

WEBSTER STREET SITE PLAN
SITE PLAN APPLICATION SP#02-20
STAFF REPORT

SITE: 185 Webster Street, Map 147 Lot 016

ZONING: Residential-2 (R2)

PURPOSE OF PLANS: to propose food preparation and sales within a convenience store and associated parking.

PLANS UNDER REVIEW: Change of Use Site Plan land of Derry and Webster, LLC; prepared by: Keach-Nordstrom Associates, Inc. 10 Commerce Park North, Suite 3B, Bedford, NH 03110; prepared for: Derry and Webster, LLC, 253 Main Street, Nashua, NH 03060; dated March 3, 2020 and last revised July 8, 2020.

ATTACHMENTS:

- A. E-mail from Attorney LeFevre to Town Planner Groth
- B. Board of Adjustment decision dates December 21, 1964.
- C. ZBA Notice of Decision for variance (granted), dated January 23, 2020.
- D. Town Department comments.
- E. Fuss & O'Neill Review Letter, dated March 23, 2020

APPLICATION TRACKING:

- March 3, 2020 – Application received.
- June 25, 2020 – meeting with applicant, Town Attorney, Zoning Admin., Town Planner
- July 28, 2020 – Revised plans received.
- August 19, 2020 – Public hearing scheduled.

WAIVER REQUESTS:

- §290-4.A – Stormwater Management Design.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

This site was home to one of Hudson's original "garrison" homes. It later evolved into a farm, and in the 20th century was home to Colby Farm. Mr. Colby received a variance from the Town of Hudson in 1964 that permitted him to sell convenience items from his farm stand. This established the allowed use of convenience store, by variance, in the subject structure of this application (**Attachment A**).

Following the departure of Colby Farm operation, this site morphed into a variety of non-conforming uses. The file on this site is extensive and shows a history of code enforcement issues throughout the 80's, 90's and 2000's. A court order in 1990 established some pre-existing non-conforming uses (**Attachment B**):

Presently, the site is subject to code enforcement action. This application does not remedy the outstanding issues, it is focused on one aspect: to establish a deli, or more specifically food preparation, within the convenience store. The ZBA granted a variance to add this use to the convenience store on January 23, 2020. The application before the Board is the site plan associated with the deli/convenience store, as stipulated as a condition of approval of the latest variance. Accordingly, the scope of this application is limited and does not include the myriad of non-conformities that exist on the subject parcel. Please review **Attachment C**, correspondence from Town Attorney David LeFevre for additional detail related to the scope of this application.

CURRENT APPLICATION

The applicant identifies that food preparations will be within the existing 1-story, 2,000 square foot convenience store area located on the south-westerly portion of the site, however, they do not clarify if the building will need sanitary, storage, or facility improvements – this should be addressed. The Fire Chief notes that a sprinkler system may be required, pending review.

Loading: The applicant indicates the proposed loading area to be on the north side of the convenience store, however, they should clarify when deliveries may occur, what types of truck will be delivering, how long deliveries may be, and how such delivery trucks may safely ingress and egress from this location.

Pedestrian safety: Improvements (signs, painting) around the convenience store entrance and the Regis office entrance should be considered.

Ice Cream Window: There is an ice cream window installed on the left hand side of the façade of the convenience store, however it is not addressed by this application. The current plan shows parking spaces that would inhibit the use of the ice cream window. Furthermore it is unclear if the applicant intends to serve ice cream through the window that was recently installed. One would presume so, and if so, it should be a part of this application.

Parking Lot: Generally, the parking lot design requires further clarification in terms of: space dimensions, location of handicap spaces, intent to pave, access to the back portion of the lot, and which spaces are dedicated to the convenience store.

Stormwater Management: Finally, the applicant is requesting a waiver for stormwater management design and cites the “very small” scale and scope of the project as the reasons for requesting approval. They further explain the type of controls are for larger developments and contrary to the spirit and intent of the regulation. Town staff does not recommend granting this waiver. It is presently unclear if the applicant intends on paving the proposed parking area – which is required by the zoning ordinance. When paved, it should be known where the stormwater will go. The Town Engineer has indicated that he is willing to work with the

applicant to find an equitable solution, more information from the Town Engineer is forthcoming.

DEPARTMENTAL REVIEWS

See **Attachment E**

The **Engineering Department** reviewed the application and stated the plan is missing the existing water and sewer connections, therefore, making it unclear how the building(s) is currently being served. Additionally, there are significant piles of materials being stored within and adjacent to the wetland buffers, and that a mulch perimeter or erosion silt fence should be installed to minimize wetland disturbance.

The **Fire Department** notes some building issues that will need to be addressed with Inspectional Services. Chief Buxton also notes that the proposed snow storage area may conflict with the cistern area.

The **Zoning Administrator** referenced that the parcel was recently under code enforcement actions for Zoning Ordinance violations (uses and expansion of uses not permitted and without subsequent approvals). The administrator suggested that the applicant finalize the uses and construct an appropriate site plan. The Hudson Zoning Board of Adjustment issued a Notice of Decision, dated January 23, 2020, approving the variance uses (prepare food on site for take-out and service ice cream for take-out within the convenience store) with two stipulations: 1.) that there shall be no inside seating for eating at all and 2.) that Site Plan Review and approval be obtained from the Planning Board.

DRAFT MOTIONS:

To be provided prior to meeting.

Garrison Farm

MARKET GARDENERS

187 WEBSTER STREET

HUDSON, NEW HAMPSHIRE

REG. TEL. LUXEEO 2-0491

December 5, 1964

Paul W. Buxton

Chairman of The Board of Adjustment

1 School Street, Hudson, N.H.

Dear Mr. Buxton:

This past Spring, we built a farm stand on our property to sell fruits and produce and other farm products and tried to build a stand that would be an asset to the town.

In as much as we would like to carry some things not grown here, we are requesting a variation in the town ordinance to sell the following products:

Garden seeds and plants, cigarettes, soft drinks such as coca cola and pepsicola,
Dairy products, bread, fresh fruits, candy, homemade jams, jellies & preserves, cider,
maple syrup, potatoe chips, cut flowers grown on farm, berries, and christmas
trees and decorations.

Since we are the only stand on Webster Street in Hudson, we would like to carry this merchandise for the convenience of our customers.

We will close this month and open again in the Spring.

Sincerely Yours,

George W. Colby, Jr.
Garrison Fruit and Vegetable Stand

COLBY, GEORGE

December 21, 1964

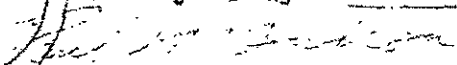
Mr. George W. Colby, Jr.
137 Webster Street
Hudson, New Hampshire

Dear Mr. Colby:

With reference to your letter dated December 1, 1964 and the public hearing held at the library building on October 16, 1964 in regard to your request to offer for sale at your seasonal farm produce stand on the Litchfield Road in Hudson certain unrelated items:

The Board of Adjustment has approved your request to offer for sale during the seasonal operation of your stand the items enumerated in your letter mentioned above.

Yours very truly


Paul W. Buxton, Chairman
Board of Adjustment
Town of Hudson

JHP/jh

cc: Mr. Richard Millard, Post Office
Mr. Kenneth Clark, Finance Dept.
Mr. Frank Yutting, Jr., Bd. of Adjustment

STATE OF NEW HAMPSHIRE

Hillsborough ss.

Superior Court

89-E-00727

TOWN OF HUDSON

V.

SAMUEL TAMPOSI, ET AL

CONSENT DECREE

NOW COME the parties and, subject to the approval of this Court, agree to entry of a decree as follows:

1. Surewood Excavation shall vacate the subject property by February 23, 1990, removing from the site all construction vehicles, equipment, materials, and other vehicles, equipment and materials, which Surewood Excavation has previously brought on to the the site or permitted others to bring on to the site.

2. Defendants shall commence eviction proceedings against their tenant, Levesque and, if necessary, Levesque's sub-tenants. Defendants shall serve an eviction notice on Levesque by Feb 15, 1990 and then shall pursue the eviction vigorously, in the courts if necessary, as quickly as the New Hampshire legal process for eviction allows.

3. Defendants shall not themselves or allow others to use the house located on the subject property as an office.

4. Defendants shall not themselves, or permit others, to use the property other than for residential purposes as permitted under the zoning ordinance and/or in accordance with the pre-

existing non conforming use already established on the property and defined as follows:

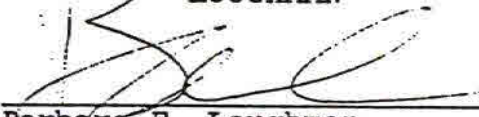
"The growing, cultivation, and harvesting of crops, produce, nursery stock, flowers and other plants; the sale of same grown on the subject property; and operation of the convenience store as it has been operated in the past, in the farmstand building."

5. The parties agree that Tamarack Lanscaping's use of the property for planting, growing and selling of nursery stock is included within the pre-established non conforming use.

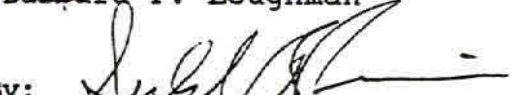
6. Defendants shall pay the Town of Hudson \$2,500 for the town's attorney's fees, costs, and expenses, said sum to become due and payable 30 days after the court approval of this decree.

Respectfully submitted,

TOWN OF HUDSON, by its attorneys
SOULE, LESLIE, ZELIN, SAYWARD &
LOUGHMAN


Barbara F. Loughman

Date: 3/22/90

By: 

Gerald Prunier, attorney for
Samuel A. Tamposi
Samuel A. Tamposi, Jr.
Elizabeth M. Tamposi
Celina M. Tamposi
Michael A. Tamposi
Nicholas E. Tamposi
Tamposi Children Trust
Sharon R. Tamposi, Trustee
Michael A. Tamposi, Jr.
d/b/a Surewood Excavation

Date: 3/30/90

Date: _____

Presiding Justice

Groth, Brian

From: David Lefevre <dlefevre@tarbellbrodich.com>
Sent: Wednesday, August 12, 2020 12:30 PM
To: Groth, Brian
Subject: Webster Street Deli Site Plan Application

Brian:

Should the issue be raised at the Planning Board regarding this application and the various other issues involving the property, I would like to offer some comment for clarification if need be.

First, the application is limited to only that portion of the site dedicated to the convenient store. There are multiple other issues involving this property, including the landscaping business, a residential use, junk, and other buildings, all of which are presently subject to review by code enforcement. I am optimistic we can resolve the code enforcement issues without going to court, but in the meantime, the only element of the property that will be involved or approved in the Planning Board's review is the convenient store.

Second, the applicant was supposed to put a note on the plan to make it clear that only the convenient store is being approved, i.e. nothing about the Planning Board's review will be understood as pertaining to or sanctioning any of the other uses on the property. I do think as part of the Planning Board's review we would want to look at the wording of the note to make sure that is clear.

Third, although the only issue being presented for review is the convenient store, the Planning Board should nonetheless be mindful of all of these other uses, and how they impact the convenient store use. I believe our long term goal is to obtain a complete site plan for this whole property. Accordingly, the Planning Board should not just review the convenient store in a vacuum, but should review it in the correct context of everything else that is going on at this site. By way of example, is more parking needed? If so, where is that going to go? If there is additional parking, how will that implicate the adjacent uses, etc.

Fourth, the applicant will likely try to present some argument that the use is existing and nonconforming, and therefore, they are limited in what they need to comply with as far as existing regulations are concerned. That is simply not correct. The convenient store is not properly classified as pre-existing lawful nonconforming. More correctly, the convenient store exists by virtue of a variance, and is subject to site plan review and approval.

Lastly, I know that the question may come up whether the Planning Board can accept the property for review given the existing violations unrelated to the convenient store. The answer is "yes," but, we just need to make sure that the note (above) is clear, and the Planning Board can also make this clear on the record, that any potential approval related to the convenience store is without prejudice as to the Town's right to continue its code enforcement actions related to the other uses on the property.

TARBELL & BRODICH, P.A.

/s/ David E. LeFevre

By: David E. LeFevre, Esq.

45 Centre Street

Concord, New Hampshire 03301

Telephone: (603) 226-3900

Facsimile: (603) 225-5398

Groth, Brian

From: Dhima, Elvis
Sent: Thursday, March 5, 2020 3:51 PM
To: Dubowik, Brooke; Groth, Brian
Subject: RE: Department Sign Off - 185 Webster St Site Plan

B/B

I have the following comments

1. Existing conditions does not show existing sewer connections to any of the buildings
2. Existing conditions plan does not show any of the water services to any of the buildings
3. It is unclear what building its been served by town water / sewer , well or septic
4. Significant piles of material are currently adjacent to 50 foot wetland buffer. Applicant should install mulch perimeter or erosion silt fence to minimize disturbance within 50 foot wetland buffer

E

Elvis Dhima, P.E.
Town Engineer

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



From: Dubowik, Brooke
Sent: Thursday, March 05, 2020 12:13 PM
To: Bianchi, Dave <dbianchi@hudsonnh.gov>; Buttrick, Bruce <bbuttrick@hudsonnh.gov>; Buxton, Robert <RBuxton@hudsonnh.gov>; Dhima, Elvis <edhima@hudsonnh.gov>; Forrence, Jess <jforrence@hudsonnh.gov>; Groth, Brian <bgroth@hudsonnh.gov>; Michaud, Jim <jmichaud@hudsonnh.gov>
Subject: Department Sign Off - 185 Webster St Site Plan

Hello,
Attached is another department sign off for 185 Webster Street Site Plan.
Please have your comments to me no later than 3/13/20. This is scheduled for the 3/25/20 PB Meeting.
Thank you,

Brooke Dubowik
Planning Administrative Aide II

Town of Hudson 
12 School Street
Hudson, NH 03051
603-816-1267 (Direct)



TOWN OF HUDSON

FIRE DEPARTMENT

39 FERRY STREET, HUDSON, NEW HAMPSHIRE 03051



Emergency 911
Business 603-886-6021
Fax 603-594-1164

Robert M. Buxton
Chief of Department

TO: Brian Groth
Town Planner

FR: Robert M. Buxton
Fire Chief

DT: March 13, 2020

RE: 185 A, B & C Webster Street

The following is a list of site plan concerns for this project. This review was completed utilizing plans submitted by Keach-Nordstrom Associates dated March 3, 2020.

1. Please provide the markings for fire apparatus access in accordance with **NFPA 1**.
2. With the current layout on the site, the Fire Department has concern regarding the lack of water on the site to support fire suppression activities. As the site is formally developed, a review of access roads and water supply will need to be reviewed.
3. The common driveway shall have a permanent sign approved by the Hudson Fire Department noting the addresses of the buildings that are accessed from that driveway. These signs shall be approved and installed before issuance of any building permits.
4. The submitted site plan does not show any travel paths for this multiple use area. It is not possible for the Fire Department to offer a review of access without a formal design on how site traffic will be handled.
5. Please make sure that the proposed snow storage area shown on the plan in the area of the cistern is cut back to make sure access is maintained.

****The following life safety and fire protection concerns provided are for informational purposes to the applicant and Planning Board for this project. Final determinations on these issues occur after further review of the project.**

- A. The proposed building may require an approved sprinkler system. The Hudson Fire Department upon review of the building plans makes this determination. This requirement is in accordance with the **International Building Code (IBC) and Hudson Town Code (HTC), current revision, Chapter 210, Article VI**. It may be possible following the IBC to separate the tenants by providing firewalls in the building. This would eliminate the need to sprinkle the building according to the HTC. Separate occupancies may still require a sprinkler system according to the IBC, State Code, and applicable codes or ordinances. Further plan reviews will uncover those requirements.

- B. Any fire protection system shall be monitored by an approved fire alarm system. The fire alarm system shall be connected to the Hudson Fire Department's municipal fire alarm system or a substantially equivalent system in accordance with the **Hudson Town Code, Chapter 210**. A site plan detailing the aerial or underground layout to the municipal fire alarm connection must be provided before the utilities are completed for this project. Any required fire alarm system component must remain accessible and visible at all times.
- C. Will there be inside or outside storage above the exempt amounts of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in the **International Building Code, Sections 307, 414 or 415**?
- D. A blasting permit will be required for any blasting on the site in accordance with the **Hudson Town Code, Chapter 202**.
- E. All storage either inside or outside of hazardous materials, liquids or chemicals presenting a physical or health hazard as listed in **NFPA 1, Section 20.15.2.2** shall be in accordance with the applicable portions of the following:

NFPA 13, Standard for the Installation of Sprinkler Systems
NFPA 30, Flammable and Combustible Liquids Code
NFPA 30B, Code for the Manufacture and Storage of Aerosol Products
NFPA 230, Standard for the Fire Protection of Storage
NFPA 430, Code for the Storage of Liquid and Solid Oxidizers
NFPA 432, Code for the Storage of Organic Peroxide Formulations
NFPA 434, Code for the Storage of Pesticides

These are all of the Hudson Fire Department's concerns as of this time. If you have any further questions, please call me directly and thank you for your continued cooperation.

cc: Project Engineer
File

SITE PLAN APPLICATION

Date of Application: 3/3/20 Tax Map #: 147 Lot #: 16
 Site Address: 185 WEBSTER STREET
 Name of Project: WEBSTER ST. SITE PLAN
 Zoning District: R-2 RESIDENTIAL General SP#: 02-20
 (For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER: DERBY & WEBSTER, LLC **DEVELOPER:** _____
 Name: _____
 Address: 253 MAIN ST SAME
 Address: NASHUA, NH 03060
 Telephone # 603 860-6860
 Email: _____

PROJECT ENGINEER: KEACH-NORDSTROM ASSOC. **SURVEYOR:** _____
 Name: _____
 Address: 10 COMMERCIAL PARK N Suite 3B
 Address: BEDFORD, NH 03110 SM
 Telephone # 603 627-2881
 Email: ABISSO@KEACHNORDSTROM.COM

PURPOSE OF PLAN:
To show ALL EXISTING on-site uses AND to show proposed
FOOD Preparation AND SALES with accompanying Parking
For Approval.

(For Town Use Only)

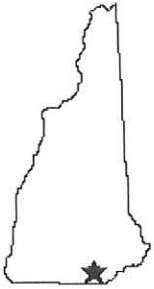
Routing Date: _____ Deadline Date: _____ Meeting Date: _____

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

BB Title: ZONING ADMINISTRATOR Date: 3-6-20
 (Initials)

Department: _____

Zoning: Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____



TOWN OF HUDSON

Land Use Division



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

Site Plan Review #02-20 Zoning Review/Comments

BA 3-6-20

March 6, 2020

Re: Map 147 Lot 016
Address: 185 Webster St
Zoning district: Residential Two (R-2)
Proposed: to show all existing on-site uses and to show proposed food preparation & sales with accompanying parking.

Based on submitted plan dated March 3, 2020 sheet 1 of 1.

Comments:

Currently this parcel is under Code Enforcement actions for Zoning Ordinance violations: (uses and expansion of uses not permitted and w/o subsequent approvals).

This parcel/site currently has several existing & not known to be legal "mixed" uses on site. Owner has started to address the outstanding Code Enforcement issues by addressing each area/building/use individually, but needs to compile a "master" site plan of existing conditions/uses (and address the Towns' allegations of: illegal uses). The outcome of the code enforcement action is hopeful to be a finalization of (legal) uses, through variances or removal and an appropriate site plan.

The only authorized uses on the site are: convenience store, two family residence and nursery by reference in a 1990 court decree. I would strongly recommend not to accept the other uses depicted on the site plan and titled "Change of Use Site Plan".

The convenience store never had benefit of site plan approval. This plan doesn't delineate existing parking vs. new parking due to this newly approved expansion by variance of 01/23/2020, as there appears to be violation of 334—15A(3) *Parking spaces (except for driveways) in residential zones shall not be located within front, side or rear setback areas.*

Sincerely,

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

encl: 01/23/2020 Use Variance for #181A Webster St; 1990 Superior Court Decree; selective Code Enforcement documentations
cc: B. Groth - Town Planner

Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016

ZBA Decision 01/23/2020

Variance – GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,
253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc.,
10 Commerce Park North, Suite 3, Bedford, NH 03110


Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store

Zoning Ordinance Article: V §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

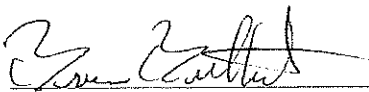
NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Charles J. Brackett, ZBA Chairman

2/10/20

Date



Bruce Buttrick, Zoning Administrator

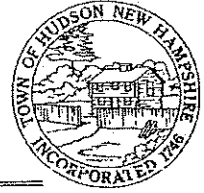
2/10/20

Date



TOWN OF HUDSON

Land Use Division



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

Minutes of meeting *Bh 1-15-20*

Date of Meeting: January 15, 2020

Attendees: V. Manoukian, J. Manoukian, G. Prunier, T. Basso, D. LeFevre, and B. Buttrick

Re: **181- 189 Webster St Map 147 Lot 016-000**
District: Residential Two (R-2)

The purpose of this meeting was as a status report/update of the Code Enforcement/violations (items) identified on Oct 9, 2019 and Dec 4, 2019 meetings. We continue to agree that the Town will withhold further code enforcement action at present as long as the property owner is willing to work with the Town to bring the property into compliance.

General property use and wetland buffer violations:

Tony Basso presented an undated/untitled "existing conditions" plan (Buttrick date stamped 1-15-2020). Tony explained where there are two small wetland/wetland buffer areas that will need to be addressed. Tony indicated they will do the wetland/buffer permitting process.

Junkyard/junk and Heavy commercial vehicles: There has been partial and slow progress as Vatche Manoukian has instructed all tenants to initiate the removal of offending violations immediately. This removal/remediation is currently ongoing. Obviously compliance inspection(s) with the Town, shall be performed no later than April 1, 2020.

Uses in large structures on property: Vatche Manoukian via Tony is going to produce documentation of Surewood Excavation/construction as a permitted use/ historical status.

Residential use 3rd dwelling unit: Vatche Manoukian via Tony is going to provide any proof in support of the 3rd dwelling unit is allowed.

Convenience Store status: Vatche has ZBA application for a variance for food preparation use of the property, Hearing is scheduled 1/23/20.



TOWN OF HUDSON

Land Use Division



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

Minutes of meeting

Date of Meeting: December 4, 2019

Attendees: B. Groth, V. Manoukian, T. Basso, D. LeFevre, and B. Buttrick

Re: 181- 189 Webster St Map 147 Lot 016-000
District: Residential Two (R-2)

The purpose of this meeting was as a status report/update of the Code Enforcement/violations (items) identified on Oct 9, 2019 meeting. We continue to agree that the Town will withhold further code enforcement action at present as long as the property owner is willing to work with the Town to bring the property into compliance. A further meeting has been scheduled for January 15, 2020.

General property use and wetland buffer violations:

Tony Basso will generate an existing conditions plan, which could (with variances etc.) possibly become the basis for a Site Plan going forward. During this preparation Tony will review the numerous uses on this property, any/all variances granted and Court decisions. Tony has delineated the wetland/wetland buffer. This shall be accomplished by December 13, 2019 and available to the Town prior to January 15, 2020 mtg.

Junkyard/junk and Heavy commercial vehicles: partial and slow progress as Vatche Manoukian to instructed all tenants to initiate the removal of offending violations immediately. Obviously compliance inspection(s) with the Town, shall be performed no later than April 1, 2020.

Uses in large structures on property: Vatche Manoukian to produce documentation of Surewood Excavation/construction as a permitted use, thus continuation of such allowed. Bring to January 15, 2020 mtg.

Residential use 3rd dwelling unit: Vatche Manoukian to provide any proof in support of his belief that the 3rd dwelling unit is allowed, with any records available in support. Bring to January 15, 2020 mtg.

Convenience Store status: Vatche to provide any documentation that food preparation is a permitted use of the property, and/or to proceed with a Variance request to do such use. Can we get a definite by January 15, 2020?



TOWN OF HUDSON

Land Use Division



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Minutes of meeting

Date of Meeting: October 9, 2019

Attendees: B. Groth, V. Manoukian, T. Basso, G. Prunier, J. Manoukian, D. LeFevre,
and B. Buttrick

BB 10-11-19

Re: 181- 189 Webster St Map 147 Lot 016-000
District: Residential Two (R-2)

The consensus of the meeting was that the Town would withhold further code enforcement action at present as long as the property owner is willing to work with the Town to bring the property into compliance. A further meeting will be scheduled sometime during the first week of December. Specific items discussed include the following:

General property use and wetland buffer violations:

Tony Basso will generate an existing conditions plan, which could (with variances etc.) possibly become the basis for a Site Plan going forward. During this preparation Tony will review the numerous uses on this property, any/all variances granted and Court decisions. Tony will also delineate the wetland/wetland buffer. This shall be accomplished by December 2, 2019.

Junkyard/junk and Heavy commercial vehicles: Vatche Manoukian to instruct all tenants to initiate the removal of offending violations immediately, and schedule compliance inspection with the Town before December 2, 2019.

Uses in large structures on property: Vatche Manoukian to produce documentation of Surewood Excavation/construction as a permitted use, thus continuation of such allowed.

Residential use 3rd dwelling unit: Vatche Manoukian to provide any proof in support of his belief that the 3rd dwelling unit is allowed, with any records available in support. This to be accomplished by Dec 2, 2019.

Convenience Store status: Vatche to provide any documentation that food preparation is a permitted use of the property.

Landscaping/contractor status:



TOWN OF HUDSON

Land Use Division



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

October 4, 2019

Certified 7016 2710 0000 0595 2476
and USPS 1st class

Derry & Webster, LLC
Attn: Vatche Manoukian, Manager
253 Main Street
Nashua, NH 03060

RE: Notice of Zoning Ordinance Violations
Hudson Tax Map 147, Lot 016
Property Addresses: 181 A-B, 185 A-C, 187 & 189 Webster Street

Dear Mr. Manoukian:

I received your e-mail of October 1, 2019. I appreciate your willingness to bring your property into compliance with the Town's Zoning Ordinance. In anticipation of our meeting on October 10, 2019, I would draw your attention to the following:

In addition to the items that I noted in my notice of violations letter of September 30, 2019, it has just come to my attention yesterday that signage related to the convenience store has been installed in violation of HZO § 334-58. Specifically: 1) the lens change on the existing freestanding sign and building (wall) sign are without a permit, and 2) the signage in the windows exceeds 25% of the total area of the windows, which therefore requires a permit, and no permit has been issued for the signs. You must immediately remove the signage or obtain a permit therefore. I cannot tell you whether or not the signage meets the criteria in the Zoning Ordinance until I have a proper permit application to review, but I will alert you to the possibility that the signage appears as though it may not be allowed, or would require a variance. Please note, this new violation is subject to the same civil fines, penalties, costs, and attorney fees as stated in my earlier letter.

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



TOWN OF HUDSON

Land Use Division



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

September 30, 2019

Certified 7016 2710 0000 0595 2469
and USPS 1st class

Derry & Webster, LLC
Attn: Vatche Manoukian, Manager
253 Main Street
Nashua, NH 03060

RE: Notice of Zoning Ordinance Violations
Hudson Tax Map 147, Lot 016
Property Addresses: 181 A-B, 185 A-C, 187 & 189 Webster Street

Dear Mr. Manoukian:

As I know you are well aware, the above referenced Property has numerous zoning violations which need to be resolved. The Town is now at a point where judicial action is imminent. However, before filing suit, I am writing to you one last time to address the specific violations of which I am aware in the hopes that you will voluntarily work with the Town to bring your property into compliance with the Hudson Zoning Ordinance ("HZO").

Junk Yard Violations

The Property is littered with junk and debris. HZO § 334-13 (A) prohibits the operation of a junkyard in any district. HZO § 334-13 (B) expressly provides that the outdoor storage of any "quantity of waste, refuse, junk or ashes" is prohibited in any district. Among the specific types of junk that are not allowed are junked, dismantled or wrecked motor vehicles or motor vehicle parts, including unregistered motor vehicles and/or motor vehicles no longer intended or suitable for highway use. In order for the Property to comply with the HZO, the junk has to be removed from the Property. I would further note that these same issues are also violations of RSA § 236:111 *et seq.*

Wetland Conservation District

The Property is located within the Wetland Conservation District, HZO 334-33 *et seq.* There are large stockpiles of earthen materials, motor vehicles, junk, and other personal property items possibly encroaching within the wetlands and wetland buffer on the Property. Please be mindful
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

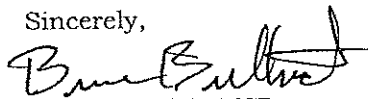
Convenient Store

The existing convenient store is an allowed use of the Property by virtue of a variance. However, the scope of that use is questionable, which appears to have evolved over the years from an agricultural farm stand with the sale of convenience items allowed by variance to its current state. Per my recent administrative decisions, the expansion of the convenient store to include a restaurant and/or food service establishment is not permitted and will require a variance from the Zoning Board of Adjustment and Site Plan approval from the Planning Board.

I recognize that these violations cannot be cured overnight. I want to provide you with the opportunity to either pursue the permits and approvals you do need, such as variances and site plan approval, or abate the violations. However, regardless of how you would like to proceed, I need you to communicate with me regarding your intentions, your plans for compliance, and we need to agree upon a reasonable timeframe, which I am glad to discuss. However, if I do not hear from you within the next ten (10) days, I will assume you have no desire to bring the Property into compliance, and I will have no other alternative than to proceed with an appropriate code enforcement action.

Please be further advised that in accordance with the HZO and RSA § 676:17, you are subject to a civil penalties of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party. Thus, I hope you will contact me to discuss a resolution.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
Dave LeFevre – Town Counsel
File

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



March 23, 2020

Mr. Brian Groth
Town Planner
Town of Hudson
12 School Street
Hudson, NH 03051

Re: Town of Hudson Planning Board Review
185 Webster Street Change Of Use Site Plan
Tax Map 147, Lot 16; Acct. #1350-944
Reference No. 03-0249.1890

Dear Mr. Groth:

Fuss & O'Neill (F&O) has reviewed the first submission of the materials received on March 10, 2020, related to the above-referenced project. Authorization to proceed was received on March 5, 2020. A list of items reviewed is enclosed. The scope of our review is based on the Site Plan Review Codes, Stormwater Codes, Driveway Review Codes, Sewer Use Ordinance 77, Zoning Regulations, and criteria outlined in the CLD Consulting Engineers Proposal approved September 16, 2003, revised September 20, 2004, June 4, 2007, September 3, 2008, and October 2015.

We have included a copy of Fuss & O'Neill's evaluation of the checklist for your reference. We note that several items could not be verified by Fuss & O'Neill and require action by the Town.

The project appears to consist of the change of use for the subject property, including existing storage within a retail building that is proposed to be converted to food preparation. Changes to the site also include parking improvements. The site will continue to be serviced by municipal sewer and water.

The following items are noted:

1. Site Plan Review Codes and Administrative Requirements and Definitions

- a. Hudson Regulation (HR) 275-6.I. The scope of this review does not include the adequacy of any fire protection provisions for the site. No proposed measures were included in Fuss & O'Neill's review package.
- b. HR 275-8.C.(2) and ZO 334-15.A. The applicant has provided parking calculations showing that 37.13 spaces are required and 42 spaces are proposed for the site. We note that the plans show the existing house within the site as a 3-family, yet the parking calculations only note this as 2 units of residential use. As the applicant has provided more parking than what is required an additional residential unit within this home won't impact the overall parking calculations, but the plan only shows 4 spaces at the home presumably for residential parking.
- c. HR 275-8.C.(6). The applicant has not labeled any specific loading spaces on the plan set, however we note that there is space adjacent to the building large enough to accommodate

540 No Commercial Street
Manchester, NH
03101
t 603.668.8223
800.286.2469
f 603.668.8802
www.fando.com

California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Mr. Brian Groth
March 23, 2020
Page 2 of 3

a loading space in the dimensions required by the Regulation.

- d. HR 276-11.1.B.(13) and Zoning Ordinance (ZO) 334-60. The applicant should provide a detail for the handicapped parking signs proposed for the site.

2. Driveway Review Codes (HR 275-8.B. (34)/Chapter 193)

- a. HR 193.10. The applicant is not proposing any changes to the existing site driveways. We note that the driveway in front of the retail/office building exceeds the 50 foot maximum width, and the number of existing driveways on the site exceeds the maximum allowed by the Regulation.

3. Traffic

- a. HR 275-9.B. The applicant has not provided any traffic information for this site.

4. Utility Design/Conflicts

- a. HR 275-9.E and 276-13. The applicant is not proposing any changes to the existing utilities servicing the subject lot.

5. Drainage Design/Stormwater Management (HR 275-9.A./Chapter 290)

- a. HR 275-9.A. and HR 290-4. The applicant has noted that a waiver is requested for stormwater design. The applicant is not proposing any changes to the existing stormwater features within the site other than the additional impervious area at the added parking spaces on the south side of the retail/office building.
- b. HR 290-5.K.(22). The applicant has not shown any snow storage areas on the plan. Given the layout there appears to be ample room for snow storage within the site.

6. Zoning (ZO 334)

- a. ZO 334-10.D and ZO 334-21. The applicant has shown multiple mixed existing uses within the subject site.
- b. ZO 334-18.B. The applicant has noted that the subject parcel is located within the Residential-Two (R-2) zoning district.
- c. ZO 334-21. The applicant has shown an existing three-family house on the site and noted this as containing two units in the parking calculations. The R-2 zoning district permits two-family dwellings but does not permit multi-family dwellings.
- d. ZO 334-21. The applicant has shown or proposed other uses for the site that are not permitted by the Ordinance within the R-2 zoning district. Existing non-permitted uses such as the retail store, contractors yard/landscaping business and commercial truck storage are assumed to have been previously approved by the Town for this site. The retail sale of food from the proposed food preparation use is not permitted within the district and would require a Special Exception from the Town.
- e. ZO 334-27. The applicant has shown several existing materials storage structures located within the front and side setbacks of the subject lot.

Mr. Brian Groth
March 23, 2020
Page 3 of 3

- f. ZO 334-35.B.(2). The applicant has shown wetlands and their associated buffers within a portion of the subject site. The applicant is not proposing any impacts to these areas.
- g. ZO 334-83. The applicant has noted that the subject parcel does not fall within a special flood hazard area.

7. Erosion Control/Wetland Impacts

- a. HR 290-5.K.(26). The applicant has not shown any proposed erosion control measures for the site.
- b. The Town should reserve the right to require additional erosion control measures during construction.

8. Landscaping (HR 276-11.1.B.(20)) and Lighting (HR 276-11.1.B.(14))

- b. HR 276-11.1.B.(14) and HR 276-11.1.B.(20). The applicant has not shown any proposed revisions to the existing site lighting or site landscaping.

9. State and Local Permits (HR 275-9.G.)

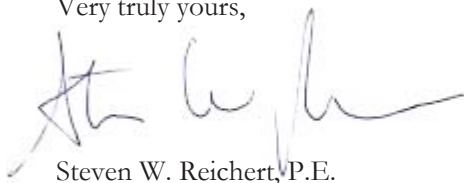
- a. HR 275-9.G. The applicant has not noted the need for any permits on the plan set.
- b. Additional local permitting may be required.

10. Other

- a. None at this time.

Please feel free to call if you have any questions.

Very truly yours,



Steven W. Reichert, P.E.

**Steven W.
Reichert, PE**

Digitally signed by Steven W. Reichert,
PE,
DN: cn=Steven W. Reichert, PE, c=US,
o=Fuss & O'Neill, Inc., ou=Fuss &
O'Neill, Inc.,
email=reichert@fando.com
Date: 2020.03.23 10:57:24 -04'00'

SWR:mjt

Enclosure

cc: Town of Hudson Engineering Division – File
Keach-Nordstrom Associates, Inc.
Commerce Park North
Bedford, NH 03110
pmadsen@keachnordstrom.com



August 5, 2020

Mr. Brian Groth
Town Planner
Town of Hudson
12 School Street
Hudson, NH 03051

Re: Town of Hudson Planning Board Review
185 Webster Street Change Of Use Site Plan
Tax Map 147, Lot 16; Acct. #1350-944
Reference No. 03-0249.1890

Dear Mr. Groth:

Fuss & O'Neill (F&O) has reviewed a second submission of the materials received on July 28, 2020, related to the above-referenced project. A list of items reviewed is enclosed. The scope of our review is based on the Site Plan Review Codes, Stormwater Codes, Driveway Review Codes, Sewer Use Ordinance 77, Zoning Regulations, and criteria outlined in the CLD Consulting Engineers Proposal approved September 16, 2003, revised September 20, 2004, June 4, 2007, September 3, 2008, and October 2015.

The project consists of the change of use for the subject property, including existing storage within a retail building that is proposed to be converted to food preparation. Changes to the site also include parking improvements. The site will continue to be serviced by municipal sewer and water.

The following items have outstanding issues:

3. Traffic

- a. *Former Fuss & O'Neill Comment: HR 275-9.B. The applicant has not provided any traffic information for this site.*

Current Fuss & O'Neil Comment: The additional parking spaces and changed use will likely generate additional traffic volume into and out of the site. The applicant should verify that potential increases in traffic volume have been evaluated and will not result in unsafe traffic circulation or pedestrian conditions within the site as well as at the site driveways, and does not have an adverse impact on surrounding residential areas.

7. Erosion Control/Wetland Impacts

- a. *Former/Current Fuss & O'Neill Comment: HR 290-5.K.(26). The applicant has not shown any proposed erosion control measures for the site.*

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Vermont

Mr. Brian Groth
August 5, 2020
Page 2 of 4

8. Landscaping (HR 276-11.1.B.(20)) and Lighting (HR 276-11.1.B.(14))
 - b. Former/Current Fuss & O'Neill Comment: HR 276-11.1.B.(14) and HR 276-11.1.B.(20). The applicant has not shown any proposed revisions to the existing site lighting or site landscaping.
9. State and Local Permits (HR 275-9.G.)
 - a. Former/Current Fuss & O'Neill Comment: HR 275-9.G. The applicant has not noted the need for any permits on the plan set.

The following item requires Town evaluation or input:

2. Driveway Review Codes (HR 275-8.B. (34)/Chapter 193)
 - a. *Former Fuss & O'Neill Comment: HR 193.10. The applicant is not proposing any changes to the existing site driveways. We note that the driveway in front of the retail/office building exceeds the 50 foot maximum width, and the number of existing driveways on the site exceeds the maximum allowed by the Regulation.*
Current Fuss & O'Neill Comment: The applicant has noted that this is a pre-existing non-conforming condition and will not be affected by the current plan. The Town should confirm that no additional action is required for this condition.
6. Zoning (ZO 334)
 - a. *Former Fuss & O'Neill Comment: ZO 334-10.D and ZO 334-21. The applicant has shown multiple mixed existing uses within the subject site.*
Current Fuss & O'Neill Comment: The Town should confirm that no additional action is required for this condition.
 - e. *Former Fuss & O'Neill Comment: ZO 334-27. The applicant has shown several existing materials storage structures located within the front and side setbacks of the subject lot.*
Current Fuss & O'Neill Comment: The applicant has noted that the storage structures are preexisting non-conforming structures that are not proposed to be altered. The Town should confirm that no additional action is required for this condition.

The following items are resolved or have no further Fuss & O'Neill input:

1. Site Plan Review Codes and Administrative Requirements and Definitions
 - a. *Hudson Regulation (HR) 275-6.I. The scope of this review does not include the adequacy of any fire protection provisions for the site. No proposed measures were included in Fuss & O'Neill's review package.*
 - b. *Former Fuss & O'Neill Comment: HR 275-8.C.(2) and ZO 334-15.A. The applicant has provided parking calculations showing that 37.13 spaces are required and 42 spaces are proposed for the site. We note that the plans show the existing house within the site as a 3-family, yet the parking calculations only note this as 2 units of residential use. As the applicant has provided more parking than what is required an additional residential unit within this home won't impact the overall parking calculations, but the plan only shows 4 spaces at the home presumably for residential parking.*

Mr. Brian Groth
August 5, 2020
Page 3 of 4

Current Fuss & O'Neill Comment: The applicant has noted that the Town is requiring the owner to change the multi-family unit to a two-family home which is what the calculations were based on. The applicant has noted that should the multi-family use be allowed then the correct number of parking spaces will be provided. No further Fuss & O'Neill comment.

- c. *Former Fuss & O'Neill Comment: HR 275-8.C.(6). The applicant has not labeled any specific loading spaces on the plan set, however we note that there is space adjacent to the building large enough to accommodate a loading space in the dimensions required by the Regulation.*

Current Fuss & O'Neill Comment: The applicant has labeled a loading area next to the building. No further Fuss & O'Neill comment.

- d. *Former Fuss & O'Neill Comment: HR 276-11.1.B.(13) and Zoning Ordinance (ZO) 334-60. The applicant should provide a detail for the handicapped parking signs proposed for the site.*

Current Fuss & O'Neill Comment: The applicant has provided a sign detail. No further Fuss & O'Neill comment.

4. Utility Design/Conflicts

- a. *HR 275-9.E and 276-13. The applicant is not proposing any changes to the existing utilities servicing the subject lot.*

5. Drainage Design/Stormwater Management (HR 275-9.A./Chapter 290)

- a. *Former Fuss & O'Neill Comment: HR 275-9.A. and HR 290-4. The applicant has noted that a waiver is requested for stormwater design. The applicant is not proposing any changes to the existing stormwater features within the site other than the additional impervious area at the added parking spaces on the south side of the retail/office building.*

Current Fuss & O'Neill Comment: The applicant has noted that after reviewing the Regulations they have determined that none of the 5 criteria in HR 290-3 apply for this project and a waiver will not be necessary. Fuss & O'Neill concurs with this determination. No further Fuss & O'Neill comment.

- b. *Former Fuss & O'Neill Comment: HR 290-5.K.(22). The applicant has not shown any snow storage areas on the plan. Given the layout there appears to be ample room for snow storage within the site.*

Current Fuss & O'Neill Comment: The applicant has added snow storage areas to the plan set. No further Fuss & O'Neill comment.

6. Zoning (ZO 334)

- b. *ZO 334-18.B. The applicant has noted that the subject parcel is located within the Residential- Two (R-2) zoning district.*

- c. *Former Fuss & O'Neill Comment: ZO 334-21. The applicant has shown an existing three-family house on the site and noted this as containing two units in the parking calculations. The R-2 zoning district permits two-family dwellings but does not permit multi-family dwellings.*

Current Fuss & O'Neill Comment: The applicant has noted that the Town is requiring the owner to change the multi-family unit to a two-family home. Per the table of permitted principal uses a multi-family use is prohibited and not subject to special exception. No further Fuss & O'Neill comment.

Mr. Brian Groth
August 5, 2020
Page 4 of 4

- d. *Former Fuss & O'Neill Comment: ZO 334-21. The applicant has shown or proposed other uses for the site that are not permitted by the Ordinance within the R-2 zoning district. Existing non-permitted uses such as the retail store, contractors yard/landscaping business and commercial truck storage are assumed to have been previously approved by the Town for this site. The retail sale of food from the proposed food preparation use is not permitted within the district and would require a Special Exception from the Town.*

Current Fuss & O'Neill Comment: The applicant has noted that the Zoning Board of Adjustment has granted a variance for the sale of food at this site, and provided a copy of the Notice of Decision. No further Fuss & O'Neill comment.

- f. *ZO 334-35.B.(2). The applicant has shown wetlands and their associated buffers within a portion of the subject site. The applicant is not proposing any impacts to these areas.*
- g. *ZO 334-83. The applicant has noted that the subject parcel does not fall within a special flood hazard area.*

7. Erosion Control/Wetland Impacts

- b. *The Town should reserve the right to require additional erosion control measures during construction.*

9. State and Local Permits (HR 275-9.G.)

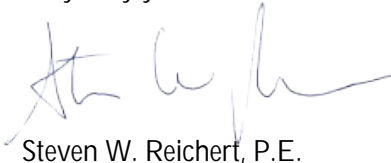
- b. *Additional local permitting may be required.*

10. Other

- a. None at this time.

Please feel free to call if you have any questions.

Very truly yours,



Steven W. Reichert, P.E.

SWR:mjt

Enclosure

cc: Town of Hudson Engineering Division – File
Keach-Nordstrom Associates, Inc.
Commerce Park North
Bedford, NH 03110
pmadsen@keachnordstrom.com



*Town of Hudson
12 School Street
Hudson, NH 03501*

SITE PLAN APPLICATION

Revised November 6, 2019

The following information must be filed with the Planning Department *at the time of filing a site plan application*:

1. One (1) original completed application with original signatures, and one (1) copy.
2. Three (3) full plan sets (sheet size: 22" x 34").
3. One (1) original copy of the project narrative, and one (1) copy.
4. A list of direct abutters and a list of indirect abutters, and three (3) sets of mailing labels for abutter notifications.
5. All of the above application materials, including plans, shall also be submitted in electronic form as a PDF.
6. All plans shall be folded and all pertinent data shall be attached to the plans with an elastic band or other enclosure.

The following information is required to be filed with the Planning Department *no later than 10:00 A.M., Tuesday the week prior to the scheduled Planning meeting*:

1. Submission of fifteen (15) 11" X 17" plan sets, revised if applicable.
2. Submission of two (2) full plan sets (sheet size: 22" x 34"), if revised.
3. All of the above application materials, including plans, shall also be submitted in electronic form as a PDF.

Note: Prior to filing an application, it is recommended to schedule an appointment with the Town Planner.

SITE PLAN APPLICATION

Date of Application: 3/3/20 Tax Map #: 147 Lot #: 16
Site Address: 185 WEBSTER STREET
Name of Project: WEBSTER ST. SITE PLAN
Zoning District: R-2 RESIDENTIAL General SP#: _____
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER: DEVELOPER:
Name: DERRY & WEBSTER, LLC _____
Address: 253 MAIN ST SAME
Address: NASHUA, NH 03040 _____
Telephone # 603 860-6860 _____
Email: _____

PROJECT ENGINEER: SURVEYOR:
Name: KEACH-NORDSTROM ASSOC. _____
Address: 10 COMMERCIAL PARK N SUITE 3B _____
Address: BEDFORD, NH 03110 SM
Telephone # 603 627-2881 _____
Email: ABASS@KEACHNORDSTROM.COM _____

PURPOSE OF PLAN:
To show all existing on-site uses and to show proposed
Food Preparation and Sales with accompanying parking
for approval.

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____
_____ I have no comments _____ I have comments (attach to form)
_____ Title: _____ Date: _____
(Initials)
Department: _____
Zoning: _____ Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____

SITE DATA SHEET

PLAN NAME: 185 WEBSTER ST. SITE PLAN

PLAN TYPE: SITE PLAN

LEGAL DESCRIPTION: MAP 147 LOT 16

DATE: 3/3/20

Location by Street: 185 WEBSTER STREET

Zoning: L-2 RESIDENTIAL

Proposed Land Use: MIXED

Existing Use: MIXED

Surrounding Land Use(s): RESIDENTIAL

Number of Lots Occupied: ONE

Existing Area Covered by Building: 20,900 SF

Existing Buildings to be removed: 0

Proposed Area Covered by Building: NO CHANGE

Open Space Proposed: 809₀

Open Space Required: 359₀

Total Area: S.F.: 448,200 Acres: 10.209

Area in Wetland: 2.3 Area Steep Slopes: 0

Required Lot Size: 1.0 ACRES

Existing Frontage: 558 FT (WEBSTER) 678' (DERRY LN)

Required Frontage: 150 FT

Building Setbacks:	Required*	Proposed
Front:	<u>50</u>	<u>52</u>
Side:	<u>15</u>	<u>90</u>
Rear:	<u>15</u>	<u>410</u>

SITE DATA SHEET
(Continued)

Flood Zone Reference: N/A

Width of Driveways: 50 FT, 35 FT, 70 FT

Number of Curb Cuts: 3

Proposed Parking Spaces: 42

Required Parking Spaces: 37

Basis of Required Parking (Use): RETAIL / STORAGE / RESIDENTIAL

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

Waiver Requests

<i>Town Code Reference:</i>	<i>Regulation Description:</i>
<u>290-4</u>	<u>DRAINAGE / STORMWATER DESIGN</u>
_____	_____
_____	_____
_____	_____

(For Town Use Only)
Data Sheets Checked By: _____ Date: _____

SITE PLAN APPLICATION AUTHORIZATION

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 Planner, the Town Engineer, 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:  Date: 3-3-2020

Print Name of Owner: VATCHE MANOUKIAN

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

Signature of Developer:  Date: 3-3-2020

Print Name of Developer: VATCHE MANOUKIAN

❖ 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 individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: 185 WEBSTER ST. SITE PLAN

Street Address: 185 WEBSTER ST.

I Vitche Murovich For Terry Webster LLC hereby request that the Planning Board waive the requirements of item 290-4 STORMWATER of the Hudson Land Use Regulations in reference to a plan presented by KRACH-NORDSTROM ASSOC.

_____ (name of surveyor and engineer) dated _____ for property tax map(s) 147 and lot(s) 16 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 Land Use Regulations.

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

THERE IS VERY LITTLE FOR IMPROVEMENTS PROPOSED AND THE STORMWATER WOULD INCREASE FRACTIONALLY, GIVEN THIS, AND THE OVERALL PROJECT SCOPE IT IS COST PROHIBITIVE TO ASSIGN STORMWATER CONTROLS

Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations: (if additional space is needed please attach the appropriate documentation hereto):

THE REGULATIONS CONTEMPLATE LARGER SCALE DEVELOPMENT AND THIS SMALL IMPROVEMENT WOULDN'T RISE TO THE LEVEL OF ANALYSIS AND MITIGATION THEREFOR IT IS WITHIN THE SPIRIT AND INTENT OF THE REGULATION

Signed: 

Applicant or Authorized Agent

SCHEDULE OF FEES

A. REVIEW FEES:

<u>1. Site Plan Use</u>	<u>Project Size/Fee</u>	
Multi-Family	\$105.00/unit for 3-50 units \$78.50/unit for each additional unit over 50	\$ _____
Commercial/Semi Public/Civic or Recreational	\$157.00/1,000 sq. ft. for first 100,000 sq.ft. (bldg. area): \$78.50/1,000 sq.ft. thereafter.	\$ _____
Industrial	\$150.00/1,000 sq.ft for first 100,000 sq.ft. (bldg. area); \$78.50/1,000 sq.ft thereafter.	\$ _____
No Buildings	\$30.00 per 1,000 sq.ft. of proposed developed area	\$ <u>1000.00</u>

CONSULTANT REVIEW FEE: (Separate Check)

Total _____ acres @ \$600.00 per acre, or \$1,250.00, whichever is greater. \$ 1250.00

This is an estimate for cost of consultant review. The fee is expected to cover the amount. A complex project may require additional funds. A simple project may result in a refund.

LEGAL FEE:

The applicant shall be charged attorney costs billed to the Town for the Town's attorney review of any application plan set documents.

(continued on next page)

SCHEDULE OF FEES
(Continued)

B. POSTAGE:

13 Direct Abutters @\$6.85 (or Current Certified Mail Rate) \$ 89.05
 _____ Indirect Abutters (property owners within 200 feet) \$ _____
 @\$0.55 (or Current First Class Rate)

C. ON SITE SIGNAGE: \$ _____ 15.00

D. ADVERTISING: (PUBLIC NOTICE) per notification, per hearing \$ _____ 80.00

E. TAX MAP UPDATING FEE: (FLAT FEE) \$ _____ 275.00

TOTAL \$ 1459.05

(For Town Use)	
AMOUNT RECEIVED: \$ _____	DATE RECEIVED: _____
RECEIPT NO.: _____	RECEIVED BY: _____

NOTE: fees below apply only upon plan approval, not collected at time of application.

F. RECORDING FEES:

The applicant shall pay the costs of recording the final site plan layout prior to final site plan approval, in accordance with fees established by the County. Recording fees must be paid prior to recording.

Recording of Plan @ \$24.00/sheet + \$2.00/surcharge plan
 Land & Community Heritage Investment Program (LCHIP) fee @ \$25.00
 Easements/Agreements @\$10.00/first sheet, \$4.00/each sheet thereafter +
 \$2.00/surcharge/doc. + First Class return postage rate

G. COST ALLOCATION PROCEDURE AMOUNT CONTRIBUTION AND OTHER IMPACT FEE PAYMENTS:

To be determined by the Planning Board at time of plan approval and shall be paid by the applicant at the time of submittal of the Certificate of Occupancy Permit requests.

*****The applicant shall be responsible for all fees incurred by the town for processing and review of the applicant's application, plan and related materials.*****

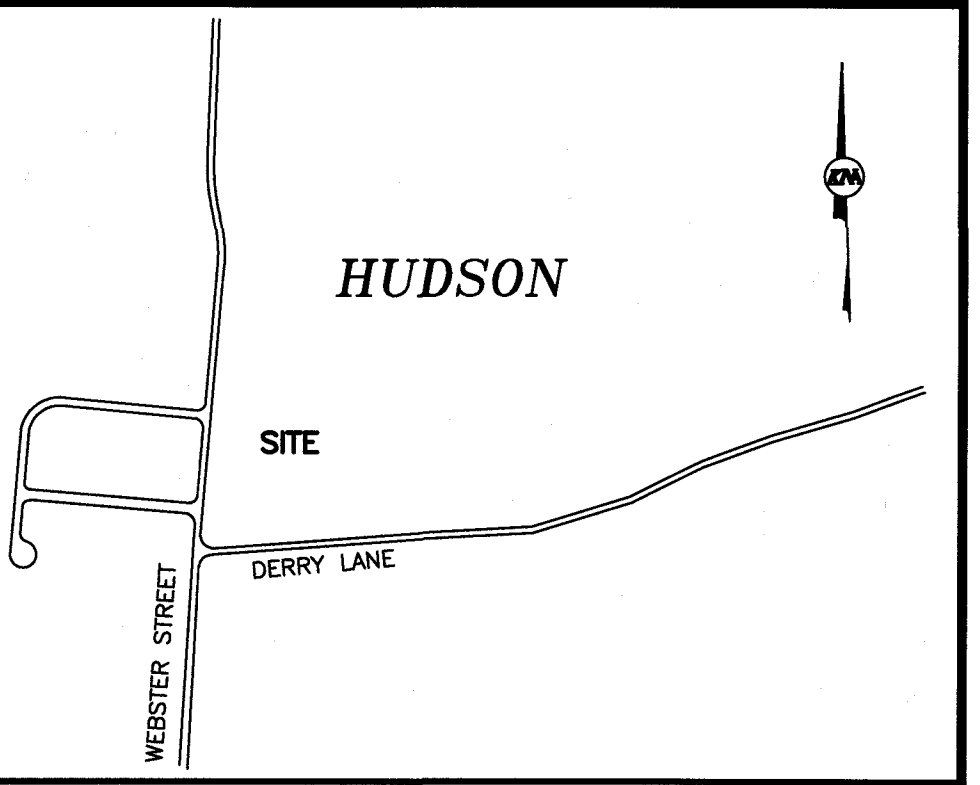
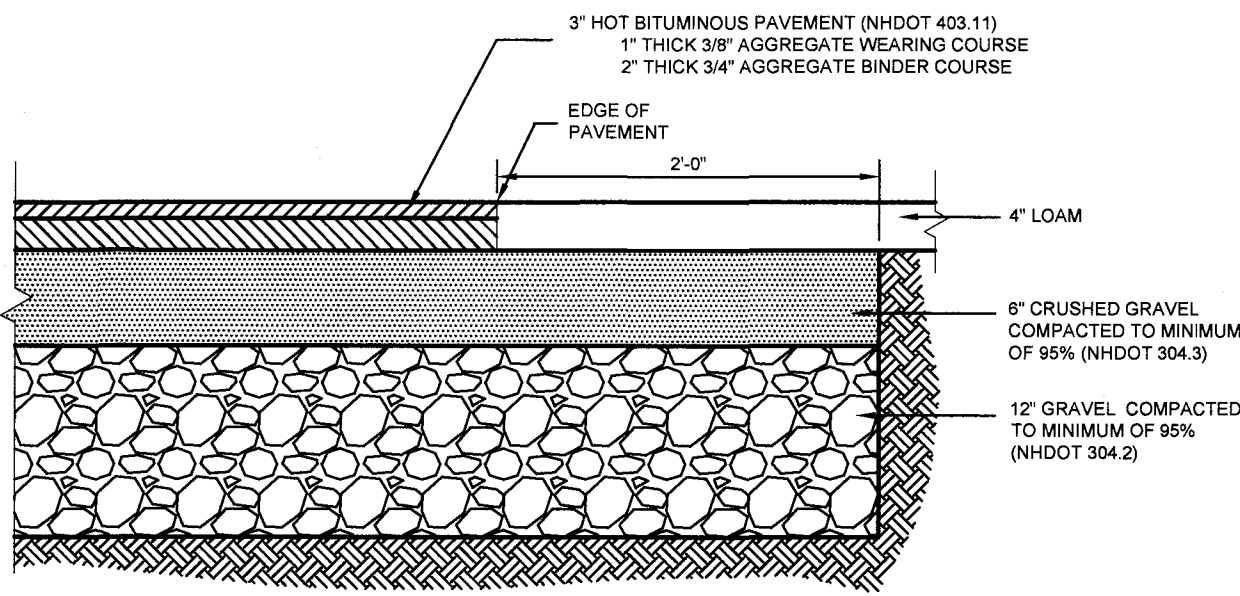
Abutters List
DERRY & WEBSTER, LLC
Hudson, NH
KNA #19-1105-1
Updated 03-03-2020

Tax Map	Lot	Owner/ Applicant
147	16	Derry & Webster, LLC 253 Main Street Nashua, NH 03060
Tax Map	Lot	Direct Abutters
147	17	Lexington Place Condominium HOA c/o Jack Joyce 24 Lexington Court Hudson, NH 03051
156	29-23	Abbie's Landing Condo. HOA c/o Alfred Salvi 32 Bowes Circle Hudson, NH 03051
156	8	Reeds Brook Condo. HOA c/o Sandra Pottle 8 Madeleine Court Hudson, NH 03051
156	6	Sparkling River Condo. HOA c/o Christina Madden 23 Weymouth Court Hudson, NH 03051
147	1-9	Manuel E. Jr. & Karina E. Pintado 2 Scenic Lane Hudson, NH 03051
147	1-20	Florence Nicolas 1 Scenic Lane Hudson, NH 03051
147	1-31	Jeffrey J. & Kate M. Trainor 2 Shoreline Drive Hudson, NH 03051

180	15	Michael J. Hagan 180 Hollis Street Pepperell, MA 01463
147	13	Lionel & Kerianne St. Laurent 199 Webster Street Hudson, NH 03051
156	7	Susan J. Aucoin 177 Webster Street Hudson, NH 03051
Tax Map	Lot	Indirect Abutters
147	001-000	Zhibo Zhao Jing Bai 1 Shoreline Drive Hudson, NH 03051

Professionals to be notified:

Engineer/Surveyor/Wetland Scientist
Keach-Nordstrom Associates Inc.
10 Commerce Park North, Suite 3
Bedford, NH 03110



MAP 147 LOT 1-31
JEFFREY J. & KATE M. TRAINOR
2 SHORELINE DRIVE
HUDSON, N.H. 03051
BK. 8797 PG. 1725

MAP 147 LOT 1-20
FLORENCE NICOLAS
1 SCENIC LANE
HUDSON, N.H. 03051
BK. 8762 PG. 1749

MAP 147 LOT 1-19
MANUEL E. JR. & KARINA
E. PINTADO
2 SCENIC LANE
HUDSON, N.H. 03051
BK. 8445 PG. 2435

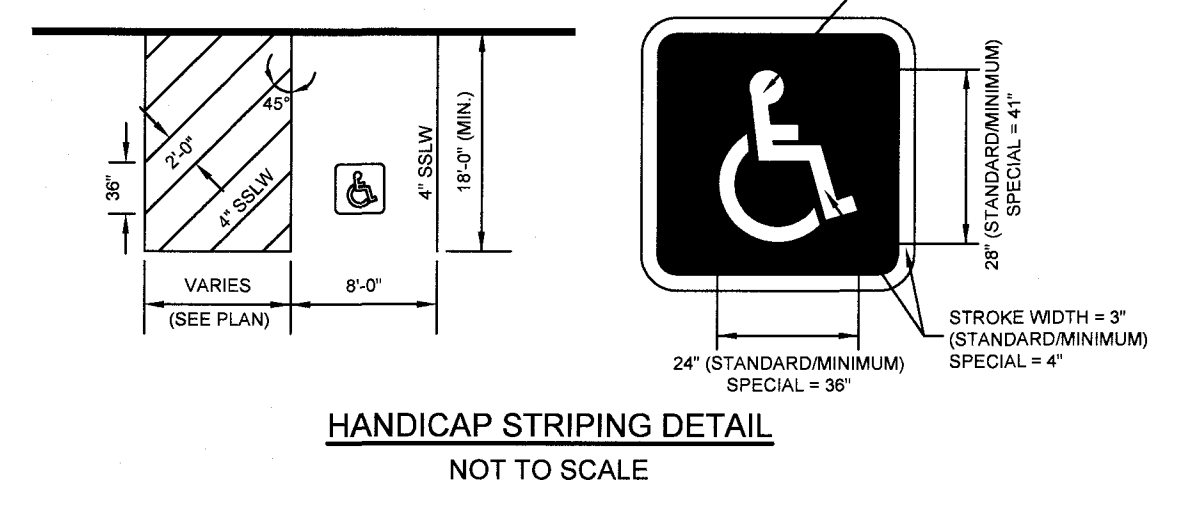
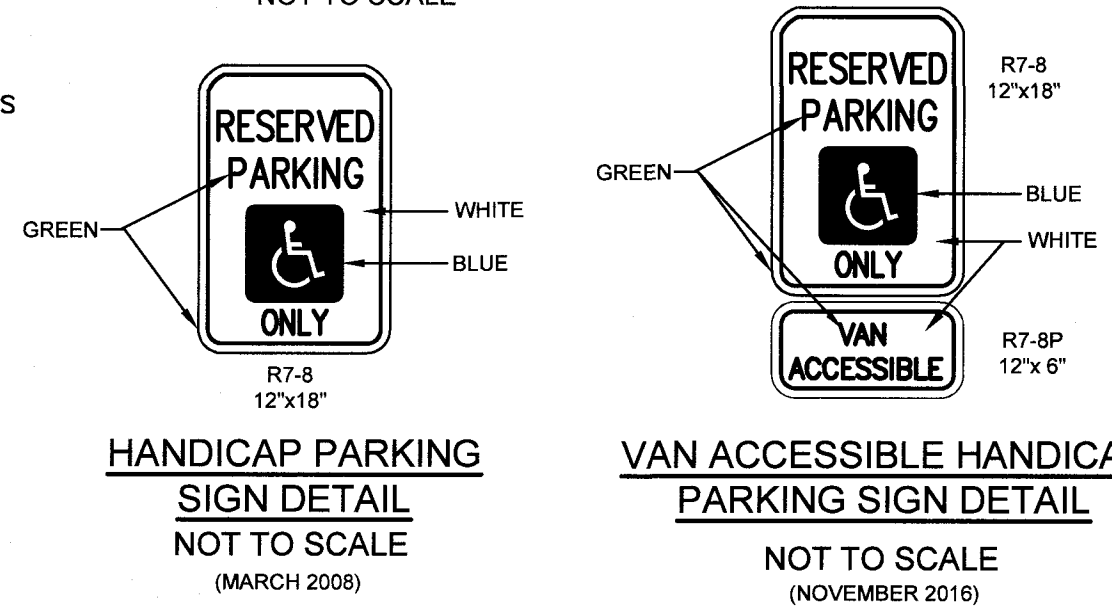
MAP 156 LOT 6
SPARKLING RIVER CONDOMINIUM
ASSOCIATION
c/o CHRISTINA MADDEN, DIRECTOR
23 WEYMOUTH COURT
HUDSON, N.H. 03051
BK. 8648 PG. 850

MAP 156 LOT 7
SUSAN J. AUCOIN
177 WEBSTER STREET
HUDSON, N.H. 03051
BK. 8080 PG. 858

MAP 156 LOT 8
REEDS BROOK HOMEOWNER'S ASSOC.
C/O SANDRA POTTLE-TREASURER
8 MADELINE COURT
HUDSON, N.H. 03051
BK. 8634 PG. 2911

MAP 147 LOT 17
LEXINGTON PLACE CONDOMINIUMS
C/O JACK JOYCE
24 LEXINGTON COURT
HUDSON, N.H. 03051
BK. 6009 PG. 1710

MAP 156 LOT 29-23
ABBIE'S LANDING HOMEOWNERS
C/O ALFRED SALVI
32 BOWES CIRCLE
HUDSON, N.H. 03051
BK. 7045 PG. 615

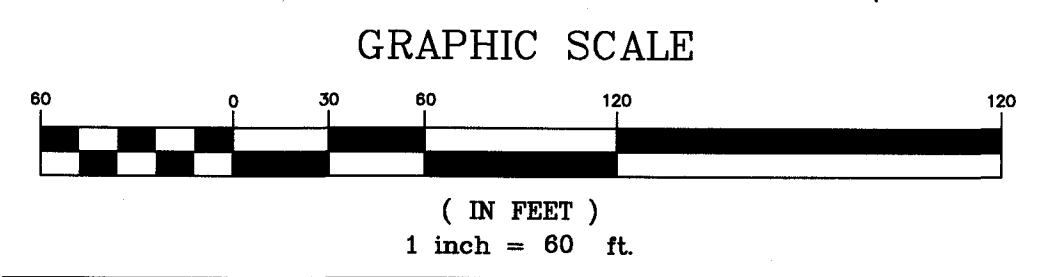


LEGEND

GB-F	GRANITE BOUND FOUND
NH-HB-F	N.H. HIGHWAY BOUND FOUND
IPP-F	IRON PIPE FOUND
IP-F	IRON PIN FOUND
GB-TBS	GRANITE BOUND TO BE SET
IPIN-TBS	IRON PIN TO BE SET
STREET LIGHT SIGN	STREET LIGHT SIGN
SEWER MANHOLE	SEWER MANHOLE
DRAINAGE MANHOLE	DRAINAGE MANHOLE
ABUTTER LINE	ABUTTER LINE
PROPERTY LINE	PROPERTY LINE
WETLAND	WETLAND
STOCKADE FENCE	STOCKADE FENCE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
10' CONTOUR	10' CONTOUR
2' CONTOUR	2' CONTOUR
SETBACK	SETBACK
TREELINE	TREELINE
GAS LINE	GAS LINE
SEWER LINE	SEWER LINE
OVERHEAD UTILITIES	OVERHEAD UTILITIES
POST & RAIL FENCE	POST & RAIL FENCE
CONCRETE PAD	CONCRETE PAD

- NOTES:
- THE PURPOSE OF THIS PLAN IS TO:
1. SHOW EXISTING USES ON SITE.
2. SHOW PROPOSED FOOD PREPARATION IN THE RETAIL BUILDING WITH SITE IMPROVEMENTS.
 - AREA OF PARCEL = 448,206 SF, 10.289 ACRES
 - REFERENCE THESE PARCELS AS TOWN OF HUDSON TAX MAP 147; LOT 16.
 - PRESENT OWNER OF RECORD:
MAP 147 LOT 16
DERRY & WEBSTER, LLC,
253 MAIN STREET
NASHUA, NH 03060
H.C.R.D BK. 6834, PG.1327
 - PRESENT ZONING: RESIDENTIAL (R-2)
MINIMUM LOT REQUIREMENTS:
-LOT AREA 45,560 SF WITH WATER AND SEWER
-LOT AREA 60,000 SF WITHOUT WATER AND SEWER
-LOT FRONTAGE 150 FT ARTERIAL/COLLECTOR
-LOT FRONTAGE 120 FT LOCAL ROAD WITH WATER AND SEWER
 - MINIMUM BUILDING SETBACKS:
-FRONT 50 FT ARTERIAL/COLLECTOR
-FRONT 30 FT LOCAL ROADWAYS
-SIDE 15 FT
-REAR 15 FT
-OPEN SPACE REQUIRED 35%
-OPEN SPACE PROVIDED 43%
 - TOPOGRAPHIC INFORMATION DEPICTED HEREON IS A RESULT OF AN ON GROUND FIELD SURVEY PREPARED BY THIS OFFICE IN NOVEMBER 2019. ELEVATIONS ARE NAVD 88.
 - EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, MAP NUMBER 3301100514E, PANEL 514 OF 701, EFFECTIVE DATE APRIL 18, 2011 INDICATES THAT THE SUBJECT PARCELS ARE NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
 - SITE IS SERVICED BY MUNICIPAL WATER AND SEWER.
 - THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
 - ALL WASTE MATERIALS AND RECYCLABLES SHALL BE CONTAINED WITHIN THE BUILDING(S) OR APPROVED STORAGE FACILITIES AND SHALL NOT BE OTHERWISE STORED ON THE PROPERTY. TRASH SERVICE PICKUP SHALL BE LIMITED TO MONDAY THRU FRIDAY.
 - ALL PROPOSED SIGNS SHALL CONFORM TO THE TOWN OF HUDSON ZONING REGULATIONS.
 - THERE ARE NO RESTRICTIONS ON PROPOSED HOURS OF OPERATION.
 - PARKING CALCULATIONS:
RETAIL: 1 SPACE/200 SF @ 2,600 SF = 13.0 SPACES
STORAGE: 1 SPACE/1000 SF @ 16,760 SF = 16.7 SPACES
OFFICE: 1 SPACE/300 SF @ 1,003 SF = 3.36 SPACES
RESIDENTIAL: 2 SPACES/2 UNITS = 4.0 SPACES
TOTAL REQUIRED: = 37.13 SPACES
EXISTING: = 12 SPACES
PROPOSED: = 42 SPACES
 - ON JANUARY 23, 2020, THE ZONING BOARD OF ADJUSTMENT GRANTED A VARIANCE TO ALLOW THE SALE OF FOOD WITHIN THE R-2 ZONING DISTRICT (CASE NUMBER 147-016).
 - THE EXISTING STRUCTURES AND ACCESS POINTS ON SITE ARE PREEXISTING NONCONFORMING CONDITIONS THAT HAVE BEEN GRANDFATHERED INTO THE ZONING ORDINANCE. THIS PLAN DOES NOT PROPOSE TO IMPACT ANY OF THESE ISSUES.

OWNER OF MAP 147 LOT 16
SIGNATURE: _____
DATE: _____



OWNER CERTIFICATION:
I CERTIFY THAT THE USES SHOWN ON THIS PLAN AREA ACCURATE.
SIGNATURE _____ DATE _____

CERTIFICATION:
I CERTIFY THAT THIS SURVEY PLAT IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.
Michael J. Daley
7-28-2020
LICENSED LAND SURVEYOR DATE

*APPROVAL NOTE: THE APPROVAL OF THIS PLAN IS STRICTLY TO ALLOW A CHANGE OF USE FOR THE RETAIL STORE TO INCLUDE FOOD PREPARATION ON SITE. PRE-EXISTING USES IN OTHER BUILDINGS AND AREAS OF THE SITE SHALL NOT BE CONSIDERED APPROVED NOR GRANDFATHERED BY AN APPROVAL OF THIS PLAN.

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____

SITE PLANS ARE VALID FOR TWO YEARS 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.

UTILITY NOTE
THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

CHANGE OF USE SITE PLAN
LAND OF
DERRY & WEBSTER, LLC
MAP 147 LOT 16
185 A, B & C WEBSTER STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
DERRY & WEBSTER, LLC
253 MAIN STREET
NASHUA, N.H. 03060
HCRD BK.6834 PG.1327

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	7/8/20	REVISED PER COMMENTS	PCM

DATE: MARCH 3, 2020 SCALE: 1" = 60'
PROJECT NO: 19-1105-1 SHEET 1 OF 1