### FAT KATZ Minor Site Plan Review

#### STAFF REPORT

July 16, 2019

SITE: 76 Derry St. Unit #8 – Map 165 Lot 147

**ZONING:** Business (B)

PURPOSE OF PLANS: to create outdoor seating in front of the storefront.

**PLANS UNDER REVIEW:** *MSP# 03-19* Special Site Review Committee Application & supplementary materials.

#### **ATTACHMENTS:**

- A. Applicant Diagrams
- B. Site Plan of Record

#### **APPLICATION TRACKING:**

- June 2019 Applicant met with Planner for preliminary consultation.
- July 1, 2019 Application received.
- July 16, 2019 Special Site Review Committee meeting scheduled.

#### **FINDINGS/RECOMMENDATIONS:**

The application conforms to the zoning ordinance. With one minor revision with respect to pedestrian access and safety, the application will conform to the land use regulations. It also presents no conflicts with the site-plan-of-record (*Attachment B*).

The applicant has been cooperatively working with the Town Planner in refining the proposal and to anticipate requirements of the state. For outdoor service of alcohol, the NH Liquor Commission requires: town approval; permit of assembly, and; the service area be separated from the general public (fence, planter, stanchions, etc.).

*Attachment A* shows the stanchions placed at the edge of the sidewalk, encompassing an area larger than needed for the seating area. This arrangement also precludes pedestrian travel through the plaza without having to step into the parking lot. Therefore, Staff recommends the applicant move the stanchions closer to the seating area in order to allow pedestrian cross-traffic to move freely and to more adequately enclose the seating area. This will also ensure the area is used for outdoor seating as proposed, and not an outdoor standing-room-only patio.

The Planner met with Fire Chief to review the application from a public safety & capacity perspective, who found the application acceptable. Engineering, Zoning, Assessing and Police had no comment.

Last, Staff recommends the Committee and applicant travel to the site as part of the meeting and ask the applicant to demonstrate the arrangement of tables, chairs and stanchions.

#### **DRAFT MOTION TO APPROVE:**

I move to approve the application for outdoor seating along the storefront of 76 Derry St. Unit #8, subject to the following stipulations:

- 1. The Notice of Decision shall be recorded at the HCRD.
- The stanchions shall be relocated to allow for a minimum pedestrian travel width of 24"-30" through the plaza, while appropriately enclosing the seating area as required by the Liquor Commission.
- 3. Tables and chairs shall be stored indoors when the restaurant is closed.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_.

TOWN OF HUDSU	N, NEW HAMPSHIRE
Date of Application: <u>6/28/19</u> Name of Project: <u>Fat Katz Out</u>	
Zoning District: <u>B</u>	General MSP# <u>(For Town Use)</u> JUL 01 2019
ZBA Action: NA	En la construcción de la const
PROPERTY OWNER:	DEVELOPER: TOWN OF HUDSON PLANNING DEPARTME TOM
Name: 102 PlazAINC.	
Address: PO BOX 188	76 Derny St. #8
Address: BEVENY, MA 01915	HUDSOM, NH 0305
Telephone #	
Fax #	
Email:	
PROJECT ENGINEER	
Name:	$\underline{\qquad} Telephone # \underline{U03-738-2113}$
Address:	Fax #
Address:	Fax # Email: tomvaughanegamestop.
PURPOSE OF PLAN: Create outdoor seatur	- 6
Create outdoor seating	- 0
Create outdoor seating	ig in front of store.
	Ig in front of store rown use) Sub/Site Date: I have comments (attach to form)
	Ig in front of store rown use) Sub/Site Date: I have comments (attach to form)
	Ig in front of store.
Create outdoor seator (For Plan Routing Date: I have no comments (Initials)	In front of store.

Fees Paid: \_\_\_\_\_

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	SITE DATA SHEET
PLAN NAME: FAT KATZ	-OUTSIDE SEATTING
PLAN TYPE: MINOR	<u>R SITE PLAN</u>
LEGAL DESCRIPTION: MAP_	165 LOT 147
DATE:	
Location by Street	76 DEPRY ST #8
Zoning:	BUSINESS
• Proposed Land Use:	RESTAURANT
• Existing Use:	RESTANRANT
Surrounding Land Use(s):	
Number of Lots Occupied:	
Existing Area Covered by Building:	
Existing Buildings to be Removed:	
Proposed Area Covered by Building:	
Open Space Proposed:	
Open Space Required:	
Total Area:	S.F.: Acres:
Area in Wetland:	Area Steep Slopes:
Required Lot Size:	
Existing Frontage:	
Required Frontage:	
Building Setbacks:	Required* Proposed
Front:	
Side: Rear:	
Neal.	

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#### APPLICATION FOR MINOR SITE PLAN REVIEW TOWN OF HUDSON, NEW HAMPSHIRE

I hereby apply for Minor 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 Special Site Review Committee, in development and construction of this project. I understand that if any of the items listed under the Minor 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 Special Site Review Committee, 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 (they) may now or hereafter posses against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on his (their) property in connection with this applications.

Signature of Owner:

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

Signature of Developer:

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

APPLICATION IS DUE AT 10 A.M. 30 days prior to the Special Site Review Committee Meeting. (The date the Agenda is <u>CLOSED</u>.) Any applications received after that time will be deferred until the next available meeting.

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#### APPLICATION FOR MINOR SITE PLAN REVIEW SPECIAL SITE REVIEW COMMITTEE TOWN OF HUDSON, NEW HAMPSHIRE

#### SCHEDULE OF FEES

	А.	<u>Review Fees</u>				
		1. Minor Site Plan	Use	Project S	ze/Fee	\$ 100.00
		- <u>Plus consultan</u>	<del>t revi</del> ew	fee (if appli	cable):	
		Total per acre or \$1,2	acres 50.00, w	@ \$600.00 hichever is g	reater.	\$
		This is an estim The fee is exper project may req may result in a	cted to co uire addi	over the amo		
		<u>Legal Fee (if a</u> The applicant sl to the Town for application plan	nall be ch the Tow	n's attorn		\$
	В.	<b>Postage</b>				
		Current "certified m Site Plan and currer Owner within 200 f	t first cla eet of pro	ass postage ra	ate per property	
		10_abutters @\$	<b>6.85</b> 6 <del>.7</del> 4 (Ce	rtified Mail)		\$ 68.50
		property ow @. <del>49</del> (First .55		hin 200 feet		s 1.45
BG	<b>C</b>	On Site Signs				\$ <del>15.00</del>
	D.	Advertising (PUBI	IC NOT	ICE) For all	minor site plans	\$40.00
Bo-	<u> </u>	Tax Map Updating	Fee	(F	'LAT FEE)	\$ <del>-275.00</del>
				Т	OTAL	s 210.15
			<u> </u>	For 7	Cown Use	
	ΑΜΟΙ	JNT DUE	\$	I	DATE RECEIVED	
	ΑΜΟΙ	JNT RECEIVED	\$	F	ECEIPT NO.	
				R	ECEIVED BY:	
-						

#### APPLICATION FOR MINOR SITE PLAN REVIEW

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Printed 6/28/2019 11:06AM Created 6/28/2019 11:05 AM		Town o 12 S	tion Receipt of Hudson, NH chool Street NH 03051-4249		Receipt#	557,728 bdubowik
	Description		Current Invoice	Payment	Balance	Due
1.00	Minor Site Plan Appli Fat Katz - 76 Derry S Map 165/Lot 147 Application Fee		0.00	210.1500		0.00
				Total:		210.15
Remitte	er	Рау Туре	Reference	Tendered	Change	Net Paid
Tom V.		CSH	CASH	210.15	0.00	210.15
				Total Due:		210.15
				Total Tendered:		210.15
				Total Change:		0.00
				Net Paid:		210.15

# Fat Fatz Minor Site Plan - Outdoor Seating Abutter List

### **Direct Abutters**

Direct Abutters	15	
Map/Lot:	Owner:	Mailing Address:
165/147	102 Plaza, Inc.	Po Box 188, Beverly MA 01915
165/142	Richard & Elaine Burton	77 Webster Street, Hudson NH 03051
165/144	73 Webster Properties, LLC	44 West Broadway, Derry NH 03038
173/025	Willow Creek Condo Association	636 Daniel Webster Hwy, Merrimack NH 03054
165/146	DT Retail Properties, LLC	500 Volvo Park Way, Chesapeake VA 23320
165/141	Great North Property Management	3 Holland Way Ste 201, Exeter NH 03833
165/148	Bank of New Hampshire	380 Wellington St. TWR B FL 12, London ON N6A 4S4
165/149	Global Co., LLC	PO Box 2440, Spokaine WA 99210
165/155	Hudson-Vickerry, LLC	25 Orchard View Dr., Londonderry NH 03053
166/001	St. Patricks Cemetery	153 Ash St., Manchester NH 03104

## Indirect Abutters

Map/Lot:	Owner:	Mailing Address:
165/143	Eugene & Patricia Simard	75 Webster St., Hudson NH 03051
165/145	Vulcan, LLC	PO Box 9167, Springfield MO 65801
165/150	Cafua Realty Tr. IX, LLC	280 Merrimack St., Methuen MA 01844





Add four 28" bistro tables with two bistro chairs with each table along the Scope:

Purpose:

front window facade that flanks the 6' entryway space.

- approximately 4' of egress between the seating apparatus and the The outside area is a rectangular space that measures 7'10" by 30' (approximately 234 sq'). Seating will be situated so as to leave curb that abuts the fire lane. Dimensions:
- The seating area will be fronted by rope/chain stanchions that will act as a visual and physical barrier designed to contain patrons' activity within the seating area. The seating apparatus and barriers will be brought inside during non-serving hours. **Barriers:**









MSP #03-19

Fat Katz Outside Seating Plan 6/28/19

30' 15 REAR EXIT 名言の自然にの田能 SINK CATCH EVO/OF VALALIK - ITNI FFREEZERR 102 Plaza - 76 Derry Road Space #8, Hudson, NH 03051. HISH-PREP & KOTCHEN 王朝王 SUNK 14311 第二日 72' 1000 -Enert BAR - Food & Drink TUBLE **ENBULL** anert STIRTL. BNBTL FRONT ENTRANCE "01'T PROPOSED OUTSIDE -PROPOSED OUTSIDE SEATING AREA SEATING AREA

12'

6,

12'



MSP #03-19



