



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Roger Coutu, Selectmen Liaison



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

PUBLIC MEETING TOWN OF HUDSON, NH JULY 30, 2019

The Town of Hudson Special Site Review Committee will hold a meeting on Tuesday, July 30, 2019 at 10:00 A.M. in the “Buxton Community Development Conference Room” at Town Hall. The following item will be on the agenda:

- I. CALL TO ORDER BY CHAIRPERSON AT 12:00 P.M.
- II. ROLL CALL

III. PUBLIC HEARINGS

- | | |
|--|----------------------------------|
| A. Accessory/Caretaker’s Residential Space
MSP# 04-19 | 99 River Road
Map 256/Lot 001 |
|--|----------------------------------|

The purpose of the plan is to convert the second floor space of the existing convenience store to an accessory/caretaker’s residential space.

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

The purpose of the plan is permit outdoor seating along the front of unit 5 A & B.

IV. 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.

Brian Groth
Town Planner

POSTED: Town Hall, Library, Post Office – 07-26-19

99 RIVER ROAD CARETAKER'S UNIT

MINOR SITE PLAN #04-19

STAFF REPORT

SITE: 99 River Road – Map 256 Lot 1

ZONING: General 1 (G-1)

PURPOSE OF PLANS: to permit a caretaker's unit above the convenience store in accordance with the Special Exception granted by the ZBA.

PLANS UNDER REVIEW: As-Built Plan, Retail Development; prepared by TF Moran, 48 Constitution Dr., Bedford, NH 03110; prepared for Ramanbhati Patel, Hudson Realty Trust, 22 Long Dr., Westborough, MA 01581, consisting of one sheet.

ATTACHMENTS:

- A. Project Narrative
- B. Special Exception Notice of Decision
- C. Waiver Request Forms

APPLICATION TRACKING:

- March 14, 2019 – Applicant granted Special Exception for a caretaker's unit that is an accessory use to the convenience store.
- July 16, 2019 – Application received.
- July 30, 2019 – Special Site Review Committee meeting scheduled.

WAIVER REQUESTS:

1. §275-8.C.2.p & o – number of parking spaces
2. §276-11.1.B.17 – existing topography

FINDINGS/RECOMMENDATIONS:

The applicant received a Special Exception from the ZBA to permit a caretaker's dwelling unit in an existing space above a convenience store. This use was deemed as accessory to the primary use (retail) as the unit is to be occupied by the store's owner or manager. The existing parking lot has 12 spaces, 11 of which are allocated to customer parking and 1 dedicated to the dwelling unit, as stipulated in the ZBA's decision.

This stipulation requires the applicant to receive a waiver from the parking regulations (*Attachment C*) that require 2 spaces per dwelling unit, and 1 space per 200 square feet of retail. The applicant reports 2,200 square feet of retail, requiring 11 spaces. Staff does not believe a waiver from the retail parking requirement is necessary.

Staff also does not believe the waiver from existing topography is needed either, as this is essentially an amendment to an already established site.

WAIVER MOTIONS/REQUESTS:

- 1. §275.8.C.2.p – parking requirement for residential uses.

I move to grant the requested waiver of §275.8.C.2.p that calls for two (2) parking spaces per residential unit, to allow for one (1) space for a caretaker’s unit, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

DRAFT MOTIONS

To accept the application:

I move to accept the site plan application for 99 River Road, Map 256 Lot 1.

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

To approve:

I move to approve the application for a caretaker’s unit at 99 River Road, Map 256, Lot 1, subject to the following stipulation:

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

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

RECEIVED

SPECIAL SITE REVIEW COMMITTEE
TOWN OF HUDSON, NEW HAMPSHIRE

JUL 16 2019

Date of Application: 7/11/19 Tax Map # 256 Lot # 001

Name of Project: Supplemental Accessory Use Site Plan TOWN OF HUDSON
PLANNING DEPARTMENT

Zoning District: General 1 General MSP# 04-19
(For Town Use)

ZBA Action: Special Exception for accessory use

PROPERTY OWNER:

DEVELOPER:

Name: Ramanbhati K. Patel, Trustee of the Hudson Realty Trust

Address: 22 Long Drive

Address: Westborough MA 01581

Telephone # 508-326-2079

Fax # _____

Email: ajayekta05@aol.com

PROJECT ENGINEER

Name: TFMoran Inc. Telephone # 603-472-4488

Address: 48 Constitution Drive Fax # _____

Address: Bedford NH 03110 Email: jhill@tfmoran.com

PURPOSE OF PLAN:

Convert upper floor of existing convenience store to accessory/caretaker's residential space.

(FOR TOWN USE)

Plan Routing Date: _____ Sub/Site Date: _____

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

(Initials) Title: _____ Date: _____

DEPARTMENT:

____ Zoning ____ Engineering ____ Assessor ____ Police ____ Fire ____ Planning

____ Highway Dept. ____ Consultant

Fees Paid: _____

SPECIAL SITE REVIEW COMMITTEE NOTICE TO MINOR SITE PLAN APPLICANTS

The following information is required to be filed with the Community Development Department at the time of submission of minor site plan applications.

Note: prior to filing an application, an appointment must be scheduled with the Town Planner.

1. Five (5) copies of the completed application, five (5) copies of a valid signed site plan and certification from the Community Development Department that the development site has not had any code violation(s) within the previous twenty-four (24) months. Note: the exception is if the Minor Site Plan application seeks to correct any outstanding violation(s) or any outstanding Site Plan compliance/requirement issues.
2. Submission of one (1) full set of Minor Site Plans (sheet size: 22" x 34") and four 11" X 17" plan sets no later than thirty (30) days prior to the scheduled Special Site Review Committee meeting.
3. One (1) copy of the project narrative, describing the project, shall be attached to each submitted plan set.
4. All plans shall be folded and all pertinent data shall be attached to the plans with an elastic band.
5. All plan revisions and supporting documentation must be submitted to the Community Development Department no later than 10:00 A.M. on Monday, the week prior to the scheduled meeting.
6. Three (3) 22" x 34" copies of the plan shall be brought to the Special Site Review Committee meeting and distributed to the committee members at the meeting.
7. Three sets of mailing labels for abutters notices.

2012 SITE PLAN APPLICATION FEES

FEE TYPE	AMOUNT	ACCOUNT
Consultant Review	\$600.00/acre of total lot area* or \$1,250.00 (whichever is greater)* *Estimated cost, billing based on actual hours expended multiplied by hourly rates, plus expenses	1350-***
Town General Review Fees/Application Fee		
Multi-Family	\$105.00/unit for 3-5 units	GEN 4313
Commercial/Semi-Public/Civic/Recreational	\$157.00/1,000 sf. for first 100,000 sf of bldg. area; \$78.50/1,000 sf	
Industrial	\$150.00/1,000 sf for first 100,000 sf of bldg. area; 78.50/1,000 sf thereafter	
No-Buildings	\$30.00 per 1,000 sf of proposed developed area	
Special Site Review for Minor Site Plans	\$100.00	GEN 4313
Conceptual Review	\$100.00	GEN 4313
ZBA Input	\$100.00	GEN 4313
On Site Signs Advertising	\$15.00 \$40.00 (flat fee)	GEN 4313
Tax Map Updating	\$275.00 (flat fee)	1312-505
Postage	USPS Current Rates	GEN 4313
Recording Fees Plan Easements/Agreements	\$24.00/sheet + \$2.00 surcharge \$10.00/first sheet \$4.00 thereafter + \$2.00 surcharge + first class postage (fees dictated by HCRD) \$25.00 Land & Community Heritage Investment Program (LCHIP) fee	GEN 4313

MINOR SITE PLAN APPLICATION FOR

SITE DATA SHEET

PLAN NAME: Supplemental Accessory Use Site Plan (entitled "As-Built Plan, Retail Development"

PLAN TYPE: MINOR SITE PLAN

LEGAL DESCRIPTION: MAP 256 LOT 01

DATE: 7/11/19

Location by Street 99 River Road

Zoning: G1

Proposed Land Use: Retail and Accessory/ Caretaker's Residential Space

Existing Use: Retail

Surrounding Land Use(s): Retail and Residential

Number of Lots Occupied: 1

Existing Area Covered by Building: 2,200 sf

Existing Buildings to be Removed: N/A

Proposed Area Covered by Building: 2,200 sf

Open Space Proposed: n/a

Open Space Required: n/a

Total Area: S.F.: 21,681** Acres: 0.4977*
*16,466 in Hudson *0.378 in Hudson

Area in Wetland: 0 Area Steep Slopes: 0

Required Lot Size: 87,120 sf (existing non-conforming lot per Zoning Determination #19-009)

Existing Frontage: 148 lf

Required Frontage: 200 lf

Building Setbacks:	<u>Required*</u>	<u>Proposed</u>
Front:	<u>50 ft</u>	<u>85.8 ft</u>
Side:	<u>15 ft</u>	<u>15.7 ft</u>
Rear:	<u>15 ft</u>	<u>15.9 ft</u>

**MINOR SITE PLAN DATA SHEET
(Continued)**

Flood Zone Reference: X

Width of Driveways: 40 ft

Number of Curb Cuts: 2 (1 on private ROW)

Proposed Parking Spaces: 12

Required Parking Spaces: 13*

Basis of Required Parking (Use): Retail / Residential

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

3/14/19 / Case #256-001 / ZBA
Special Exception granting use
for accessory/ caretaker's residential space.

(FOR TOWN USE)

Data Sheet Checked By: _____ Date: _____

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

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

Applicant Initials		Staff Initials
<u>Rk patel</u>	a) Submission of one (1) full set of Minor Site Plans (sheet size: 22" x 34") and four (4) 11" X 17" plan sets no later than thirty (30) days prior to the scheduled Special Site Review Committee meeting.	_____
<u>Rk patel</u>	b) A Minor Site Plan narrative, describing the purpose of the project.	_____
<u>Rk patel</u>	c) Plan scale at not less the one inch equals fifty feet (1" = 50').	_____
<u>Rk patel</u>	d) Plan date by day/month/year.	_____
<u>Rk patel</u>	e) Revision block inscribed on the plan.	_____
<u>Rk patel</u>	f) Special Site Review Committee approval block inscribed on the plan.	_____
<u>Rk patel</u>	g) Title of project inscribed on the plan.	_____
<u>Rk patel</u>	h) Names and addresses of property owners and their signatures inscribed on the plan.	_____
<u>Rk patel</u>	i) North point inscribed on the plan.	_____
<u>Rk patel</u>	j) Property lines: exact locations and dimensions.	_____
<u>Rk patel</u>	k) Square feet and acreage of site.	_____
<u>Rk patel</u>	l) Square feet of each building (existing and proposed).	_____
<u>Rk patel</u>	m) 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.	_____
<u>Rk patel</u>	n) Assessor's Map and Lot number(s).	_____
<u>Rk patel</u>	o) Delineate zoning on the plan.	_____
<u>Rk patel</u>	p) Storm-water drainage plan.	_____
Waiver Requested	q) Topographical elevations at 2-foot intervals contours: existing and proposed.	_____

Applicant
Initials

Staff
Initials

<u>Ric Patel</u> r)	Utilities: existing and proposed.	_____
<u>Ric Patel</u> s)	Parking: existing and proposed.	_____
<u>Ric Patel</u> t)	Parking space: length and width.	_____
<u>Ric Patel</u> u)	Aisle width/maneuvering space.	_____
<u>Ric Patel</u> v)	Landscaping: existing and proposed.	_____
<u>Ric Patel</u> w)	Building and wetland setback lines.	_____
<u>Ric Patel</u> x)	Curb cuts.	_____
<u>Ric Patel</u> y)	Rights of way: existing and proposed.	_____
<u>Ric Patel</u> z)	Sidewalks: existing and proposed.	_____
<u>Ric Patel</u> aa)	Exterior lighting plan.	_____
<u>Ric Patel</u> ab)	Sign locations: size and design.	_____
<u>Ric Patel</u> ac)	Water mains and sewerage lines.	_____
<u>Ric Patel</u> ad)	Location of dumpsters on concrete pads.	_____
<u>Ric Patel</u> ae)	All notes from plats.	_____
<u>Ric Patel</u> af)	Buffer as required by site plan regulations.	_____
<u>Ric Patel</u> ag)	Green and open space requirements met with percentages of both types of spaces inscribed on the plan.	_____
<u>Ric Patel</u> ah)	“Valid for one year after approval” statement inscribed on the plan.	_____
<u>Ric Patel</u> ai)	Loading bays/docks.	_____
<u>Ric Patel</u> aj)	State of New Hampshire engineer’s stamp and signature and surveyor’s stamp and signature.	_____
<u>Ric Patel</u> ak)	Error of closure (1 in 10,000 or better).	_____
<u>Ric Patel</u> al)	Drafting errors/omissions.	_____
<u>Ric Patel</u> am)	Developer names, addresses, telephone numbers and signatures	_____
<u>Ric Patel</u> an)	Photographs, electronic/digital display or video of site and area.	_____
<u>N/A</u> ao)	Attach one (1) copy of the building elevations	_____
<u>N/A</u> bp)	copies of any proposed or existing easements, covenants, deed restrictions, right of way agreements or other similar documents.	_____

Applicant
Initials

Staff
Initials

Ric pate bq)

copy of applicable Town, State, Federal approval/
permits to include but not limited to the following:

- 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.

N/A br)

presentation plan (colored, with color-coded bar chart).

Ric pate bs)

fees paid to clerk.

Ric pate bt)

three (3) 22" x 34" copies of the plan shall be brought to the Special Site Review Committee meeting and distributed to said committee members at the meeting. Note: for all subsequent meetings involving revised plans, three 22" x 34" copies of said plan shall be brought to the meeting for distribution to committee members.

*Under the purview of the Special Site Review Committee, any and all items may be waived.

Applicant has submitted a request to waive the requirement of 2 parking spaces for the residential space to allow one (1) parking space.
Applicant has submitted a request to waiver the requirement of topographic mapping for the property.
See attached the Subdivision / Site Plan waiver request forms.

**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 possess against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on his (their) property in connection with this applications.

Signature of Owner: _____

RK Patel

Ramanbhati K. Patel, Trustee of Hudson Realty Trust

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

Signature of Developer: _____

RK Patel

Ramanbhati K. Patel, Trustee of Hudson Realty Trust

- ❖ 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 CLOSED.) Any applications received after that time will be deferred until the next available meeting.

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

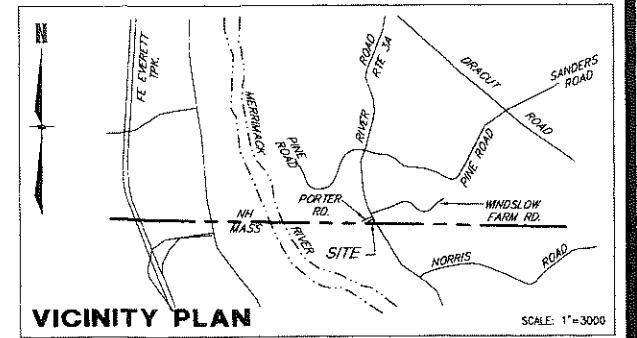
FOOTNOTES:

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:

<u> </u>	1. Application incomplete	<u> </u>
<u> </u>	2. Application complete. Include any applicable requested waivers. fees paid, routing sheet returned	<u> </u>
<u> </u>	3. Application formally approved or disapproved by the Special Site Review Committee (45-day review clock by RSA 674:43 III to start upon submission of completed application)	<u> </u>
<u> </u>	4. Final approval granted or denied	<u> </u>
<u> </u>	5. Comments:	
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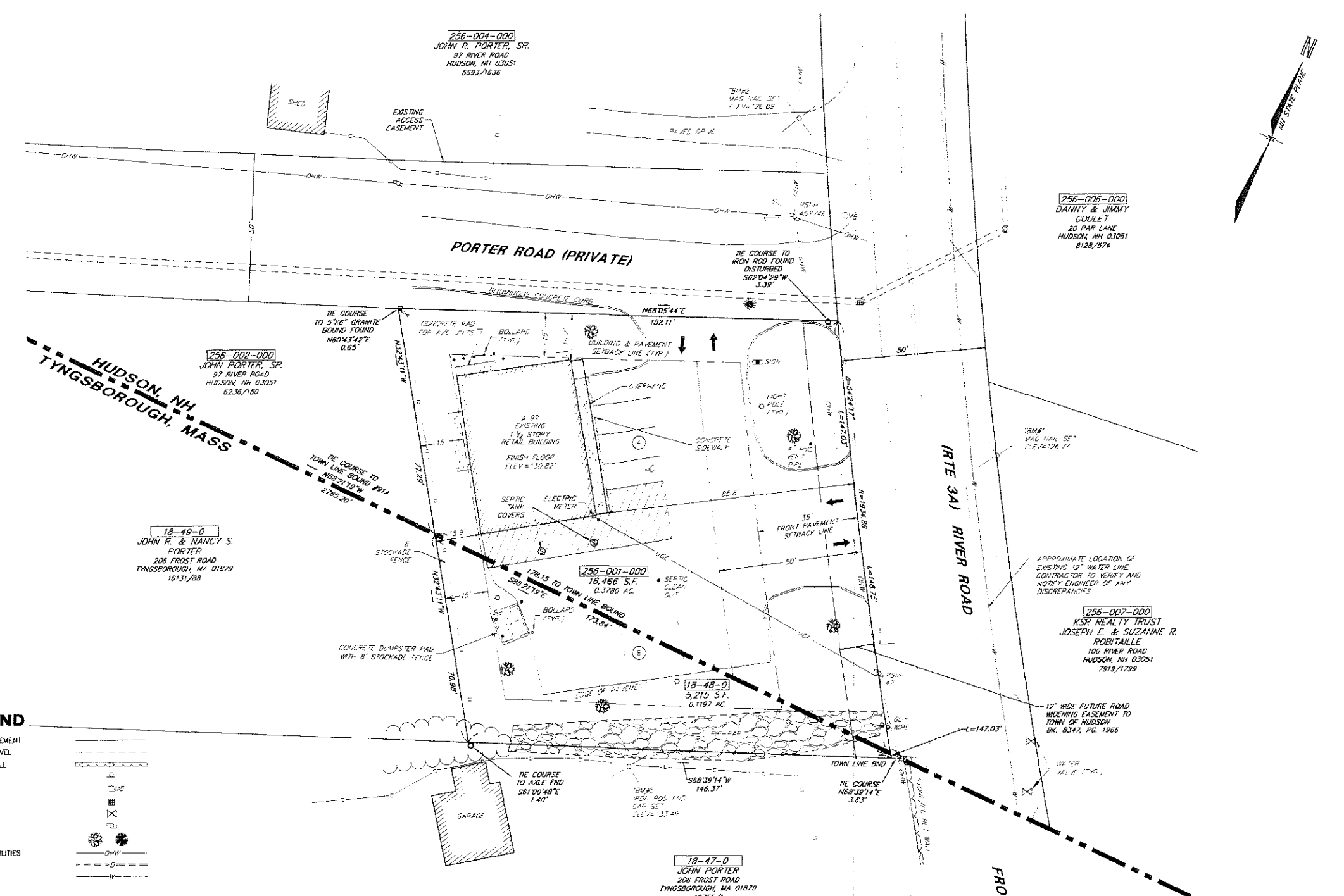


REFERENCE PLANS:

- TAX LOT ID NUMBER 256-001-000, HUDSON, NH AND TAX MAP 18, LOT 48-0, TYNGSBOROUGH, MA, BOUNDARY & EASEMENT PLAN, RIVER ROAD, HUDSON, NEW HAMPSHIRE AND FROST ROAD, TYNGSBOROUGH, MASSACHUSETTS OWNED BY JOHN PORTER, SCALE 1"=20', DATED APRIL 22, 2009 AS REVISED BY TFMORAN INC. AND RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS AS PLAN NUMBER 36609 AND RECORDED AT THE MIDDLESEX NORTH REGISTRY OF DEEDS AS PLAN BOOK 230, PLAN 56
- SITE LAYOUT PLAN, RETAIL DEVELOPMENT, 99 RIVER ROAD, HUDSON, NH, PREPARED FOR HUDSON REALTY TRUST, RAMANBHATI K. PATEL TRUSTEE, PREPARED BY TFMORAN INC., DATED NOVEMBER 5, 2010, LAST REVISED 9/26/2011.
- AS-BUILT PLAN, RETAIL DEVELOPMENT, 99 RIVER ROAD, HUDSON, NH, OWNED BY/PREPARED FOR HUDSON REALTY TRUST, RAMANBHATI K. PATEL TRUSTEE, 22 LONG DRIVE, WESTBOROUGH, MA 01581 BY TFMORAN INC., DATED DECEMBER 20, 2013.

NOTES:

- OWNER OF RECORD OF LOTS 256-001-000 (HUDSON, NH) AND 18-48-0 (TYNGSBORO, MA): RAMANBHATI K. PATEL, TRUSTEE OF THE HUDSON REALTY TRUST, 99 RIVER ROAD, HUDSON, NEW HAMPSHIRE, 03051. DEED TO PARCEL AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS IS BK. 8347, PG. 1966 AND AT THE MIDDLESEX NORTH REGISTRY OF DEEDS IS BK. 23547, PG. 233. TOTAL AREA OF PARCEL = 21,861 S.F. ± OR 0.4977 ACRES. AREA OF PARCEL IN NH = 16,466 S.F. ± OR 0.3780 ACRES. AREA OF PARCEL IN MASS = 5,215 S.F. ± OR 0.1197 ACRES.
- 256-001-0 INDICATES TAX ID NUMBER.
- THE PURPOSE OF THIS PLAN IS TO SHOW AS-BUILT CONDITIONS OF THE SUBJECT PREMISES LOCATED AT 99 RIVER ROAD IN HUDSON, NH (STATE ROUTE 3A) OR 204 FROST ROAD, TYNGSBOROUGH, NH.
- CURRENT ZONING: LAND IN HUDSON, NEW HAMPSHIRE ZONING DISTRICT: GENERAL 1 (G-1) MIN. LOT SIZE: 87,120 S.F. MIN. LOT FRONTAGE: 200' MIN. BUILDING SETBACKS: 50' FRONT, 15' SIDE AND 15' REAR
- LAND IN TYNGSBOROUGH, MASSACHUSETTS ZONING DISTRICT: BUSINESS 2 OFFICE/PROFESSIONAL (B-2) MIN. LOT SIZE: 20,000 S.F. MIN. LOT FRONTAGE: 50' MIN. LOT WIDTH: 50' MIN. BUILDING SETBACKS: 30' FRONT, 15' SIDE AND 15' REAR
- EXAMINATION OF THE FLOOD INSURANCE RATE MAPS FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) MAP NUMBER 33011006880, EFFECTIVE DATE: SEPTEMBER 25, 2009 AND FOR MIDDLESEX COUNTY, MASSACHUSETTS (ALL JURISDICTIONS) MAP NUMBER 25017001086, EFFECTIVE DATE: JUNE 4, 2010, INDICATES THAT THE SUBJECT PARCELS ARE NOT LOCATED WITHIN A FLOOD HAZARD AREA.
- HORIZONTAL DATUM: NAD83/86 PROJECTION: NH STATE PLANE VERTICAL DATUM: MVD 29 UNITS: US SURVEY FEET
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE HILLSBOROUGH COUNTY, NEW HAMPSHIRE AND MIDDLESEX NORTH, MASSACHUSETTS REGISTRIES OF DEEDS PER REFERENCE PLAN. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 811.
- UNDERGROUND UTILITY LINES ARE NOT SHOWN BECAUSE THEY WERE NOT FIELD LOCATED BY THIS FIRM PRIOR TO BACKFILLING. SOME UTILITY EVIDENCE NOT VISIBLE DUE TO EXTENSIVE SNOW COVER ON SITE AT TIME OF AS-BUILT SURVEY.
- BOUNDARY AND AS-BUILT INFORMATION SHOWN IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE IN APRIL 2009 AND UPDATED ON JUNE 5, 2019.
- THE SECOND FLOOR SPACE OF THE EXISTING BUILDING WILL BE CONVERTED TO AN APARTMENT. THE APARTMENT IS CONSIDERED AN ACCESSORY USE. A SPECIAL EXCEPTION WAS GRANTED ON MARCH 14, 2019, PURSUANT TO SECTIONS 334-22 AND 334-23 OF THE ZONING ORDINANCE.
- PER SECTION 275-B(C) OF THE SITE PLAN REVIEW, THE CONVENIENCE STORE REQUIRES 11 PARKING SPACES. UNDER SUBPARAGRAPH 2(D) OF SECTION 275-C, TWO (2) SPACES ARE REQUIRED FOR A RESIDENTIAL UNIT. IN THIS CASE, HOWEVER, STIPULATION #3 OF THE ZBA SPECIAL EXCEPTION ALLOCATES ONLY ONE (1) SPACE TO THE APARTMENT. SINCE THERE ARE 12 SPACES ON SITE, 11 OF WHICH ARE ATTRIBUTABLE TO THE CONVENIENCE STORE, THE 12TH SPACE SATISFIES STIPULATION #3 OF THE SPECIAL EXCEPTION.



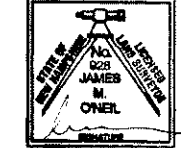
LEGEND

- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- RETAINING WALL
- SIGN
- MAILBOX
- CATCH BASIN
- WATER VALVE
- UTILITY POLE
- TREES
- OVERHEAD UTILITIES
- DRAIN LINE
- WATER LINE

CERTIFICATION

PURSUANT TO RSA 676:18, III AND RSA 672:14 I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

THE ABOVE CERTIFICATION IS PROVIDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN.



JAMES M. O'NEIL
NH L.L.S. # 928
FOR TFMORAN INC.
DATE: 7-2-19

CERTIFICATION

I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.



HANS GEORGE A. MERTSCH, JR.
MA P.L.S. NO. 33941
FOR TFMORAN, INC.
DATE: 7/2/19

TAX MAP 18, LOT 48-0, TYNGSBOROUGH, MA AND TAX LOT ID NUMBER 256-001-000, HUDSON, NH
AS-BUILT PLAN
RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH
204 FROST ROAD, TYNGSBOROUGH, MA
OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
99 RIVER ROAD, HUDSON, NEW HAMPSHIRE
SCALE: 1"=20' JUNE 12, 2019

Graphic Scale: 20' 10' 0' 20'

REV.	DATE	DESCRIPTION	DR	CK

TFM Civil Engineers, Structural Engineers, Traffic Engineers, Land Surveyors, Landscape Architects, Scientists

48 Constitution Drive, Bedford, NH 03110, Phone (603) 472-4488, Fax (603) 472-9747, www.tfmoran.com

17430.07 DR JMO FB 2066
OK JMO CADFILE 17430.07 As-Built-Recordable.dwg SHEET 1 OF 1

NARRATIVE

The property at 99 River Road, Hudson, New Hampshire (Map 256, Lot 1) is located partially in Hudson and partially in Tyngsboro, Massachusetts. The overall square footage of the property (in both towns) is 21,681 square feet (0.4977 acres), 16,466 square feet (0.3780 acres) of which is located in Hudson. The property houses a convenience store.

The owner and applicant (Ramanbhati K. Patel, Trustee of Hudson Realty Trust) desires to convert the upstairs of the convenience store building to accessory/caretaker's residential space. On March 14, 2019, the Hudson Zoning Board of Adjustment (the "ZBA") approved the applicant's special exception to allow the accessory/caretaker's residential space, subject to five conditions or stipulations. One of the stipulations was that only one parking space be used by the "apartment".

The property contains twelve (12) parking spaces. Section 275-8(C)(p) of the Site Plan Review regulations requires eleven (11) parking spaces for the convenience store. Section 275-8(C)(o) of the Site Plan Review regulations requires two (2) parking spaces for residential units.

The project contemplates only internal improvements to the upstairs space to convert it from a storage area to the accessory/caretaker's space (the apartment). The improvements to the property do not require any changes to the footprint of the building nor any changes to the improvements on site. The existing, on-site septic system is capable of servicing the convenience store and the apartment.

As represented to the ZBA and as required by their stipulations for approval, the apartment may only be occupied by a full-time employee or full-time manager of the store and a spouse.

This narrative accompanies the applicant's Application for Minor Site Plan Review to the Special Site Review Committee.

Also accompanying the Application is a waiver request from Section 275-8(C)(o) to allow one (1) parking space allocated to the apartment, consistent with the ZBA's stipulation in granting the special exception, rather than two (2) parking spaces otherwise required under Section 275-8(C)(o).

7162/2997

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051



Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Use Special Exception

On **03/14/19**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 256-001 (deferred from 02/28/19)**, pertaining to a request by **Ramenbhati K. Patel, Trustee of the Hudson Realty Trust, 99 River Road, Hudson, NH** for a Use Special Exception to **convert his convenience store second floor space into an accessory/caretaker's residential space.** [Map 256, Lot 001, Zoned G-1; HZO Article V §334-22, Table of Permitted Accessory Uses].

Following review of the testimony and deliberation, the Zoning Board members voted by majority in favor (3-2) that the Use Special Exception should be granted with the following stipulations:

1. No exterior access solely serving the apartment.
2. No separate utility meters for the apartment.
3. Only one (1) parking space for use by the apartment.
4. The apartment may only be occupied by a full-time employee or full-time manager of the store and a spouse.
5. An annual affidavit shall be required as evidence of compliance with the conditions.

For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this Use Special Exception permit shall be considered conditions of the Use Special Exception, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, as well as recovery of costs and reasonable attorney's fees.

Signed: Charles Brackett Date: 3/21/19
Charles Brackett, Chairman
Hudson Zoning Board of Adjustment

Signed: Bruce Buttrick Date: 3-20-19
Bruce Buttrick, Zoning Administrator

SUBDIVISION/SITE PLAN WAIVER REQUEST FORM
Town of Hudson, New Hampshire

Name of Subdivision/Site Plan: Supplemental Accessory Use Site Plan

Street Address: 99 River Road

Ramanbhati K. Patel, Trustee of Hudson
I Realty Trust hereby request that the Planning Board waive the requirements of item 275-8(C)(2)(p) & 275-8(C)(2)(o) of the Subdivision/Site Plan Checklist in reference to a plan presented by TF Moran Inc. (name of surveyor and engineer) dated 6/12/19 for property tax map(s) 256 and lot(s) 1 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. (For Subdivisions) and RSA 674:44, III (e) (For Site-Plans). 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):
Please see attached.

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):
Please see attached.

Signed: Rk Patel
Applicant or Authorized Agent

Planning Board Action:
Waiver Granted _____
Waiver Not Granted _____

ATTACHMENT
“Hardship”

As set forth in the Application and Narrative, the owner and applicant seeks to convert the upstairs space at the convenience store from storage to accessory/caretaker’s residence space (apartment). On March 14, 2019, the Hudson Zoning Board of Adjustment (the “ZBA”) granted the applicant’s special exception for the accessory/caretaker’s residential space (apartment) subject to five stipulations or conditions. One of the conditions was that only one parking space be used by the apartment. Another condition was that the apartment only be occupied by a full-time employee or full-time manager of the store and a spouse.

At the public hearing on March 14, 2019, the applicant provided evidence to the ZBA that the twelve (12) spaces at the property have provided more than adequate parking for the convenience store. In addition, since the apartment would be occupied by only by a full-time employee or full-time manager of the store and a spouse, one parking space allocable to the apartment was reasonable and adequate. Even without the apartment, the convenience store would always have at least one space used by a store employee or manager even if he or she lived off-site, since he or she would have to drive to the store to work.

In light of the foregoing, requiring two parking spaces to be allocated to the apartment would constitute a hardship since one space allocated to the apartment is adequate, consistent with the ZBA’s stipulations. As noted, parking at the convenience store has not been a problem and an on-site employee or manager would be parking a vehicle at the convenience store whether or not the upstairs space was converted to accessory/caretaker’s residential space. Denial of the waiver would constitute a hardship to the applicant given these circumstances.

“Spirit and Intent”

Granting the waiver is not contrary to the spirit and intent of the Site Plan Review regulations. This has been inherently recognized by the ZBA in the granting of the special exception for the accessory/caretaker’s residential space (apartment) in the first place.

As mentioned, and as demonstrated above, allocating one parking space to the apartment is reasonable, and is not contrary to the spirit and intent of the Site Plan Review regulations given the adequacy of parking at the convenience store generally, and the lack of parking problems at the convenience store. The overall parking provided at the property is more than adequate. The spirit and intent of the parking provisions are to ensure adequate off-street parking. Given the facts and circumstances cited, adequate off-street parking is provided at the property by the provision of twelve (12) parking spaces, one of which is allocated to the apartment.

SUBDIVISION/SITE PLAN WAIVER REQUEST FORM
Town of Hudson, New Hampshire

Name of Subdivision/Site Plan: Supplemental Accessory Use Site Plan

Street Address: 99 River Road

Ramanbhati K. Patel, Trustee of Hudson Realty Trust hereby request that the Planning Board waive the requirements of item (v) of the Subdivision/Site Plan Checklist in reference to a plan presented by TFMoran Inc. (name of surveyor and engineer) dated 6/12/19 for property tax map(s) 256 and lot(s) 1 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. (For Subdivisions) and RSA 674:44, III (e) (For Site-Plans). 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):

The owner and applicant seeks to convert the upstairs space at the convenience store from storage to accessory/ caretaker's residence space (apartment). Topographic data has not been included in the plans because the proposal includes interior renovations and no changes to the exterior of the site. The owner and applicant would have to seek additional survey work on-site in order to provide the topographic data. Denial of the waiver would constitute a hardship to the applicant given these circumstances.

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):

Granting the waiver is not contrary to the spirit and intent of the Site Plan Review regulations. Not including topographic data is not contrary to the spirit and intent of the Site Plan Review regulations given that the proposal includes interior renovations and no changes to the exterior of the site which would not require any earth moving activities which may require elevations or topography.

Signed: RK Patel

Applicant or Authorized Agent

Planning Board Action:

Waiver Granted _____

Waiver Not Granted _____

BACKSTREET BAR & GRILL

MINOR SITE PLAN #05-19

STAFF REPORT

SITE: 76 Derry St. Unit #5 A&B – Map 165 Lot 147

ZONING: Business (B)

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

PLANS UNDER REVIEW: MSP# 05-19 Special Site Review Committee Application & supplementary materials.

ATTACHMENTS:

- A. Application with Diagrams
- B. Site Plan of Record

APPLICATION TRACKING:

- July 16, 2019 – Applicant met with Planner for preliminary consultation.
- July 18, 2019 – Application received.
- July 30, 2019 – Special Site Review Committee meeting scheduled.

FINDINGS/RECOMMENDATIONS:

The application conforms to the zoning ordinance. 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 Police Chief is not opposed to the application but is concerned with noise and their proximity to the Willow Creek and Buttercup residences. The Chief has requested the approval contain a condition that affords the Town the ability to revoke the outdoor seating should it become a problem.

DRAFT MOTIONS

To accept the application:

I move to accept the site plan application for 76 Derry St. Unit #5 A&B, Map 165 Lot 147.

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

To approve:

I move to approve the application for outdoor seating along the storefront of 76 Derry Street, Unit #5 A&B, subject to the following stipulations:

1. The Notice of Decision shall be recorded at the HCRD.
2. The stanchions shall be located to appropriately enclose the seating area as required by the Liquor Commission.
3. Tables and chairs shall be stored indoors when the restaurant is closed.
4. Hours of operation for the outdoor seating shall be from open to 11:00 P.M. Sunday through Thursday, and open to midnight (12:00 A.M.) Friday and Saturday. The hours of operation may be reviewed on an annual basis and altered by the Town Planner and Code Enforcement Officer.
5. Outdoor speakers or live music is prohibited.
6. Outdoor seating shall be seasonal, being allowed from May 1st to October 31st.
7. If the Hudson Police Department requests the outdoor seating be removed due to nuisance, this approval can be rescinded by the Planning Board.

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

RECEIVED

SPECIAL SITE REVIEW COMMITTEE
TOWN OF HUDSON, NEW HAMPSHIRE

JUL 18 2019

Date of Application: 7-16-19 Tax Map # 165 Lot # TOWN OF HUDSON 667
Name of Project: Backstreet Bar & Grill Outdoor Seating PLANNING DEPARTMENT
Zoning District: B General MSP# 05-19
(For Town Use)

ZBA Action: N/A

PROPERTY OWNER:

DEVELOPER:

Name: 102 Plaza, Inc
Address: P.O. Box 188
Address: Beverly Mass 01915
Telephone # _____
Fax # _____
Email: _____

Randy S Duguay
76 Perry St Unit 5A+B
Hudson N.H. 03051

PROJECT ENGINEER

Name: _____
Address: _____
Address: _____

Telephone # 603-438-7631
Fax # _____
Email: RND_IMP@Comcast.net

PURPOSE OF PLAN:

Create outdoor Seating

(FOR TOWN USE)

Plan Routing Date: _____ Sub/Site Date: _____

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

(Initials) Title: _____ Date: _____

DEPARTMENT:

Zoning Engineering Assessor Police Fire Planning
 Highway Dept. Consultant

Fees Paid: \$210.15

BackStreet Outside Seating Plan 7/16/19



FRONT ENTRANCE

4'8"
Entrance



8'0"

PEDESTRIAN WALK



4'



28'6"

4'8"

8'0"



Town of Hudson, NH

PLACE OF ASSEMBLY

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number

2019-00087

Date of Issue

3/04/2019

Expiration Date

2/29/2020

Renewal

2/29/2020

Owner: RANDY DUGUAY

Applicant: BACK STREET BAR & GRILL

Location of Work: 76 DERRY ST
(No. and Street)

(Unit or Building)

Description of Work: TO BE RE-INSPECTED AUGUST 2019

ZONING DATA:

District:

Map/Lot: 165-147-000

REMARKS:

ESTABLISHMENT: RESTAURANT / BAR

NUMBER OF PEOPLE NOT TO EXCEED: 130
38 IN THE LOUNGE
16 SEATED AT BAR
21 IN POOL ROOM
55 ON DANCE FLOOR / 26 IF USED AS A DINING ROOM

This permit is accepted on condition that all local ordinance provisions and State of New Hampshire RSA's now adopted, or that hereafter may be adopted, shall be complied with. This permit does not take the place of any license required by law and is not transferable. Any change in the use, occupancy or ownership of these premises shall require a new permit.

THIS PERMIT SHALL BE POSTED NEAR THE MAIN ENTRANCE AT ALL TIMES.

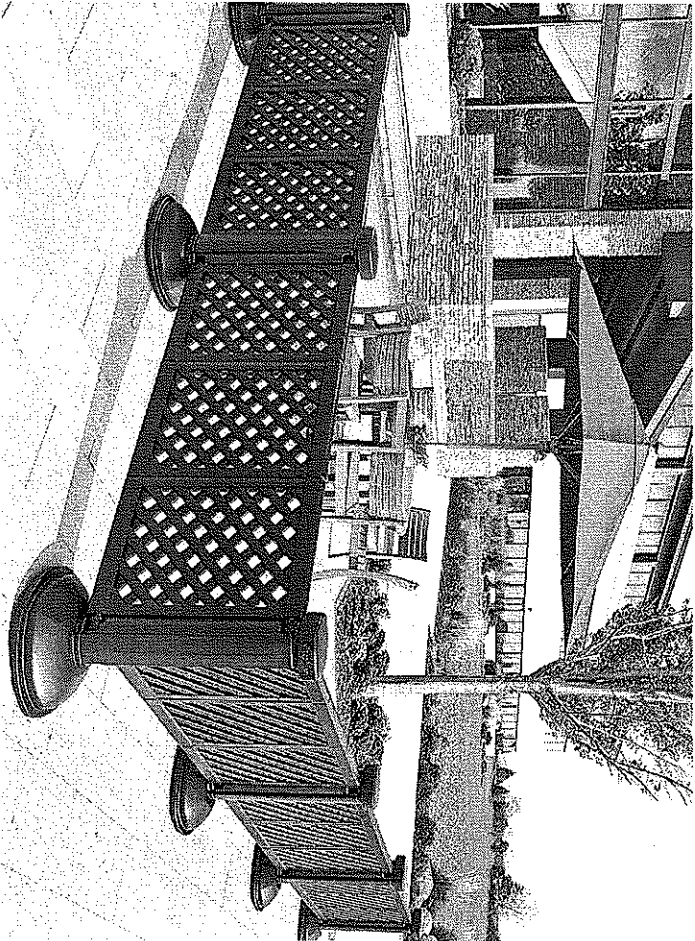
Permit Holder:	BACK STREET BAR & GRILL		
Company/Affiliation:	(Taking Responsibility for the Work)		
	Job Site Phone Number:		

Constr Cost:	\$0	Permit Fee:	\$20.00	Check No.:		Cash:	\$0.00
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The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

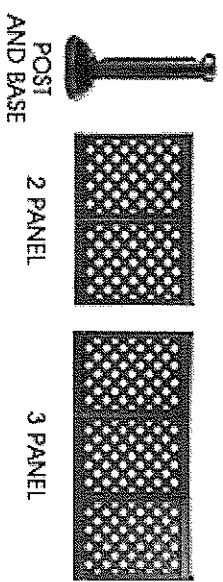
	Permit Holder	3/04/2019
Code Official		Date



PATIO FENCE

Design and define your patio space with attractive latticework panels.

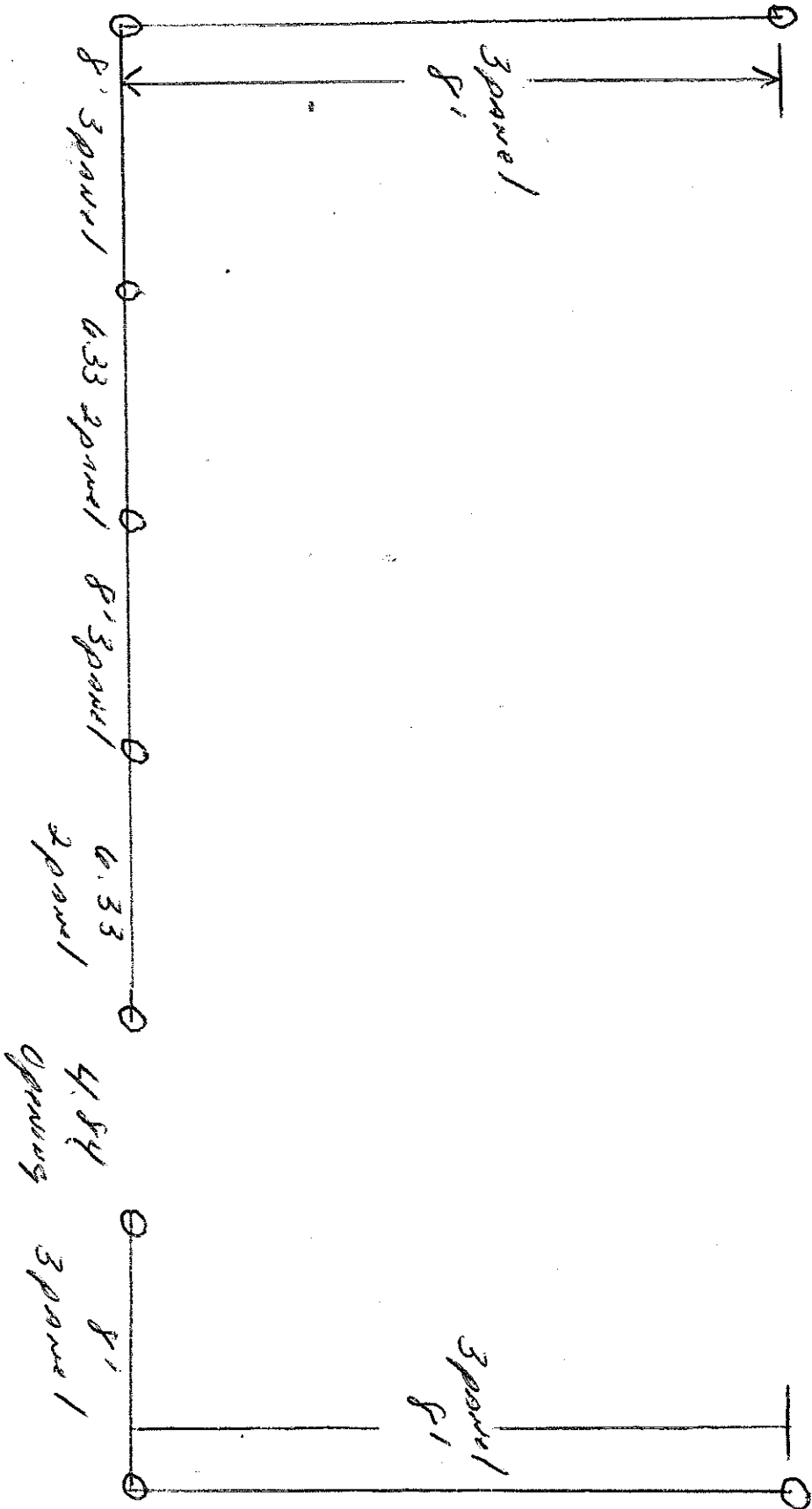
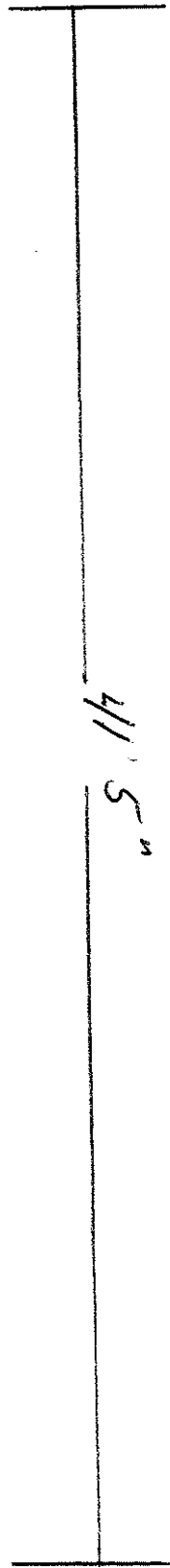
- Provide outdoor seating areas for offices and restaurants.
- Easy assembly. Interlocking posts and panels.
- Plastic resin resists fading and is easy to clean.
- Posts can be filled with water or sand for extra stability.

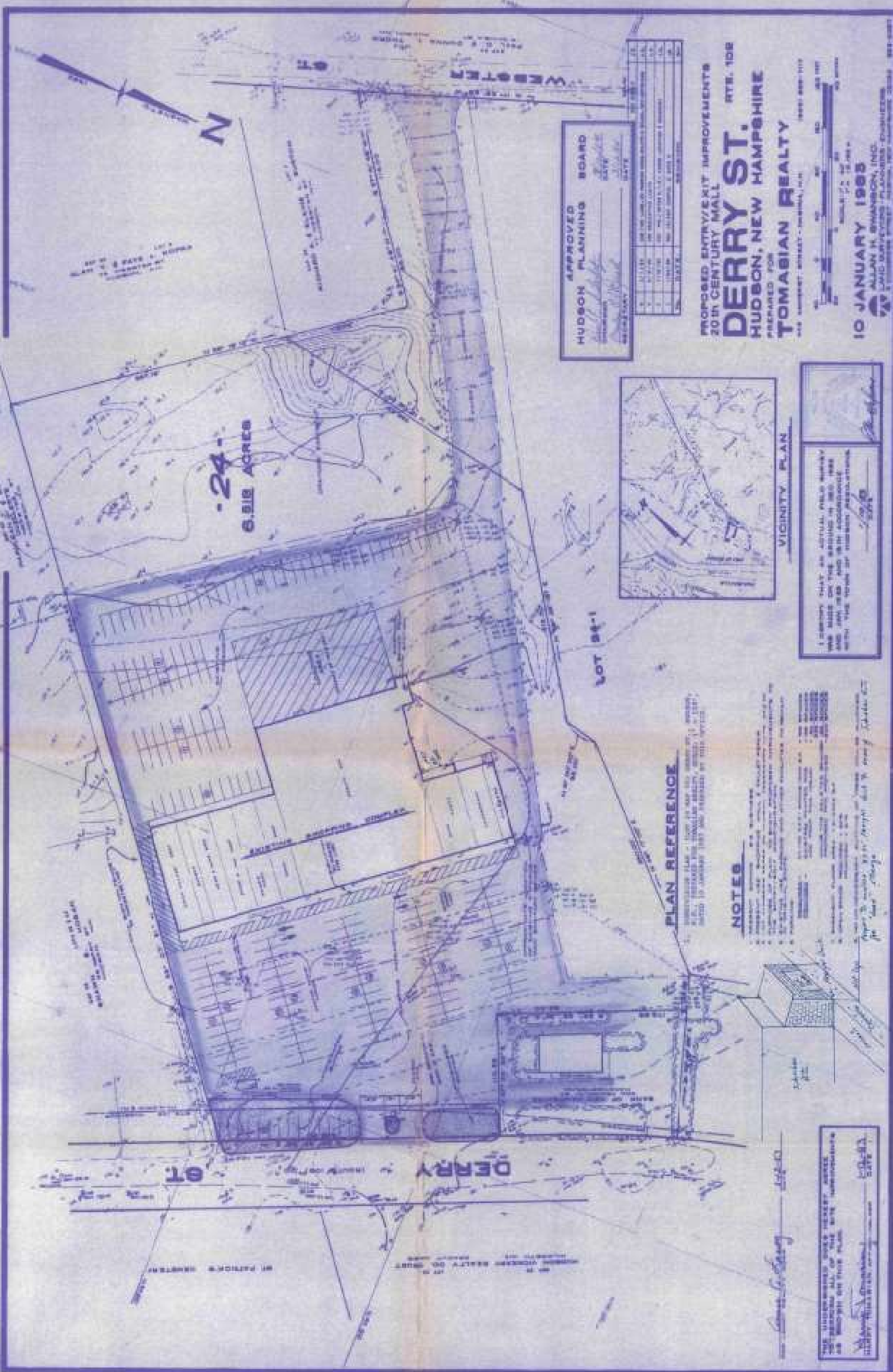


PATIO FENCE		SIZE	WT.	PRICE EACH	ADD TO CART
MODEL NO.	DESCRIPTION	L x W	(LBS.)	1	3+
<u>H-5181</u>	Post and Base	18 x 38"	7	\$79	\$74
<u>H-5182</u>	2 Panel Section	40 x 30"	11	129	121
<u>H-5183</u>	3 Panel Section	60 x 30"	14	173	162
					ADD
					ADD
					ADD

POSTS AND PANELS SOLD SEPARATELY

6.53 -
81 -





-24-
6.518 ACRES

HUDSON APPROVED PLANNING BOARD
 PREPARED FOR: *Tomabian Realty*
 DATE: *1/10/88*

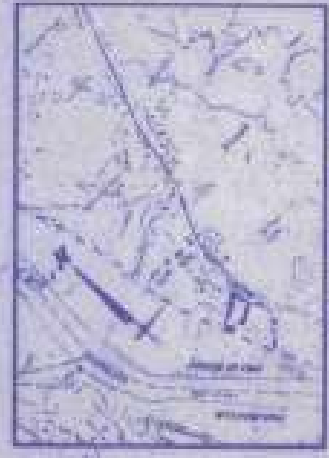
NO.	DATE	DESCRIPTION
1	1/10/88	PREPARED FOR HUDSON APPROVED PLANNING BOARD
2	1/10/88	REVISIONS TO PLAN
3	1/10/88	REVISIONS TO PLAN
4	1/10/88	REVISIONS TO PLAN
5	1/10/88	REVISIONS TO PLAN
6	1/10/88	REVISIONS TO PLAN
7	1/10/88	REVISIONS TO PLAN
8	1/10/88	REVISIONS TO PLAN
9	1/10/88	REVISIONS TO PLAN
10	1/10/88	REVISIONS TO PLAN

PROPOSED ENTRY/EXIT IMPROVEMENTS
 20TH CENTURY MALL RTE. 102
DERRY ST.
 HUDSON, NEW HAMPSHIRE
 PREPARED FOR
TOMABIAN REALTY
 400 MARKET STREET - WINDHAM, NH 03093-8801



10 JANUARY 1988
 ALLAN H. SWANSON, INC.
 LAND SURVEYING PLANNING ENGINEERS

SHEET 1 OF 2



VICINITY PLAN

I CERTIFY THAT AN ACTUAL FIELD SURVEY WAS MADE ON THE GROUND IN 1988 AND THAT THE DATA AND INFORMATION SHOWN ON THIS PLAN IS ACCURATE AND CORRECT.

1/10/88
[Signature]

PLAN REFERENCE

1. EXISTING PLAN: 10/10/87
 2. EXISTING PLAN: 10/10/87
 3. EXISTING PLAN: 10/10/87

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

THE UNDERSIGNED HAS PREPARED THESE PLANS AND SPECIFICATIONS AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NEW HAMPSHIRE.

[Signature]
 1/10/88

HCRD # 16440