR
MP	t) Delineate zoning district on the plan	JR
N/A	u) Storm water drainage plan	N/A
N/A	v) Topographical elevations at 2-foot intervals contours: existing and proposed	N/A
N/A	w) Utilities: existing and proposed	N/A
MP	x) Parking: existing and proposed	JR
MP	y) Parking space: length and width	JR
MP	z) Aisle width/maneuvering space	JR
MP	aa) Landscaping: existing and proposed	JR
MP	ab) Building and wetland setback lines	JR
MP	ac) Curb cuts	JR
MP	ad) Rights of way: existing and proposed	JR
MP	ae) Sidewalks: existing and proposed	JR
N/A	af) Exterior lighting plan	-
MP	ag) Sign locations: size and design	JR
N/A	ah) Water mains and sewerage lines	N/A
MP	ai) Location of dumpsters on concrete pads	JR
N/A	aj) All notes from plats	PENDING JR

Applicant Initials		Staff Initials
<u>MP</u> ak)	Buffer as required by site plan regulations	<u>JC</u>
<u>MP</u> al)	Green and open space requirements met with both types of spaces inscribed on the plan	<u>JC</u>
<u>MP</u> am)	Soil types and boundaries, Note: If site contains marginal or questionable soils, a High Intensity Soil, Survey (HISS) may be deemed necessary to submit as part of the application. Said HISS, if required, shall be performed by a State of New Hampshire Certified Soil Scientist, who shall affix his/her stamp and signature shall be inscribed on the plan.	<u>JC</u>
<u>MP</u> an)	Wetlands (and poorly-drained and very poorly-drained soils, also identified as Class 5 and Class 6 High Intensity Soil Survey (HISS soils), and permanent and seasonal wetlands shall be identified on the plan by a New Hampshire certified wetland or soil scientist, who shall affix his/her stamp and signature to the respective plan.	<u>JC</u>
<u>MP</u> ao)	"Valid for one year after approval" statement inscribed on the plan.	<u>JC</u>
<u>MP</u> ap)	Loading bays/docks	<u>JC</u>
<u>MP</u> aq)	State of New Hampshire engineer's stamp, signature, surveyor's stamp, and signature	<u>JC</u> <i>Using signature provided at meeting</i>
<u>MP</u> ar)	Error of closure (1 in 10,000 or better)	<u>JC</u>
<u>MP</u> as)	Drafting errors/omissions	<u>JC</u>
<u>MP</u> at)	Developer names, addresses, telephone numbers and signatures	<u>JC</u>
<u>MP</u> au)	Photographs, electronic/digital display or video of site and area	<u>JC</u>
<u>MP</u> av)	Attach one (1) copy of the building elevations	<u>EXISTING</u>
<u>W</u> aw)	Fiscal impact study	<u>W</u>
<u>W</u> ax)	Traffic study	<u>W</u>
<u>W</u> ay)	Noise study	<u>W</u>

Applicant
Initials

Staff
Initials

N/A az) Copies of any proposed or existing easements, covenants, deed restrictions, right of way agreements or other similar documents

JK

N/A ba) Copy of applicable Town, State, Federal approval/permits to include but not limited to the following:

N/A

- industrial discharge application
- sewer application
- flood plain permit
- wetlands special exception
- variance
- erosion control permit (149:8a)
- septic construction approval
- dredge and fill permit
- curb cut permit
- shore-land protection certification in accordance with RSA483-B
- if applicable, review application with Lower Merrimack River Local Advisory Committee (LMRLAC) and attach LMRLAC project comments hereto.

- bb) Presentation plan (colored, with color-coded bar chart)

PROVIDED AT MEETING,

MP bc) Fees paid to clerk

JK

MP bd) Five (5) 22" x 34" copies of the plan shall be brought to the Planning Board meeting and distributed to the Planning Board members at the meeting. Note: for all subsequent meetings involving revised plans, five 22" x 34" copies of said plan shall be brought to the meeting for distribution to the board members.

JK

*Under the purview of the Planning Board, any and all items may be waived.

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

I hereby apply for Site 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 Site 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 given 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 to 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/or inspections conducted on his/her (their) property in connection with this applications.

* Signature of Owner: Peter White

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

* Signature of Developer: Peter White

❖ 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.

APPLICATION IS DUE AT NOON 21 days prior to the Planning Board Meeting. (The date the Agenda is CLOSED.) Any applications received after that time will be deferred until the next available meeting.

SUBDIVISION/SITE PLAN WAIVER REQUEST FORM

Name of Subdivision/Site Plan: Aquatic Pods

Street Address: 89 & 91 River Road

I Taymar Realty, LLC hereby request that the Planning Board waive the requirements of item 289-60: Traffic Study of the Subdivision/Site Plan Checklist in reference to a plan presented by Maynard & Paquette Engineering Assoc., LLC (name of surveyor and engineer) dated 10/7/13 for property tax map(s) 251 and lot(s) 2 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Subdivision/Site Plan regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

Unnecessary expense & delay associated with having to perform a traffic study for an amended site plan related to a partial change of use.

Reason(s) for granting this waiver, relative to not being contrary to the Spirit and Intent of the Subdivision/Site Plan regulations: (if additional space is needed please attach the appropriate documentation hereto):

The proposed partial change of use of 1000 SF of existing business operating in an existing building on-site will not generate excess traffic due to the minimal size of the project.

Signed: 
Applicant or Authorized Agent

Planning Board Action:

Waiver Granted: _____

Waiver Not Granted: _____

SUBDIVISION/SITE PLAN WAIVER REQUEST FORM

Name of Subdivision/Site Plan: Aquatic Pools

Street Address: 89 & 91 River Road

I Taymor Realty, LLC hereby request that the Planning Board waive the requirements of item 289-GD: Fiscal Impact Study of the Subdivision/Site Plan Checklist in reference to a plan presented by Maynard & Bquette Engineering Associates, LLC (name of surveyor and engineer) dated 10/1/13 for property tax map(s) 251 and lot(s) 2 in the Town of Hudson, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Subdivision/Site Plan regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

- 1.) Non residential use is a positive fiscal impact.
- 2.) Figures needed to generate a study are not available from town.
- 3.) Undue expense in money & time associated w/study

Reason(s) for granting this waiver, relative to not being contrary to the Spirit and Intent of the Subdivision/Site Plan regulations: (if additional space is needed please attach the appropriate documentation hereto):

- 1.) Non-residential use is a positive fiscal impact on town.

Signed:


Applicant or Authorized Agent

Planning Board Action:

Waiver Granted: _____

Waiver Not Granted: _____

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

FOOTNOTES:

1. In the event of the denial of a plan, the recording fees collected will not be reimbursed, but will instead be used as an additional fee to help defray administrative costs associated with a denial.
2. The "Review Fees" are fees estimated necessary to offset costs incurred to review and/or compile plans, data, or other information relative to the proposal.
3. The "Amount Due" does not include fees for studies or reviews as authorized in Section G-2 of this regulation.
4. Fees must be paid in full prior to the commencement of any formal review by the Town of Hudson.

STATUS:

DATE:

<input type="checkbox"/>	1.	Application incomplete	<hr/>
<input checked="" type="checkbox"/>	2.	Application complete. Include any applicable requested waivers, fees paid, routing sheet returned	<u>10-17-13</u>
<input type="checkbox"/>	3.	Application formally accepted or denied by Planning Board (90-day review clock by RSA 674:43 to start upon acceptance granted)	<hr/>
<input type="checkbox"/>	4.	Final approval granted or denied	<hr/>
<input type="checkbox"/>	5.	Comments:	
		<hr/>	
		<hr/>	
		<hr/>	
		<hr/>	
		<hr/>	
		<hr/>	

"B"

PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application: Oct. 7, 2013 Tax Map # 251 Lot # 2

Name of Project: Aqua Time Pools

Zoning District: _____ General SP# 7-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Taymar Realty, LLC Taymar Realty, LLC

Address: 7 Middlesex Road 7 Middlesex Road

Address: Tyngsboro, MA 01879 Tyngsboro, MA 01879

Telephone # - _____

Fax # - _____

Email: - _____

PROJECT ENGINEER

SURVEYOR

Name: Maynard & Paquette Eng Assoc, LLC Maynard & Paquette Eng Assoc, LLC

Address: 23 East Pearl Street 23 East Pearl Street

Address: Nashua, NH 03060 Nashua, NH 03060

Telephone # (603)-883-8433 (603)-883-8433

Fax # (603)-883-7227 (603)-883-7227

Email: MPEALLC@AOL.COM MPEALLC@AOL.COM



PURPOSE OF PLAN:

To propose a partial change of use to convert 1600^{SF} of the ex. light ind. bldg. to accessory retail sales w/assoc. office/mezzanine space above. No changes to bldg. footprint or site layout proposed.

For Town Use PR Meeting

Plan Routing Date: 10-18-13 Sub/Site Date: 11-13-13

I have no comments I have comments (attach to form)

Job Title: Deputy Fire Chief O'Brien Date: 10/19/13
(Initials)

DEPT: _____ Zoning _____ Engineering _____ Assessor _____ Police Fire Planning _____
_____ Consultant _____ Highway Department

Fees Paid: _____

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**

Date of Application: Oct. 7, 2013 Tax Map # 251 Lot # 2

Name of Project: Aquatic Pools

Zoning District: _____ General SP# 7-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Taymar Realty, LLC Taymar Realty, LLC

Address: 7 Middlesex Road 7 Middlesex Road

Address: Tyngsboro, MA 01879 Tyngsboro, MA 01879

Telephone # - _____

Fax # - _____

Email: - _____

PROJECT ENGINEER

SURVEYOR

Name: Maynard & Paquette Eng Assoc, LLC Maynard & Paquette Eng Assoc, LLC

Address: 23 East Pearl Street 23 East Pearl Street

Address: Nashua, NH 03060 Nashua, NH 03060

Telephone # (603)-883-8433 (603)-883-8433

Fax # (603)-883-7227 (603)-883-7227

Email: MPEALLC@AOL.COM MPEALLC@AOL.COM



PURPOSE OF PLAN:

To propose a partial change of use to convert 1600^{SF} of the ex. light ind. bldg. to accessory retail sales w/assoc. office mezzanine space above. No changes to bldg. footprint or site layout proposed.

For Town Use <u>PR meeting</u>	
Plan Routing Date: <u>10-18-13</u>	Sub/Site Date: <u>11-13-13</u>
I have no comments <input type="checkbox"/> I have comments (attach to form) <input type="checkbox"/>	
(Initials) <u>AP</u>	Title: <u>Town Engineer</u> Date: <u>10/21/13</u>
DEPT: <input type="checkbox"/> Zoning <input checked="" type="checkbox"/> Engineering <input type="checkbox"/> Assessor <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/> Planning <input type="checkbox"/> Consultant <input type="checkbox"/> Highway Department	
Fees Paid: _____	

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**

Date of Application: Oct. 7, 2013 Tax Map # 251 Lot # 2

Name of Project: Aqua-time Pools

Zoning District: _____ General SP# 7-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Taymar Realty, LLC Taymar Realty, LLC
Address: 7 Middlesex Road 7 Middlesex Road
Address: Tyngsboro, MA 01879 Tyngsboro, MA 01879
Telephone # - _____
Fax # - _____
Email: - _____

PROJECT ENGINEER

SURVEYOR

Name: Maynard & Paquette Eng Assoc, LLC Maynard & Paquette Eng Assoc, LLC
Address: 23 East Pearl Street 23 East Pearl Street
Address: Nashua, NH 03060 Nashua, NH 03060
Telephone # (603)-883-8433 (603)-883-8433
Fax # (603)-883-7227 (603)-883-7227
Email: MPEALLC@AOL.COM MPEALLC@AOL.COM

PURPOSE OF PLAN:

To propose a partial change of use to convert 1600^{SF} of the ex-
light ind. bldg. to accessory retail sales w/assoc. office/mezzanine
space above. No changes to bldg. footprint or site layout proposed.



For Town Use PR Meeting

Plan Routing Date: 10-18-13 Sub/Site Date: 11-13-13

I have no comments I have comments (attach to form)

KB Title: ROAD AGENT Date: 10/24/13
(Initials)

DEPT: _____
 Zoning Engineering Assessor Police Fire Planning
 Consultant Highway Department

Fees Paid: _____

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**

RECEIVED

OCT 21 2013

TOWN OF HUDSON
ASSESSOR'S OFFICE

Date of Application: Oct. 7, 2013 Tax Map # 251 Lot # 2

Name of Project: Aqua-time Pools

Zoning District: _____ General SP# 7-13
(For Town Use) (For Town Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Taymar Realty, LLC Taymar Realty, LLC

Address: 7 Middlesex Road 7 Middlesex Road

Address: Tyngsboro, MA 01879 Tyngsboro, MA 01879

Telephone # - _____

Fax # - _____

Email: - _____

PROJECT ENGINEER

SURVEYOR

Name: Maynard & Paquette Eng Assoc, LLC Maynard & Paquette Eng Assoc, LLC

Address: 23 East Pearl Street 23 East Pearl Street

Address: Nashua, NH 03060 Nashua, NH 03060

Telephone # (603)-883-8433 (603)-883-8433

Fax # (603)-883-7227 (603)-883-7227

Email: MPEALLC@AOL.COM MPEALLC@AOL.COM



PURPOSE OF PLAN:

To propose a partial change of use to convert 1600^{SF} of the ex. light ind. bldg. to accessory retail sales w/assoc. office/mezzanine space above. No changes to bldg. footprint or site layout proposed.

For Town Use <u>PRB Meeting</u>	
Plan Routing Date: <u>10-18-13</u>	Sub/Site Date: <u>11-13-13</u>
<input checked="" type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)	
(Initials) <u>JA</u>	Title: <u>Asst. Assessor</u> Date: <u>10-21-13</u>
DEPT: <input type="checkbox"/> Zoning <input type="checkbox"/> Engineering <input checked="" type="checkbox"/> Assessor <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/> Planning <input type="checkbox"/> Consultant <input type="checkbox"/> Highway Department	
Fees Paid: _____	

"C"

NOTICE OF APPROVAL

April 25, 2003

Owner or Applicant: Taymar Realty Trust
Peter White, Trustee
7 Middlesex Road
Tyngsborough, MA 01879

On Wednesday, April 23, 2003, the Hudson Planning Board heard subject case SP# 02-03, "Aquatime Pools Site Plan".

SUBJECT: Purpose of plan: Add 4,750 s.f. building and storage area for existing business. Hearing. Deferred Date Specific from the 04/09/03 Planning Board Meeting

LOCATION: 4 Walker Road – Map 2/Lot 8

You are hereby notified of the subject plat presented before the Planning Board and the following action:

The Planning Board voted to grant the following waivers:

1. 275-9C Noise Study
2. 275-9H HISS Study
3. 275-9B Traffic Study
4. 275-8B Residential Buffer
5. 275-9D Fiscal Impact Study

The Planning Board voted to approve the Aquatime Site Plan prepared by Maynard and Paquette Engineering Associates, LLC dated January 9, 2003, and revised through 04/15/03 with the following terms and conditions:

- 1) The Applicant shall abide by the terms and conditions of the Site Plan Notes, 1 through 21 as inscribed on Sheet 1 of the Plan.
- 2) The Applicant shall provide a permanent access easement for the benefit of abutting properties to Walker Road (a private way). This easement shall also provide the right of owners abutting Walker Road to maintain and improve this way, relative to providing a safe and adequate means of access for the uses served thereby. Prior to the Site Plan of Record, and Development Agreement being recorded at the HCRD, the easement document shall be reviewed and favorably recommended on by Town Counsel.
- 3) Onsite refuse removal shall be allowed between the hours of 7:00 A.M. and 7:00 P.M. only.
- 4) A C.A.P. Fee of \$2,908.00 shall be paid prior to the issuance of a certificate of occupancy, subject to annual inflation indexing as permitted by the impact fee methodology.
- 5) The architectural color rendering of Aquatime Pools shall also be considered as part of the application plan set.

All representations of fact or intention made by the applicant or any applicant's representative during testimony before the Planning Board relative to the obtaining approval of this plan, shall be considered conditions of this approval regardless of the fact that such fact or intentions were not specifically stated as part of the motion to grant.

Signed:


John Cashell
Town Planner

Date:

April 25, 2003

3136244

2003 OCT -2 PM 1:42

u "C" *cont.*

34.60
2 -

546
Hudson
Plan

RECEIVED AND RECORDED
HILLSBOROUGH COUNTY REGISTRY OF DEEDS
Judith A. MacDonald
JUDITH A. MACDONALD, CPO, REGISTRAR

SITE PLAN DEVELOPMENT AGREEMENT

This Agreement is entered into this 10 day of SEPT 2003, between Taymar Realty Trust, Peter White, Trustee, 7 Middlesex Road, Tyngsborough, MA 01879, and the Town of Hudson at 12 School Street, Hudson, New Hampshire. It represents the understanding of the parties regarding the granting by the Hudson Planning Board of site plan approval for the addition of a 4,750 s.f. building and storage area for an existing business, and to contain improvements pursuant to the plans and conditions referenced below.

WHEREAS, the Applicant is proposing a site plan for the addition of a 4,750 s.f. building and storage area for an existing business, located at 4 Walker Road in Hudson, New Hampshire, which comprises a total of 3.92 acres, as shown on the final plan Plan #92734 prepared by Maynard & Paquette Engineering Associates, dated January 9, 2003, and revised through April 15, 2003.

WHEREAS, the Hudson Planning Board has been duly authorized to regulate the subdivision of land and to approve and disapprove site plans for multifamily dwelling units and nonresidential developments pursuant to RSA 674 et seq.

WHEREAS, Applicant has applied for approval for the above described project in compliance with Town zoning ordinances, subdivision regulations, site plan regulations and the rules and regulations of Hudson Planning Board.

WHEREAS, site plan approval is conditioned upon the execution of a Development Agreement.

In consideration for the Hudson Planning Board granting site plan approval, the parties hereby agree as follows:

BK 7084 PG 2246

I

Final site plan approval is granted for the project entitled Aquatime Pools Site Plan, Map 2/Lot 8, prepared by Maynard & Paquette Engineering Assoc. LLC, dated January 9, 2003, last revised on April 15, 2003, subject to the following conditions recorded at Hillsborough County Registry of Deeds Plan No. _____ with the following stipulations:

1. The Applicant shall abide by the terms and conditions of the Site Plan Notes, 1 through 21 as inscribed on Sheet 1 of the Plan.
2. The Applicant shall provide a permanent access easement for the benefit of abutting properties to Walker Road (a private way). This easement shall also provide the right of owners abutting Walker Road to maintain and improve this way, relative to providing a safe and adequate means of access for the uses served thereby. Prior to the Site Plan of Record, and Development Agreement being recorded at the HCRD, the easement document shall be reviewed and favorably recommended on by Town Counsel.
3. Onsite refuse removal shall be allowed between the hours of 7:00 A.M. and 7:00 P.M. only.
4. A C.A.P. Fee of \$2,908.00 shall be paid prior to the issuance of a certificate of occupancy, subject to annual inflation indexing as permitted by the impact fee methodology.
5. The architectural color rendering of Aquatime Pools shall also be considered as part of the application plan set.

All conditions contained in the notes of the plan are incorporated herein by reference as approved by the Planning Board. Furthermore, all representations of fact or intention made by the applicant or any of applicant's representatives during testimony before the Planning Board relative to the obtaining of approval of this plan, shall be considered conditions of this approval regardless of the fact that such fact or intentions were not specifically stated as part of the motion to grant.

BK 7084 PG 2247

II

Applicant shall comply with all subdivision, site review and zoning regulations which have been promulgated by the Town and which are in effect as of the date of this Agreement. If this Agreement contains terms, including but not limited to variance and special exception stipulations granted by the Hudson Zoning Board of Adjustment, which are stricter or impose higher standards than the above mentioned regulations, the stricter or higher standards shall control. All improvements shall meet the standards of workmanship as required by the Town, as required by the New Hampshire Water Supply and Pollution Control Commission, as required by the New Hampshire Department of Transportation, and as required by the New Hampshire Wetlands Board.

III

Applicant shall obtain all necessary local, state and federal permits prior to commencing work and shall comply fully with their terms.

IV

Applicant shall comply with the plan as submitted to, reviewed by and approved by the Planning Board, including but not limited to, notations set forth on the plan. Deviation from or amendments to the plan may only be made with the written approval of the Planning Board or the Town Engineer as appropriate.

V

Applicant acknowledges that it will have sole responsibility for ensuring the quality of the construction and that Applicant will not hold the Town, building inspector or other officers, employees, agents or assigns of the Town responsible for any claims, damages, fees or costs alleged to be incurred on account of the Town's negligent inspection of the improvements to be constructed. Similarly, Applicant agrees to hold harmless and indemnify the Town for any claims, damages, fees or costs sought or asserted by third parties against the Town on the grounds of negligent or improper inspection of the construction of the improvements called for herein.

BK 7084 PG 2248

VI

Applicant shall provide and install erosion and sedimentation control measures as required by the plan, by RSA 149-M, and as deemed necessary by the Town Engineer or his designated agent.

VII

The Applicant shall be responsible for any off-site problems, which arise from this construction. This includes, but is not limited to, erosion, runoff, sedimentation, drainage, and property damage by construction equipment, including damage to existing streets, sewers and drainage systems. Upon notification by the Town in writing, the developer must submit a plan within one week to remedy the problem. The Town Engineer division shall then set a construction schedule in consultation with the developer so that the problem can be corrected as soon as practical.

VIII

It is the intent of the signatories to the Agreement that only they can sue to enforce the Agreement's terms. The Agreement confers no rights on third parties.

IX

The Applicant's promise to perform improvements incorporated herein is an obligation independent from any alleged breach by the Town, once the Planning Board has given the developer site plan/subdivision approval and work on the site has begun.

X

Applicant shall notify the Town Engineer at least sixty (60) days prior to anticipated construction. A pre-construction meeting shall be held at least thirty (30) days prior to commencement of construction. A three-party inspection agreement and any other pertinent documents shall be finalized prior to the pre-construction meeting.

BK 7084 PG 2249

XI

The Agreement to complete bonded or otherwise secured improvements is not contingent upon the commencement of work on the site or on the sale of any of the lots or property contained in the approved plan.

XII

When Applicant completes the site plan improvements, Applicant shall notify the Town Planner in writing of such completion. Promptly after receiving such notification, the Town Planner, or the Planner's designated agent, shall inspect the improvements to determine whether they are in compliance with the Agreement and the site plan in all material respects. If the improvements do not comply, the Town Planner shall notify Applicant of disapproval and grounds therefor. This written notice shall specify in reasonable detail the deficiencies which need to be corrected. If the improvements are in conformity with the Agreement and the building otherwise meets all code requirements, the Town Planner shall issue Applicant a Certificate of Completion within ten (10) working days. Applicant shall then apply to the Building Inspector for a Certificate of Occupancy.

XIII

If the Town shall fail to notify Applicant in writing of its approval or rejection of the completed improvements within forty (40) days of the receipt of any such notice of completion, the improvement shall be deemed to be approved by the Town as completed in accordance with this Agreement. This period may be extended for thirty (30) days upon the Town's showing that the forty (40) day period is insufficient to enable the Town to reach such a determination despite using due diligence due to factors beyond the control of the Town.

XIV

At the time of plan recording, Applicant shall also execute and deliver to the Town easements for sewer, drainage, water, utilities as may be specified by the Hudson Planning Board, or otherwise specified on the plan.

BK 7084 PG 2250

XV

The Applicant shall remove all waste from the particular site prior to the issuance of any Certificate of Completion or occupancy permit. All waste will be removed in compliance with applicable Town, State and Federal regulations.

XVI

Prior to commencing construction, Applicant agrees to pay all fees as required by all ordinances and regulations of the Town in effect at the time of this Agreement, as well as any other fees imposed by the Hudson Planning Board, upon application for a building permit, unless phased payments are provided for. Applicant shall have an affirmative obligation to supplement this fee schedule, as information about the number of dwelling units per lot becomes available.

XVII

Applicant agrees that if in the future the Town determines that Applicant has committed a material breach of this Agreement or has violated any Town zoning, subdivision, site plan or any State land use or environmental law or regulation or building code, and said material breach or violation is decided against Applicant by a court of competent jurisdiction in a legal action by the Town against Applicant, Applicant agrees to pay, on demand, all reasonable attorney fees, court costs, sheriff charges and related costs incurred by the Town in connection with the breach or violation to the extent that said fees, costs and charges would not have been incurred had the breach or violation not occurred.

XVIII

A note shall be added to the recorded plan. This note shall state the existence of this Development Agreement, and that a copy of it is on file with the Planning Department or other designated Town department. This Agreement shall be recorded with the plan.

XIX

All landscaping shown on the Planning Board approved site plan shall be maintained in perpetuity by the property owner.

BK 7084 PG 2251

XX

This agreement shall run with the land and shall be binding on any subsequent purchaser of the proposed development on applicant's heirs and assigns, and on any successor entity.

XXI

Severability: If any section, clause, provision, article or portion of this contract shall be invalidated by any court of competent jurisdiction, such holding shall not invalidate any other section of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

Pamela Lavin
Witness

By: Peter White
Taymar Realty Trust
Peter White, Trustee

John Cashell
Witness
Town Planner
John CASHELL

TOWN OF HUDSON
By: Richard Maddox
Town Planner
Planning Board Chairman

BK 7084 PG 2252

COPY

Aquatime Pool
"C"
cont

ACCESS AND EGRESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT Peter White as Trustee of the Taymar Realty Trust with a principal place of business at 7 Middlesex Road, Tyngsboro, MA 01879 (hereinafter referred to as Grantor)

For Consideration Paid, Grants to

Thomas and Odette Slosek with an address of 1 Walker Road, Hudson, New Hampshire 03051 (Map 2/Lot 9) and Scott Sousa and Muriel Davan with an address of 3 Walker Road, Hudson, New Hampshire 03051 (Map 2/Lot 10) (hereinafter collectively referred to as Grantees),

An Access and Egress Easement over Walker Road (a private way) as shown on a site plan for Aquatime Pools (Map 2/Lot 8) prepared for: Peter White by Maynard & Paquette Engineering Associates, LLC, Land Surveyors; dated January 9, 2003.

This Easement herein granted shall include the perpetual right to enter upon the real estate described at any time that the Grantees may see fit and to construct, maintain and repair Walker Road within the easement as shown on the above-mentioned plan.

This easement is granted for the purpose of constructing, maintaining, and repairing a private way over, under, and across the above-described real estate, but not for parking or storage of vehicles.

The Grantees agree by their acceptance of this conveyance, that maintenance and repair of the private way improvements shall be conducted in a manner so as not to unreasonably interfere with the Grantor's and Grantors' successors and assigns use of the premises. The Grantees further agree that they shall repair and replant or reseed any disruption caused by this in or out of the right of way while exercising their rights described in this Easement. The Grantee shall have the right to use this easement for access and egress by pedestrians and motor vehicles.

COPY

Executed this 10TH day of SEPTEMBER 2003.

TAYMAR REALTY TRUST

James A. Harris By: Peter White
Witness Peter White, Trustee

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 10TH day of SEPTEMBER, 2003 personally appeared the above named Peter White, Trustee of Taymar Realty Trust known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same in behalf of the L.L.C. for the purpose therein contained, before me.

Dennis Young
Justice of the Peace/Notary Public

"D"

Mr. Hall stated that he felt that the bollards were in a good location on the site, adding that he would not have a problem if Mr. Russo would like to put additional bollards at the loading dock. He said that it appeared to him that the bollards were in place to prevent people from backing over the top of the tank.

Mr. Bond said that he would like to see the 6-foot stockade fence raised to 8 feet, with the plantings being located on the other side.

Mr. Barnes made a motion to defer further action on this matter to the meeting of May 7th. Ms. Quinlan seconded the motion.

VOTE: Chairman Maddox called for a hand vote; all members voted in favor except for Chairman Maddox, who abstained. Chairman Maddox then declared the motion to have carried.

Ms. McGrath resumed her position on the Board, and Mr. Bond resumed his non-voting alternate's position on the Board.

Ms. Quinlan made a motion to change the order of the day and to open the Public Hearing to deal with the Hudson Police Dept. Animal Control Facility. Mr. Massey seconded the motion.

VOTE: Chairman Maddox called for a hand vote; all members voted in favor, except for one member voting in the negative, and one member abstaining. Chairman Maddox then declared the motion to have carried.

At this time, Chairman Maddox opened the Public Hearing, which is reported under separate cover.

Following the Public Hearing, Chairman Maddox called a brief recess at 9:00 p.m., and the meeting resumed at 9:14 p.m.

Regular Agenda

VIII. OLD BUSINESS

A. Aquatime Pools Site Plan
SP# 02-03

Map 2/Lot 8
4 Walker Road.

Mr. Cashell stated that this case was deferred from the last meeting because the applicant could not be present. He said that a legal opinion had been received from the Town Attorney stating that Walker Road had been discharged from public servitude.

Mr. Cashell stated that the three parties involved should work out some type of easement agreement.

Ms. Quinlan referenced the Town Attorney's letter, asking if she were interpreting this correctly in that he was recommending that the Board stipulate that some type of an easement document be issued. Mr. Hall stated that he did not feel it was necessary for the applicant to obtain some kind of easement right from the abutters, adding that he did not think the Board should become involved.

A lengthy discussion evolved on easement rights, and reference was made to Note 21 on the site plan, with information being given that the applicant's attorney would draw a document up for the benefit of the abutters, giving them the rights to pass and repass on Walker Road.

Mr. Richard Maynard, of Maynard & Paquette Engineering, appearing before the Board as the representative of the applicant, stated that there were three outstanding issues . . . CAP fee note, street numbers to be on mailbox and building, and additional landscaping. He declared that these had been accomplished.

Chairman Maddox opened the discussion to the public, asking if there were any input regarding this proposal. No one coming forth from the attending public, Chairman Maddox declared the matter before the Board.

Chairman Maddox stated that he felt that the density of the lot was excessive, pointing out that all the construction was at the front of the lot and stating that he felt that some of the expansion should be to the rear of the lot.

Mr. Barnes made a motion to grant the following waivers: Noise Study, HISS, Traffic Study, Residential Buffer, and Fiscal Impact Study. Ms. Quinlan seconded the motion.

VOTE: Chairman Maddox called for a hand vote; all members voted in favor except for two who abstained. Chairman Maddox then declared the motion to have carried.

Mr. Hall Made a motion to approve the Aquatime Site Plan Application, including the Site Plan of Record entitled: Aquatime Pools 89 & 91 River Road, Hudson, NH, prepared by Maynard and Paquette Engineering Associates, LLC and dated January 9, 2003, and revised through 4/15/03, consisting of Sheet 1 - Cover and Survey, Sheet Landscape Plan and Sheet 3 - Construction Details, with the following stipulations:

- a. The applicant shall abide by the terms and conditions of the Site Plan Notes, 1 through 21, as inscribed on Sheet 1 of the Plan.

- b. The applicant shall provide a permanent access easement for the benefit of abutting properties to Walker Road (a private way). This easement shall also provide the right of owners abutting Walker Road to maintain and improve this way, relative to providing a safe and adequate means of access for the uses served thereby. Prior to the Site Plan-of-Record and Development Agreement being recorded at the HCRD, the above easement document shall be reviewed and favorably recommended by Town Counsel.
- c. On-site refuse removal shall be allowed between the hours of 7:00 a.m. and 7:00 p.m. only.
- d. A CAP fee of \$2,908.00 shall be paid prior to the issuance of a certificate of occupancy, subject to annual inflation as permitted by the impact fee methodology.
- e. The architectural colored rendering entitled Aquatime Pools 89-91 shall also be considered as part of the application.

Mr. Barnes seconded the motion.

VOTE: Chairman Maddox called for a hand vote; all members voted in favor except for one member voting against the motion and one member abstaining. Chairman Maddox then declared the motion to have carried.

**B. Dunkin Donuts
Lowell Road**

Map 10/Lot 5-1

Ms. Quinlan made a motion to defer consideration of this item to the meeting of June 11th. Ms. McGrath seconded the motion.

Discussion evolved on whether or not to take the bond and complete the plantings at issue. Continued discussion evolved on the safety of the site, and Chairman Maddox stated that the safety issue should go before the Traffic Safety Committee and/or the Board of Selectmen.

VOTE: Chairman Maddox called for a hand vote; all members voted in favor except for two members abstaining. Chairman Maddox then declared the motion to have carried.

Ms. McGrath made a motion that staff prepare a memo from the Planning Board Chairman to the Board of Selectmen indicating concerns that were raised relative to the safety of the Dunkin Donuts site concerning traffic stacking on Lowell Road, with a copy going to the Highway Safety Committee. Mr. Barnes seconded the motion.

Considerable discussion evolved on the issue of traffic and the safety factors.

Attachment "F"

CAP FEE WORKSHEET

Date: 11/13/13 Sector #: 9 Map/Lot: 251-002

Project Name: 89 & 91 River Road

Proposed ITE Use #1: Retail Sales

Proposed Building Area (square footage): Existing building and use square footage: 1,600 sf light industrial use @ \$1.52 per sf changed to 1,600 sf retail sales @ \$3.74 per sf = \$2.22 per sf.

(2070-090) Route 3A:	\$ 2,608.00
(2070-091) Route 102:	\$ 176.00
(2070-086) Route 111:	\$ 768.00
Total CAP Fee:	\$ 3,552.00

Proposed ITE Use #2 Office

Proposed Building Area (square footage): 1,200 sf of new office mezzanine space @ \$2.97 per sf.

(2070-090) Route 3A:	\$ 2,748.00
(2070-091) Route 102:	\$ 240.00
(2070-086) Route 111:	\$ 576.00
Total CAP Fee Use #2:	\$ 3,564.00

Total Project CAP Fee: \$7,116.00

E

E

ABUTTERS:

DIRECT ABUTTERS:

- MAP 2 / LOT 8
TAYMAR REALTY TRUST
PETER WHITE AND
DEBORAH COLLETON, TRUSTEES
7 MIDDLESEX ROAD
TYNGBOROUGH, MA 01879
- MAP 2 / LOT 9
THOMAS & OLETTE SLOSEK
1 WALKER ROAD
HUDSON, NH 03051
- MAP 2 / LOT 10
SCOTT SOUSA
MURIEL DAVAN
3 WALKER ROAD
HUDSON, NH 03051
- MAP 2 / LOT 4
CAROL ANN & EDWARD PORTER
97R RIVER ROAD
HUDSON, NH 03051
- MAP 2 / LOT 5
SYLVIA PORTER
JOHN PORTER SR.
97 RIVER ROAD
HUDSON, NH 03051
- MAP 2 / LOT 2-37
PAUL NOWAK
186 NENDALL ROAD
TYNGBOROUGH, MA 01879
- MAP 1 / LOT 1
BAE SYSTEMS
ACCOUNTS PAYABLE
P.O. BOX 511
NASHUA, NH 03001
- MAP 2 / LOT 6
LINDA HUBERT, TRUSTEE
COUNTRY LANE ASSOCIATES REALTY TRUST
14 SCENIC VIEW DRIVE
PELHAM, NH 03076
- MAP 2 / LOT 12
MARCEL TURCOTTE
5 CENTRE DRIVE
HUDSON, NH 03051

(ENGINEER / SURVEYOR)
MAYNARD & PAQUETTE
ENG ASSOC, LLC
23 E. PEARL STREET
NASHUA, NH 03060

ABUTTERS WITHIN 200 FEET:

- MAP 2 / LOT 13
TOWN OF HUDSON
12 SCHOOL STREET
HUDSON, NH 03051
- MAP 2 / LOT 11
HUDSON PARTNERS REALTY TRUST
G. BASBANES, A. MATTE TRUSTEES
648 CENTRAL STREET
LOWELL, MA 01853
- MAP 2 / LOT 2-1
NANCY JACKSON
1 WINSLOW FARM ROAD
HUDSON, NH 03051
- MAP 2 / LOT 14-10
MITCHELL FAMILY REALTY TRUST
C/O LISA MITCHELL, TRUSTEE
ONE SECURITY DRIVE
HUDSON, NH 03051

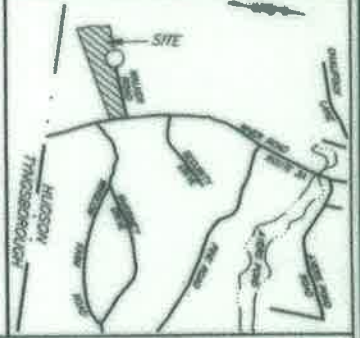
WAIVERS:

- NOISE STUDY HTC 275-9C
- MISS STUDY HTC 275-9H
- TRAFFIC STUDY HTC 275-9D
- RESIDENTIAL BUFFER HTC 275-8B(12)(C)
- FISCAL IMPACT STUDY HTC 275-9D

PLAN REFERENCES:

- PLAN OF LAND OF G. & D. SMITH AND J. & C. WALKER RIVER ROAD, HUDSON, NH DATED APRIL 1965 BY A.E. MAYNARD C.E. FILED HCRD AS PLAN No. 3000.
- PLAN OF LAND OF G. & D. SMITH AND J. & C. WALKER RIVER ROAD, HUDSON, NH DATED DEC. 1978 BY A.E. MAYNARD C.E. FILED HCRD AS PLAN No. 11820.
- STREET DISCONTINUANCE PLAN LOTS 7, 8, 9 & 10 / MAP 2, WALKER AND RIVER ROAD, HUDSON, NH DATED AUGUST 1984 BY MAYNARD & PAQUETTE, INC.
- AS BUILT SITE PLAN LOT 8/MAP 2, WALKER & RIVER ROAD HUDSON, NH DATED OCTOBER 1984 BY MAYNARD & PAQUETTE, INC.

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIN FOUND
- IRON PIN TO BE SET
- MINIMUM BUILDING SETBACK
- EXISTING PAVEMENT
- EXISTING BUILDING
- DRAINAGE / BROOK FLOW DIRECTION
- EXISTING GRAVEL
- PROPOSED 50' BUFFER SETBACK

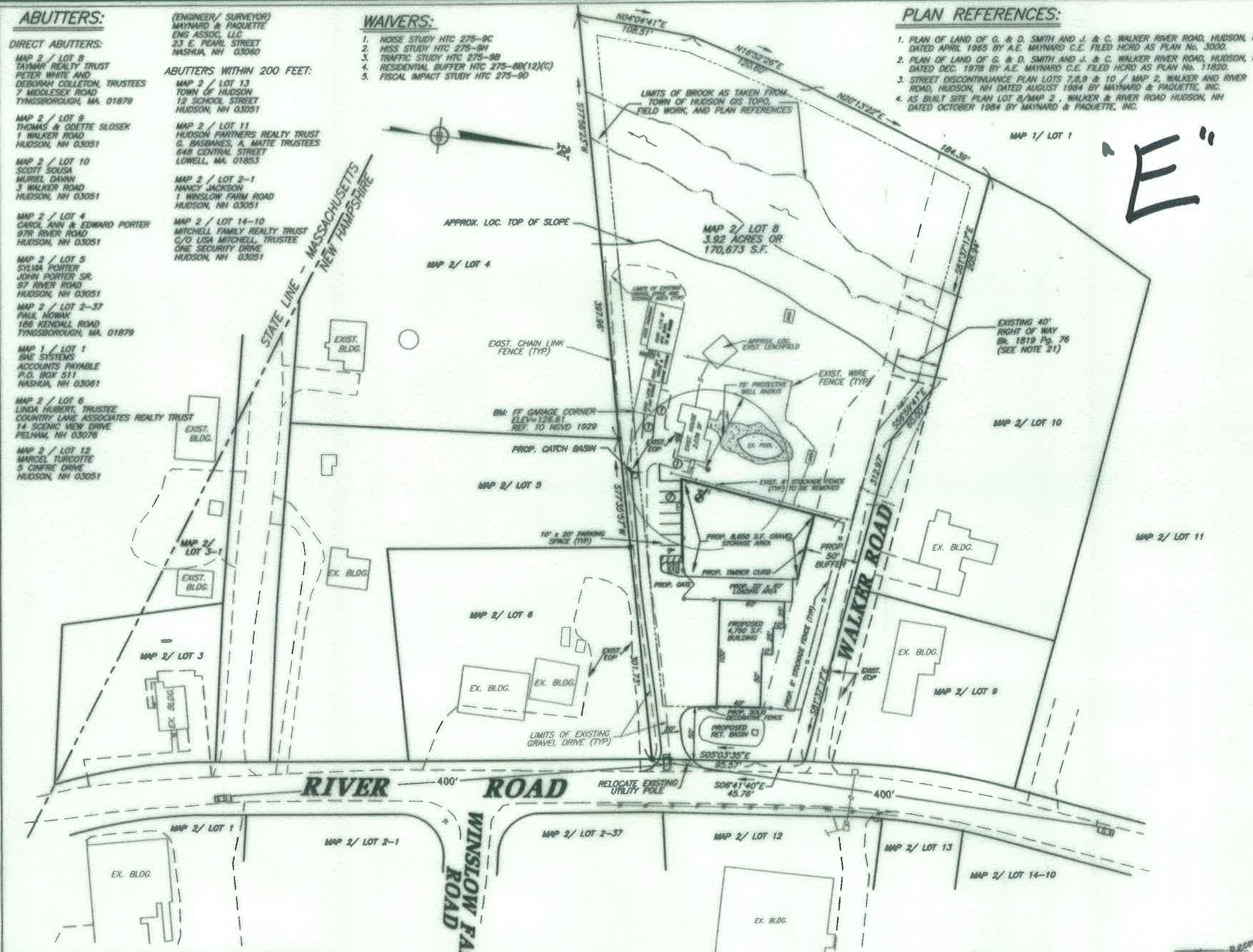


LEGEND

VICINITY

NOTES

- PRESENT ZONING: "G-1" GENERAL ONE
- EXISTING & PROPOSED USE: RESIDENTIAL AND LIGHT MANUFACTURING OF DECORATIVE CONCRETE TILES AND ASSOCIATED STORAGE.
- PURPOSE OF THIS PLAN: TO INCREASE THE BUILDING AREA BY 3,635 S.F. AND ADD AN ADDITIONAL 8,650 S.F. OF GRAVELED STORAGE AREA FOR EXISTING BUSINESS.
- TOTAL AREA OF PARCEL: 3.92 ACRES OR 170,673 S.F.
- MINIMUM BUILDING REQUIREMENTS:
BUILDING SETBACKS: FRONT YARD = 30 FT (RIVER ROAD)
SIDE AND REAR YARD = 15 FT
FRONTAGE = 200 FT
MINIMUM LOT AREA = 2 ACRES
- SOIL CONSERVATION MAP 33 LIST SOILS AS:
"Wsk" - WINDSOR LOAMY SAND
"Wld" - WINDSOR LOAMY SAND
- N.F.A.P. F.I.R.M. COMMUNITY PANEL 330092 000108 INDICATES THAT THIS SITE IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AT APPROX. ELEV. = 110.
- % GREEN SPACE REQUIRED: 40%
PROPOSED: 74%
- LOT IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
- C.A.P. AMOUNT OF \$ 2,808.00 SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, SUBJECT TO ANNUAL INFLATION INDEXING AS PERMITTED BY THE IMPACT FEE METHODOLOGY.
- PARKING REQUIRED:
RESIDENTIAL: 2 SP/ UNIT x 1 UNIT = 2 SPACES
MANUFACTURING: 1 SP/ 600 S.F. x 4,750 S.F. = 7.92 SPACES
TOTAL PARKING SPACES REQUIRED = 10 SPACES
TOTAL PARKING SPACES PROVIDED = 12 SPACES (2 INSIDE)
- EROSION CONTROL MEASURES (HAY BALES, SILT SCREEN FENCE) SHALL BE INSTALLED PRIOR TO INITIATION OF SITE WORK AND SHALL BE MAINTAINED BY THE DEVELOPER UNTIL ADEQUATE VEGETATIVE COVER IS ESTABLISHED ON GRADED AREAS. DISTURBED AREAS NOT COVERED BY BUILDINGS, PAVEMENT, OR GRAVELED STORAGE AREAS SHALL BE LOAMED AND SEEDED UPON COMPLETION OF FINAL GRADING.
- A DEVELOPMENT AGREEMENT DATED [redacted] IS ON FILE WITH THE TOWN OF HUDSON AND IS RECORDED AT THE H.C.R.D.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THIS PLAN. LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES AND STRUCTURES SHOWN ON THIS PLAN ARE BASED ON PREVIOUS PLANS AND WHERE POSSIBLE VERIFIED IN THE FIELD. THE ENGINEER SHALL BE NOTIFIED IN WRITING IF ANY UTILITIES ARE FOUND TO BE INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION SHALL BE TAKEN BEFORE PROCEEDING WITH THE WORK.
- THERE ARE NO SIGNS PROPOSED AT THIS TIME
- REFUSE PICKUP HOURS: NO EARLIER THAN 7 AM AND NO LATER THAN 7 PM
- MOTORIZED EQUIPMENT OR VEHICLES SHALL NOT BE STORED ON GRAVELED STORAGE AREA. STORAGE IS FOR POOL CONSTRUCTION MATERIAL SUCH AS COPING AND TILE.
- RETAIL SALES SHALL NOT BE ALLOWED.
- THERE SHALL BE NO BULK STORAGE OF POOL CHEMICALS ON SITE.
- STREET NUMBER SHALL BE PROMINENTLY DISPLAYED ON MAILBOX AND BUILDING.
- THE EXISTING 40 FOOT RIGHT OF WAY ALLOWS THE RIGHT TO PASS AND REPASS FOR LOTS 9 AND 10.



APPROVED BY THE HUDSON PLANNING BOARD
DATE OF MEETING: APRIL 23, 2003

SIGNATURE: [Signature]
SIGNATURE DATE: 9/12/03

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

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE (1) YEAR FROM DATE OF APPROVAL.

SIGNATURE: [Signature]
TRUSTEE OF TAYMAR REALTY TRUST

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCES 1-3 AND A FIELD SURVEY LAST MADE ON THE GROUND ON AUGUST 16, 2002 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.

SIGNATURE: [Signature]

SITE PLAN
AQUATIME POOLS
89 & 91 RIVER ROAD
HUDSON, NEW HAMPSHIRE

PREPARED FOR:
PETER WHITE
91 RIVER ROAD
HUDSON, NEW HAMPSHIRE 03051

SCALE: 1" = 50' DATE: JANUARY 9, 2003

ENGINEERING
MP
ASSOCIATES
Maynard & Paquette
Engineering Associates, LLC
Consulting Engineers and Land Surveyors
23 East Pearl Street, Nashua, NH 03060
Phone (603)883-8433 Fax (603)883-7227

Ms.L8

HCRD # 32734

CMJ	CMJ			4	D	11121
DESIGNED	DRAWN	CHECKED	APPROVED	BOOK & FILE	REVISION	TITLE AND NUMBER

ALL RIGHTS RESERVED 8800-0001
 CONSULTING ENGINEERS AND LAND SURVEYORS
 MAYNARD & PAQUETTE ASSOCIATES, LLC
 23 EAST PEARL STREET, NASHUA, NH 03060

Cost Allocation Procedure (CAP)

Staff Report

November 13, 2013

Attached, herewith, please find a DRAFT copy of the Cost Allocation Procedure (CAP) Fee Assessment Update Report, prepared by VHB, Inc., Presenter, Martin Kennedy, P.E. Please note, although listed as the last item on the agenda, this was the first item scheduled for this meeting. For the meeting, Marty has promised to be short, but comprehensive, with his presentation, and as always, ready to answer any questions the board may have of him regarding the contents of this update.

Please enjoy your reading of this report, and be prepared with questions you may have of Marty.

Sorry about being so brief in this staff report on this report (you're probably saying to yourself that it's about time that I'm brief), but I'm running very late and I just received it (the report) within the last 5 minutes and I'm literally running out the door to Florida for the week. Have fun here in Hudson or wherever you may be. I'll be thinking about everyone while I'm taking in the rays (I hope) on the beach at Treasure Island, Fl.

P.S. What a great feeling it is for the Red Sox to win another World Series! This century is turning out to be similar to the last one for the Sox. That is, in the early part of the last century they dominated baseball, but then in 1918, the owner, Harry Frazee, traded his Ace pitcher/hitter, Babe Ruth, for a paltry sum of \$100,000, which as calculated in today's dollars would be worth \$1,675,919.70.

Inflation Calculator

\$

In

to

Value: \$1,675,919.70

Annual Inflation: 3.01%

Total Inflation: 1575.92%

Question: will history repeat itself for the Sox? Only time will tell, but one thing is for sure: superstar baseball players, over the past 100 years, have beaten the annual inflation index, relative to the value of the dollar. It's good to know that at least some people are. Now don't you wish you could play baseball like a superstar? Heck, I wouldn't mind if I could play like either of the Drew brothers, for even they beat said inflation index!!

Final Report

*Town of Hudson,
New Hampshire
Traffic Impact Fee System*

Prepared for **Town of Hudson, New Hampshire**

Prepared by  *Vanasse Hangen Brustlin, Inc.*

Kilton Road
Six Bedford Farms, Suite 607
Bedford, NH 03110
(603) 644-0888

November, 2013

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1

Introduction

Vanasse Hangen Brustlin, Inc. (VHB) has been retained by the Town of Hudson to develop a new town-wide traffic impact fee system. The Town currently has in place a traffic impact fee system, developed by VHB back in the mid 1980's. The previous system, which is known as the Cost Allocation Procedure, was based on the concept that public providers such as the Town of Hudson are responsible for addressing or fixing existing roadway deficiencies while future users of the transportation system are responsible for their proportionate share of the cost of providing sufficient roadway capacity to accommodate future growth. The procedure was updated in 1994 and again in 2004.

Through discussions with the Planning Board, it was determined that rather than updating and/or expanding the existing procedure, a new easier to apply more generalized town-wide system would be developed.

This report describes the new procedure and provides an easy-to-use table with fees for a range of typical development types. In addition, the procedure provides a fee per vehicle-trip that can be applied to proposed land uses that do not easily fit into any of the specific identified land use categories. The Town is also being provided the impact fee table electronically on an Excel spreadsheet. The spreadsheet is designed to allow the fee structure to be adjusted annually for inflation. The impact fee table and accompanying zonal map are provided at the end of the report.

2

Background

The term impact fee generally refers to a municipality's ability to exact a fee from a developer as a means of offsetting the development's impact on the municipality. The Town of Hudson has been assessing off-site traffic impact fees to private development projects since the mid 1980's.

As part of the original Lowell Road Corridor Study, which was prepared by VHB in 1984, VHB developed a traffic impact fee system known as the "Cost Allocation Procedure" or "CAP". Subsequent corridor studies for NH 111 and NH 102 in the late 1980's resulted in the CAP being expanded to include all three major corridors within the Town. The fee systems were subsequently updated in 1994 and again in 2004.

The basis of the procedure was that public providers such as the Town of Hudson are responsible for addressing or fixing existing roadway deficiencies while future users of the transportation system are responsible for their proportionate share of the cost of providing sufficient roadway capacity to accommodate future growth.

Although the CAP system has served the Town well all these many years, there are other methods available that provide some features that better meet the Town's current needs. In particular, the Town desires a procedure that can be applied town-wide while continuing to be easy-to-use, provide fees that are predictable, and can be adjusted annually for inflation. The notion of predictability is important because a predictable fee schedule provides a potential developer a good estimate of the fee early-on in the development process. This allows developers to better estimate their total project costs, avoiding any last minute surprises.

There is an alternative impact fee procedure that like the CAP system meets the "rational nexus" test, but in addition does provide the ease of use, town-wide application, inflation adjustment, and predictability that the Town desires. This alternative procedure is currently used by other New Hampshire municipalities including the City of Concord, the Town of Hooksett, and the Town of Salem.

As compared to the cost allocation procedure, the alternative procedure is a more general method that does not require a well-defined future roadway improvement program. The alternative procedure uses average construction costs rather than the cost of specific roadway improvements, daily trips rather than peak hour trips, and average trip lengths rather than site-specific trip assignment.

The alternative procedure considers the cost to provide a roadway system that can accommodate new vehicle-trips independent of the existing capacity of the roadway. The procedure multiplies the average expected vehicle-miles (number of trips times the average trip length) for a particular use times the cost of constructing a mile of new 2-lane roadway (one lane per direction). The key point is that the alternative procedure is not directly based on the capacity of the roadway, but rather the use of the roadway system.

Given that this new procedure is not directly linked to a specific roadway improvement plan, it will be particularly important that the Town regularly identifies and updates a planned program for roadway projects. This can be done through the Town's Capital Improvement Plan or some other means. However, over time, the Town will need to be able to demonstrate that the collected funds are being expended on projects that add capacity to the roadway network and thereby accommodates future growth.

The new procedure is described in more detail in the following section.

3

Impact Fee Procedure

As described in the previous section, rather than updating and/or expanding the existing corridor based traffic impact fee method, the Town of Hudson plans to adopt an alternative town-wide traffic impact fee procedure. This new procedure, like the previous CAP system, provides the Town a means to equitably share the cost of constructing roadway improvements. The basis of the procedure, much like the previous procedure, is that public providers, such as the Town of Hudson, are responsible for addressing or fixing existing roadway deficiencies while future users of the transportation system are responsible for their proportionate share of the cost to accommodate future growth. The future users are charged a user or impact fee through the private developer.

The new impact fee procedure has been designed to meet the “rational nexus” test, which is the underpinning of fairness in allocating impact fees. To meet the rational nexus test, the level of user or impact fee must be determined in proportion to the impact of the user on the roadway improvement or in proportion to the benefit that the user derives from the improvement. An impact fee system that fails to demonstrate this direct link of proportional impact or benefit could be subject to legal challenge.



Procedure Development

The application of the procedure is very simple as the fees for various uses are provided in table form. Users of the table will not need to step through the calculations described in this section. However, it is beneficial that users of the table have a general understanding of how the fees are calculated. This section describes how the fees are calculated. The traffic impact fee, using the new procedure, for any given land use is determined as follows:

- Estimate the total daily vehicle-trips generated by the particular use. The trip estimates are based on the Institute of Transportation Engineers’ publication Trip Generation (8th Edition).

- The total daily vehicle-trips are divided by two. This is done to avoid double counting. Otherwise a person's trip from home to work would be counted as two trips when it's actually only one.
- Apply an adjustment factor to the total one-way vehicle-trips to establish the number of new one-way vehicle trips. The trips generated by certain land uses such as retail are not all new trips as a portion of the trips are drawn from the existing traffic stream.
- Multiply the number of new trips by the average trip length to obtain vehicle lane miles. Two trip length categories were applied. An average length of 3 miles was applied to land use categories that would have a reasonable expectation of the trips traveling beyond the Town boundaries. A shorter 2-mile length was applied to uses that tend to draw more local trips.
- Multiply the vehicle lane miles for each category by the estimated cost (\$1.5 million) to construct a mile of 2-lane (one lane per direction) roadway and divide by the daily carrying volume of a lane per direction at Level of Service E (8,800 vpd).
- A 35 percent credit is applied to account for any state and federal grants funding traffic improvements and any prospective or retrospective debt service payments.
- Finally, all fees are presented in terms of easy to apply variables such as; per unit for residential and per square foot for all other uses. Note that the fees for the quick lube, the gas station, and the hotel land use categories are on a per service bay, per pump, and per room basis, respectively

A traffic impact fee can also be calculated for proposed uses that are not specifically included in the table. This is done by estimating the number of new daily vehicle trips for the particular use and multiplying that number by \$166. The ITE's publication Trip Generation should be used to determine vehicle trip estimates. Note that estimating vehicle-trips for non-specified or unique uses should be determined by a qualified traffic engineer.

Having established the impact fee, the Traffic Impact Fee Zone map is used to determine which zone the development site is located. The Town needs to maintain separate accounts for each zone to ensure that fees that are collected within a particular zone are expended within the same zone. Maintaining separate accounts provides the direct link between the fee and the benefit derived by the user, which is necessary to meet the rational nexus test. In the event that any part of a proposed development is located on the border of two zones, the collected fee should be distributed evenly to the two separate zone accounts.

Using the Procedure

The application of the impact fee is straightforward. To determine the Traffic Impact Fee for specific development project, simply identify the appropriate land use from



the Traffic Impact Fee Table, which is provided at the end of the report. Town staff should have a copy of Trip Generation, 8th edition by the Institute of Transportation Engineers, which will be helpful in selecting appropriate categories and provides more specific detail on trip generation data and sample size. Having selected the land use, obtain the fee per square foot, per unit, or other variable. Multiply the rate found in the table by the square footage of the development, or in the case of residential, multiply by the number of units.

It is important to recognize that town planning staff will be responsible for making key decisions such as choosing the appropriate land use and recognizing unique development projects where the non-specific use rate should be applied. The non-specific use rate is presented in terms of dollars per new total daily trips.

It is also important to understand that the traffic impact fee covers the cost of upgrading the Town's transportation infrastructure, which is needed to accommodate future growth. It does not cover the cost of a proposed development's specific off-site needs such as any "front-door" improvements. Therefore, in addition to the assignment of the traffic impact fee, the Planning Board can require an applicant to put in place any specific off-site improvements that would be needed solely as a result of the proposed development. However, in the event that the Planning Board requires an applicant to put in place some type of off-site improvement that would have been needed regardless of the proposed development, the Planning Board would need to provide the applicant an appropriate credit towards the impact fee.



Construction Cost Adjustment

Because the construction cost estimates that were developed for use in the Traffic Impact Fee procedure are in present day dollars, the procedure has been designed to allow the fee structure to be adjusted annually for inflation. Engineering News Record (ENR) has been tracking a construction cost index (CCI) since 1921 and publishes the index. The Traffic Impact Fee Matrix is being provided to the Town on an Excel spreadsheet that is designed to be adjusted annually by simply inputting the current year CCI.



Town Impact Fee Ordinance

The Town of Hudson has an Impact Fee Ordinance in place that allows the town to collect impact fees for capital facilities. As described under the ordinance (334-74.1 through 334-74.12), the ordinance is enacted pursuant to RSA 674:21 as an innovative land use control. The current ordinance allows the collection of impact fees for public roadways on a town-wide basis determined by a fee schedule prepared in accordance with a methodology adopted by the Planning Board. The ordinance requires separate fee accounts be maintained and requires that if the fee has not been encumbered or legally bound to be spent for the purpose for which it was collected



within a period of six years from the date of complete payment, the fee must be refunded.

The new procedure is consistent with current ordinance as written and therefore should not require modifications to the ordinance. However, the town's attorney should review the document to confirm that no modification to the ordinance is needed.



Land Use Categories

The impact fee procedure provides common land use categories and provides a fee per vehicle trip that can be applied to proposed land uses that do not easily fit into any of the specific land use categories.

The traffic zone map and the traffic impact fee table are provided at the end of this section. The following provides a brief description of each of the land use categories that are included in the table.

Residential Uses:

Single-Family - Single-Family detached housing includes all single-family detached homes on an individual lot.

Apartment - Apartments are rental dwelling units that are located within the same building with at least three other dwelling units (four unit minimum). Both high-rise and low-rise apartments are included in this land use.

Condominium/Townhouse - Residential condominiums/townhouses are defined as single-family ownership units that have at least one other single-family owned unit within the same building structure. Both condominiums and townhouses are included in this land use.

Mobile Home Park - Mobile home parks generally consist of trailers that are sited and installed on permanent foundations and typically have community facilities such as recreation rooms, laundry facilities, and swimming pools. Many mobile home parks restrict occupancy to adults.

Senior Housing - Senior adult housing generally includes independent living developments that are age-restricted. These communities, which often house active but retired adults, would be expected to generate fewer vehicle trips than non-age restricted developments.



Non-Residential Uses:

General Office - A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building may contain a mixture of tenants.

Medical-Dental Office - A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care.

General Light Industrial - Light industrial facilities usually employ fewer than 500 persons and have an emphasis on activities other than manufacturing. Typical light industrial activities include printing plants, material testing laboratories, assemblers of data processing equipment, and power stations. Most light industrial facilities are freestanding and devoted to a single use.

Warehousing - Warehouses are primarily devoted to the storage of materials; they may also include office and maintenance areas.

Hospital - A hospital is an institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients.

Health Club - Health/Fitness Clubs are generally privately owned facilities that focus on individual fitness or training. Typically, they provide exercise classes, weightlifting, fitness and gymnastic equipment, locker rooms, and small snack bars.

Day Care Center - A day care center is a facility where care for pre-school age children is provided, normally during the daytime hours. Day care facilities generally include classrooms, office, eating areas and playgrounds.

Shopping Center - A shopping center is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. A shopping center's composition is related to its market area in terms of size, location, and type of store. A retail center also provides on-site parking facilities sufficient to serve its own parking demands.

Supermarket - Supermarkets are typically freestanding retail stores selling a complete assortment of food, food preparation and wrapping materials, household cleaning and servicing items. Supermarkets may also contain facilities such as money machines, photo centers, pharmacies, and video rental areas.

Quality Restaurant - Quality restaurants usually have turnover rates of an hour or longer. Generally, quality restaurants do not serve breakfast, many do not serve lunch, but all serve dinner. Reservations are often required at these restaurants and they are typically not chains.

High Turnover Restaurant - High turnover restaurants usually have turnover rates of an hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally these establishments serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. Some of these restaurants may also contain a bar area for serving food and alcoholic drinks.

Fast Food Restaurant - Fast food restaurants are characterized by a large carryout clientele, sit down and drive-thru operations, long hours of service, and high turnover rates.

Pharmacy - Pharmacies are retail facilities that primarily sell prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products and general merchandise. Pharmacies in this category contain drive-through windows.

Bank - Banks generally provide their customers the ability to conduct financial business or transactions through either walk-in or drive-thru service.

Coffee/Donut Shop - Coffee/Donut Shops generally provide both walk-in and drive-through service. Freshly brewed coffee and other coffee-related accessories such as donuts, bagels, muffins, etc. are sold.

Quick Lube - A quick lubrication vehicle shop is a business where the primary activity is to perform oil change services for vehicles. Other ancillary services provided may include preventative maintenance, such as fluid and filter changes.

Gasoline Station/Convenience Store - Gasoline station/convenience store facilities primarily function as a business for fueling motor vehicles with the convenience store serving as a secondary and complementary function. The common convenience items sold include newspapers, coffee or other beverages, and snack items.

Hotel - Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and/or banquet rooms.

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Traffic Impact Fee Table

The Traffic Impact Fee table is provided below. The Traffic Impact Fee Zone Map (Figure 1) is provided on the following page.

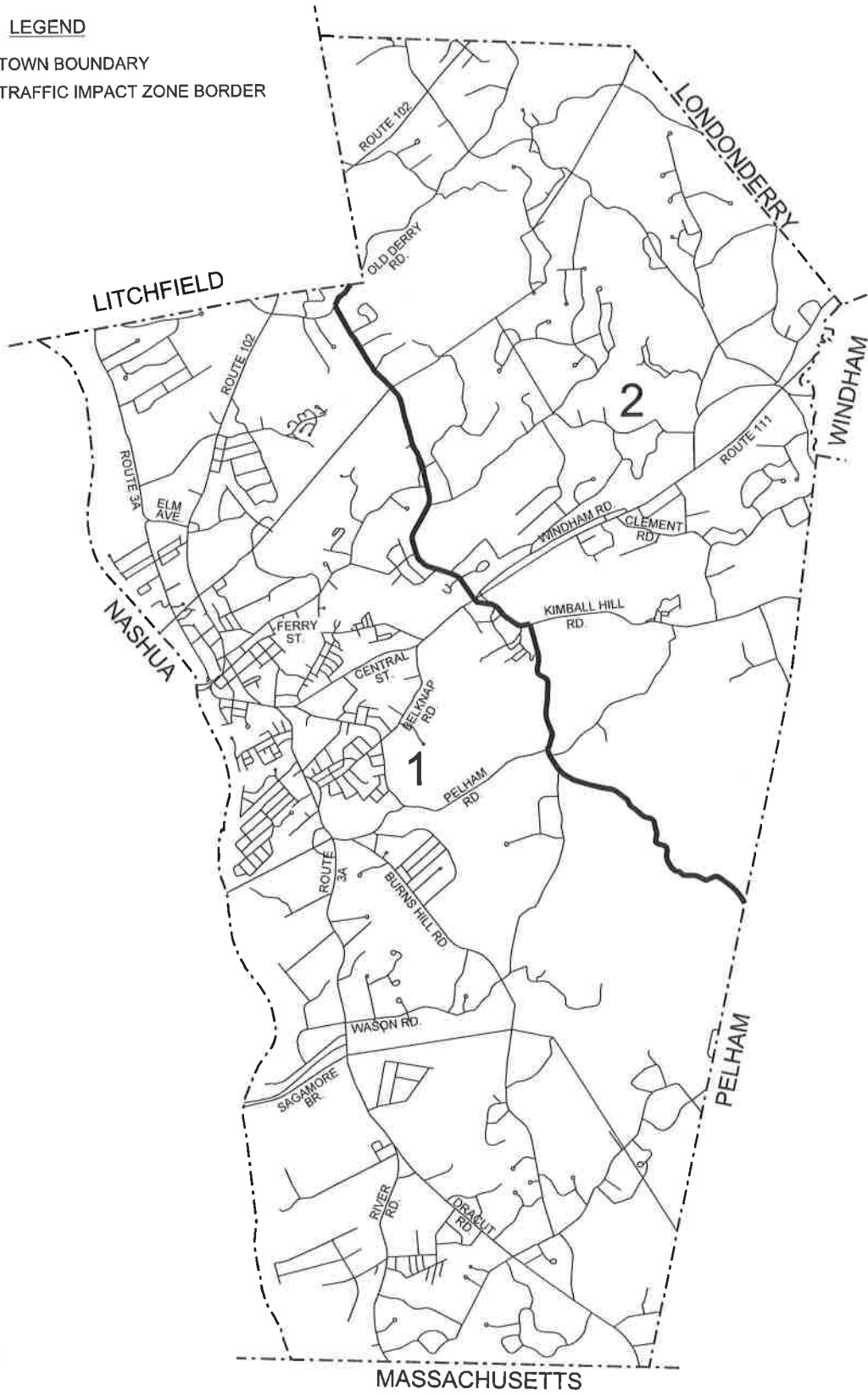
Traffic Impact Fees (2013)

Land Uses	Impact Fee
Residential Uses	
- Single Family	\$1,590 per unit
- Apartment	\$1,105 per unit
- Condominium/Townhouse	\$966 per unit
- Mobile Home Park	\$829 per unit
- Senior Housing	\$617 per unit
Non-Residential Uses	
- General Office	\$1.83 per s.f.
- Medical-Dental Office Building	\$3.90 per s.f.
- General Light Industrial	\$1.16 per s.f.
- Warehousing	\$0.59 per s.f.
- Hospital	\$2.74 per s.f.
- Health Club	\$1.92 per s.f.
- Day Care Center	\$1.76 per s.f.
- Shopping Center	\$2.85 per s.f.
- Supermarket	\$3.96 per s.f.
- Quality Restaurant	\$5.98 per s.f.
- High Turnover Restaurant	\$4.93 per s.f.
- Fast Food Restaurant	\$16.49 per s.f.
- Pharmacy	\$3.91 per s.f.
- Bank	\$4.10 per s.f.
- Coffee/Donut Shop	\$13.60 per s.f.
- Quick Lube	\$886.36 per bay
- Gas Station with Convenience Store	\$2,705.29 per pump
- Hotel	\$1,482.44 per room

For unique land use categories that are not found in the table, the impact fee can be determined by multiplying the number of new daily trips generated by the new use by \$166.

LEGEND

- TOWN BOUNDARY
- TRAFFIC IMPACT ZONE BORDER



↑
NOT TO SCALE

Traffic Impact Fee Zones
Hudson, New Hampshire

Figure 1