

EL TORO CIGARS & LOUNGE

SITE PLAN APPLICATION #05-21

STAFF REPORT #2

May 26, 2021

SITE: 29 Lowell Road; Map 190 Lot 024-000

ZONING: Business (B)

PURPOSE OF PLANS: Proposed cigar bar liquor license as accessory to existing shop and lounge in an existing commercial building.

PLANS UNDER REVIEW: Existing Conditions & Proposed Parking Lot Layout Map, 190 Lot 24, 29 Lowell Road Hudson, New Hampshire; prepared by Promised Land Survey, LLC, PO Box 447, Derry, New Hampshire 03038; prepared for El Toro Cigars & Lounge, 98 Lowell Road, Hudson, NH 03051; consisting of 1 sheet, with notes 1-6 on Sheet 1; dated February 3, 2021, last revised May 19, 2021

APPLICATION TRACKING:

- April 7, 2021 – Application received.
- May 12, 2021 – Public hearing held, continued to May 26, 2021
- May 26, 2021 – Meeting scheduled.

COMMENTS:

At the previous Planning Board meeting, the Board requested the following revisions which have been addressed in the revised plan:

1. Add an ADA parking space
2. Indicate areas for snow storage
3. Indicate area for trash removal
4. Explore the feasibility of angled parking
5. Typo corrections

ANGLED PARKING:

The angled parking improves accessibility of the parking spaces, and even increases the count from 10 (no ADA) to 12 (including and ADA). The trade-off results in a narrower aisle width than is shown in the site plan regulation diagrams. The diagram shows an 18-foot aisle with spaces on either side of the aisle, whereas this plan shows aisle widths ranging from 13.6-feet to 15.5-feet, but with parking on only one side of the aisle. Staff has recommended to the Applicant that they demonstrate turning radii through the site to ensure it can accommodate

passenger vehicles. It is also worth noting that two-way streets in Hudson are required to be 24-foot wide, or 12-feet per travel way.

ADDITIONAL CONDITIONS:

The Planning Board also requested two additional conditions be added to the draft decision:

1. The second floor shall only be used as office and/or storage as an ancillary use to the retail operation.
2. A sign shall be posted on the front of the building facing Lowell Road stating “No On-Street Parking”.

WAIVERS REQUESTED

The applicant is requesting waivers for § 275-8:C(2) – Parking Calculations and § 275-8(C)2.1. It is Staff’s understanding that the Applicant intended to present to the Board that the applicable parking requirement would be as provided under subsection 1 – Private Club or Lodge (1 space per four members). With a capacity for 30 members (not to be confused with seating capacity), this imputes a parking count of 7.5 or 8 spaces. If considered strictly a retail operation, the number of spaces required would be 11.5 or 12 for the approximately 2,300 sf of retail use. Blending the two uses as a hybrid results in a parking count of 10. The current, revised plan shows 12 spaces being provided, therefore the Planning Board may find that this waiver is not necessary.

However, Staff finds two items that may require a waiver. First, to allow for parking space dimensions of 9’x18’ (§275-8.C.4). Second, with the change to angled parking, the Applicant should request a waiver from §275-8.C.5.b for reduced aisle width.

CHALLENGING SITE

The proposed accessory use, the Cigar Bar Liquor License, is uncommon and unique to Hudson. This site, which is currently only permitted generally as retail, is challenging for most uses given the parking and circulation characteristics, which may explain why it has been unoccupied. This use, a retail operation with low traffic, and a membership based club might be one of the few uses that can successfully operate in this pre-existing condition that has been vacant for a number of years.

DRAFT MOTIONS

To GRANT a waiver - Number of Parking Spaces:

I move to grant a waiver from §275-8.C.2 regarding parking count, 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: _____

To GRANT a waiver – Parking Space Dimension:

I move to grant a waiver from §275-8.C.4 to allow for 9-foot by 18-foot parking spaces, 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: _____

To GRANT a waiver – Parking Space Dimension:

I move to grant a waiver from §275-8.C.5.b to allow for 9-foot by 18-foot parking spaces, 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: _____

CONTINUE the public hearing to a date certain:

I move to continue the public hearing for the site plan application for El Toro Cigars & Lounge at 29 Lowell Road; Map 190 Lot 024-000 to date certain, _____, 2021.

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

DRAFT MOTION ON THE FOLLOWING PAGE

APPROVE the site plan application:

I move to approve the Site Plan Application for a change of use for 29 Lowell Road, Map 190 Lot 24 to permit a Cigar Bar Liquor License as depicted in the application and on the plan entitled: Existing Conditions & Proposed Parking Lot Layout Map, 190 Lot 24, 29 Lowell Road Hudson, New Hampshire; prepared by Promised Land Survey, LLC, PO Box 447, Derry, New Hampshire 03038; prepared for El Toro Cigars & Lounge, 98 Lowell Road, Hudson, NH 03051; consisting of 1 sheet, with notes 1-6 on Sheet 1; dated February 3, 2021, last revised May 19, 2021; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD.
2. This decision hereby approves the addition of an accessory use to permit a Cigar Bar Liquor License for members of the Applicant's private club.
3. The second floor shall only be used as office and/or storage as an ancillary use to the retail operation.
4. A sign shall be posted on the front of the building facing Lowell Road stating "No On-Street Parking".
5. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.
6. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:30 P.M., Monday through Saturday only.

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

NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING BOUNDARY AND SITE CONDITIONS AS WELL AS PROPOSED PARKING LOT IMPROVEMENTS OF TAX MAP 190, LOT 24, LOCATED AT 29 LOWELL ROAD IN HUDSON, NEW HAMPSHIRE.
- 2) THIS PLAN IS BASED ON FIELD CONDITIONS AND RECORD EVIDENCE LAST OBSERVED BY PROMISED LAND SURVEY, LLC IN AUGUST OF 2020.
- 3) THIS PARCEL IS SERVICED BY PUBLIC WATER, GAS, AND SEWER UTILITIES.
- 4) THIS PLAN IS INTENDED TO BE AT THE DEPICTED SCALE WHEN PLOTTED ON 22x34 (ANSI D) SIZED PAPER.
- 5) ALL DISTANCES, UNLESS OTHERWISE INDICATED, ARE BASED ON US SURVEY FEET HORIZONTAL DISTANCES.
- 6) ALL ZONING INFORMATION SHALL BE VERIFIED PRIOR TO ANY BUILDING OR CONSTRUCTION ACTIVITY.

FEMA

THIS PARCEL OF LAND (MAP 190, LOT 24) DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS INTERPOLATED FROM THE FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) #3301100518D, HAVING AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.

DATUM

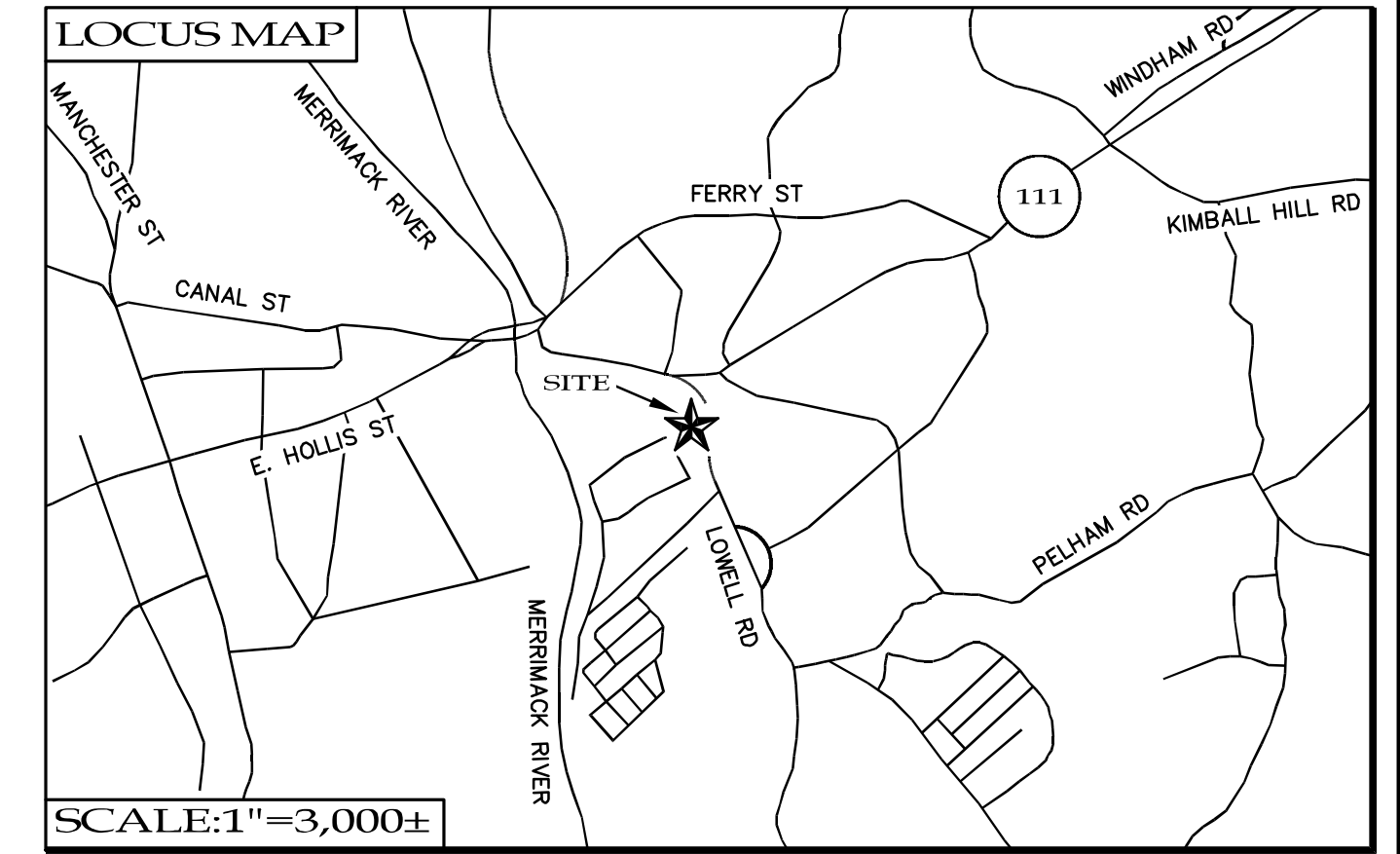
HORIZONTAL: NAD83-2011 (PER LEICA POST-PROCESSED GPS)
 VERTICAL: NAVD88 - GEOD12A (PER LEICA POST-PROCESSED GPS)

ZONING

B (BUSINESS ZONING DISTRICT) MINIMUM:
 AREA: 30,000 Sq. Ft. (W/ TOWN WATER & SEWER)
 FRONTAGE: 150'
 SETBACKS:
 FRONT - 50'
 SIDE - 15'
 REAR - 15'

PLANS OF REFERENCE

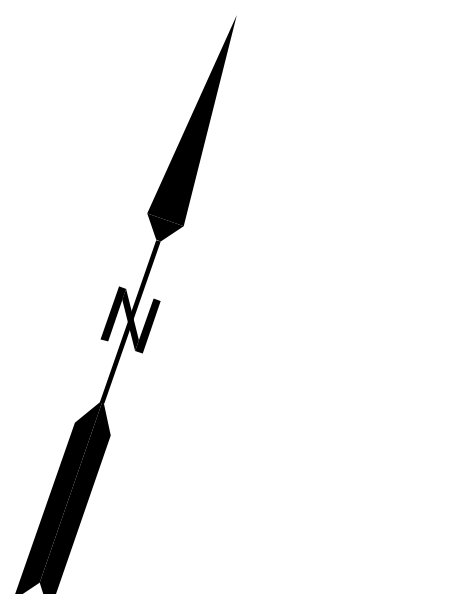
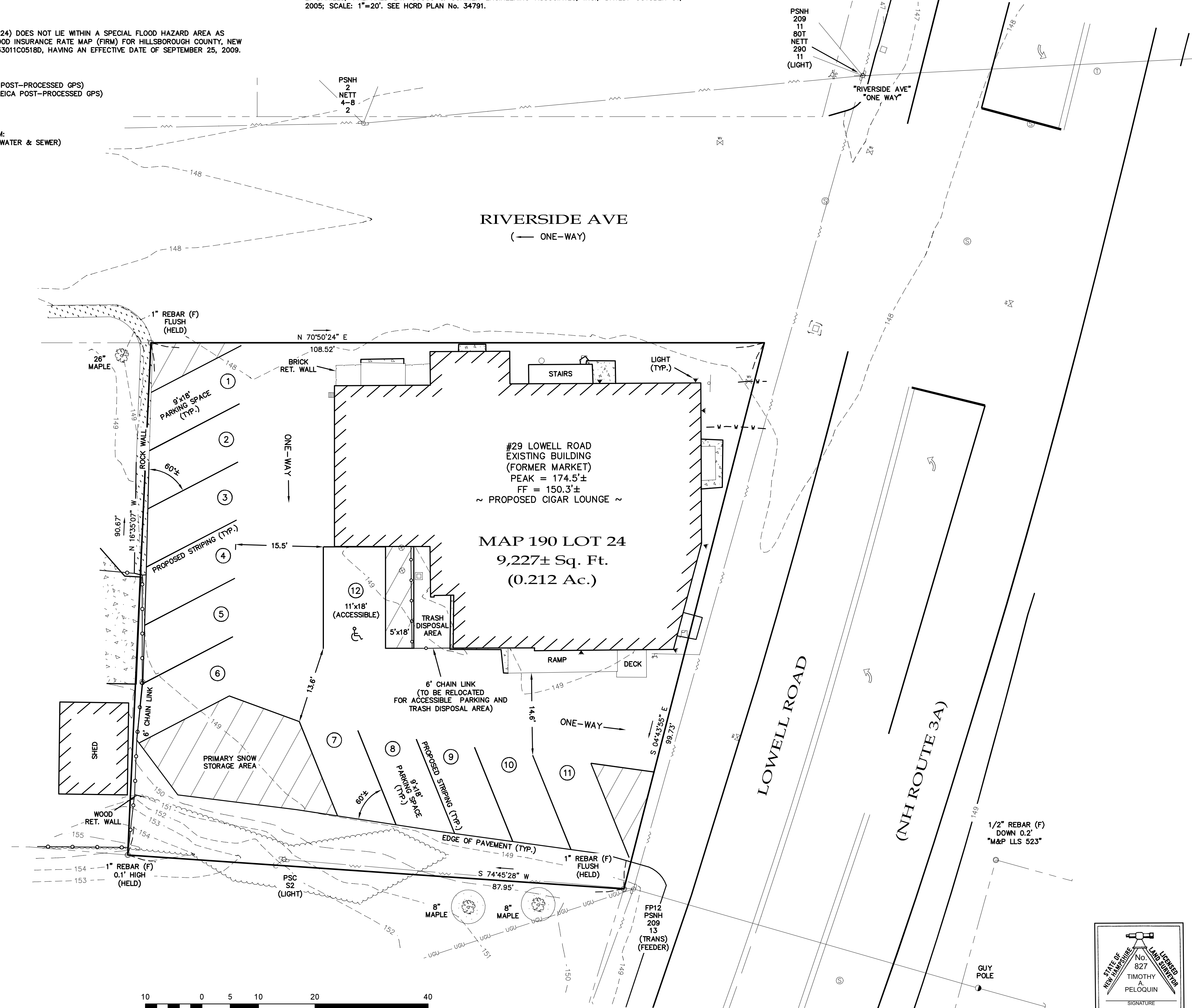
- 1) "CONSOLIDATION AND SUBDIVISION OF LAND OF CAROL L. & GLORIA J. CHARETTE, LOCATED AT 29 LOWELL RD. & RIVERSIDE AVE., HUDSON, N.H."; PREPARED BY: YOUNG, CAMPBELL, & CATE, INC.; DATED: OCT., 1981; SUPERCEDES HCRD PLAN No. 14256. SEE HILLSBOROUGH COUNTY REGISTRY OF DEEDS (HCRD) PLAN No. 14434.
- 2) "AS-BUILT SITE PLAN, MAP 48 / LOTS 52, 54, 54-1, 55, AND 55-1, 'FIRST BROOK PLAZA II,' LOWELL ROAD, HUDSON, NEW HAMPSHIRE"; PREPARED FOR: KATHLEEN SOUSA; PREPARED BY: MAYNARD & PAQUETTE, INC.; DATED: JULY 24, 1998; SCALE: 1"=40'. SEE HCRD PLAN No. 29389.
- 3) "MAP 190 / LOT 23, SITE PLAN, 31 LOWELL ROAD, HUDSON, NEW HAMPSHIRE"; PREPARED FOR: CHARLES E. DANIELS; PREPARED BY: CUOCO & CORMIER ENGINEERING ASSOCIATES, INC.; DATED: OCTOBER 31, 2005; SCALE: 1"=20'. SEE HCRD PLAN No. 34791.



SCALE: 1"=3,000±

LEGEND

- BOUND
- CATCH BASIN
- DRAIN MANHOLE
- ELECTRIC METER
- GAS GATE
- GUYWIRE
- HVAC UNIT
- HYDRANT
- IRON PIPE/REBAR
- CONTOUR MAJOR
- CONTOUR MINOR
- CURBING
- DRAINAGE LINE
- EDGE OF PAVEMENT
- GAS LINE
- OVERHEAD ELECTRIC
- RETAINING WALL
- SEWER LINE
- TREE LINE
- BUILDING
- CONCRETE
- LANDSCAPING
- LIGHT
- LIGHT POST
- MAILBOX/PAPER BOX
- SEWER MANHOLE
- SIGN
- STUMP
- TREE - CONIFEROUS
- TREE - DECIDUOUS
- UTILITY POLE



APPROVED BY THE TOWN OF HUDSON, NH
 PLANNING BOARD ON: _____
 CERTIFIED BY: _____
 CHAIRMAN _____ DATE _____
 SECRETARY _____ DATE _____

LAND OWNER OF RECORD
 FARHAT & ISHRAT CHEEMA
 562 CAMBRIDGE ST.
 ALLSTON, MA 02134
 HILLSBOROUGH COUNTY REGISTRY OF DEEDS BOOK 7623 / PAGE 1339

EXISTING CONDITIONS &
 PROPOSED PARKING LOT LAYOUT PLAN
 MAP 190 LOT 24
 29 LOWELL ROAD
 HUDSON, NEW HAMPSHIRE
 FEBRUARY 03, 2021
 PREPARED FOR: EL TORO CIGARS & LOUNGE
 98 LOWELL ROAD
 HUDSON, NH 03051
 SCALE: 1"=10' SHEET 1 OF 1

PREPARED BY:

Promised Land Survey, LLC
 PO Box 447
 Derry, New Hampshire 03038
 Tel: (603) 432-2112
 www.PromisedLandSurvey.com
 •Land Surveying •Mapping •Planning •Permitting •Layout

NO.	DATE	DESCRIPTION	BY
2	05/19/2021	ANGLED PARKING, DUMPSTER, SNOW STORAGE, ACCESSIBLE SPOT	TAP
1	03/02/2021	ADDED LOCUS AND LEGEND; GENERAL CLEANUP	BJW

NO. 827
 TIMOTHY A. PELLOUIN
 SIGNATURE

N:\Carlson\2020\2917\DWG\d2917s1-TAP-101-02-03-2021.dwg