

279 LOWELL ROAD CHANGE OF USE

SP# 06-23

STAFF REPORT

(Please refer to 7/26/23 report for earlier comments)

August 23, 2023

SITE: 279 Lowell Road, Map 234 Lot 032

ZONING: General 1 (G-1)

PURPOSE OF PLAN: To illustrate the existing and proposed conditions at Hudson lot 234-32. The nature of the change of use is to convert an existing veterinarian clinic to a vape shop.

PLANS UNDER REVIEW:

Site Plan / 279 Lowell Road, Hudson, NH, Map 234 Lot 32; prepared by: Jeffrey Land Survey, LLC, 1 Burgess Drive, Litchfield, NH 03052; prepared for: Yanhong Yang King, Applicant, Lot 234-32, Hillsborough County, NH; consisting of 1 sheet and general notes 1-12; dated May 2023, last revised August 9, 2023.

ATTACHMENTS:

- A. Request of Applicant to reconsider property value study.
- B. Waiver Request Forms
- C. Written public input received

APPLICATION TRACKING:

- June 14, 2023 – Application received.
- July 26, 2023 – Application accepted. public hearing opened and continued to 8/23/23.
- August 23, 2023 – Continuance of public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

This an existing development seeking a change of use. The site is approximately 0.364 acres with an existing 1,805 SF building that is served by municipal water and has a private septic. It is in the G-1 zone and abutting uses include residential and a used car lot. The building was previously used for an animal clinic and the current proposed use is a vape/smoke shop.

SITE PLAN UPDATE

Included with submissions was an updated site plan, revision 2. This plan included the following changes:

- Inclusion of parking spot dimensions for front parking.

- Inclusion of proposed opaque fences along property line.
- General notes #11 & #12
- Location of Wheel stops for angled front parking
- Enter/Exit signs and pavement marking indicating travel direction have been added.

The revision blocks mentions loading but no loading space is provided. A waiver request for the loading area has been submitted. The updated notes include hours that the sign will be illuminated for, as well as note that the accessibility ramp will be ADA certified.

REQUEST LETTER

The applicant submitted a request letter to reconsider requiring a Housing Price Impact Study due to the financial burden it would place on the applicant. In addition, they state that other similar businesses along Lowell Road have not had to do similar studies for prior applications.

WAIVERS REQUESTED

1. Waiver for Stormwater Control Plan, 275-9.A, to not require a stormwater control plan when one would otherwise be required. The applicant is proposing no additional impervious material or cutting any existing green areas, therefore the applicant believes that the SMP would be unbeneficial, since the area will not have appreciably changed since the previous owners.
2. Waiver for Traffic Study, 275-9.B, to not require a traffic study.

Comment: This is only a requirement if requested by Staff or the Planning Board. A waiver may be unnecessary.

3. Waiver for Noise Study, 275-9.C, to not require a noise study when one would otherwise be required. The applicant is proposing a small retail shop where all business is conducted indoors next to a well-travelled State Highway. The applicant believes that her business would not contribute to any exiting noise pollution.

Comment: This is only a requirement if requested by Staff or the Planning Board. A waiver may be unnecessary.

4. Waiver for 40% Green Space, 276-11.1.B(24), to not require no less than 40% green space on the property. The applicant states that this would be impossible based on the current footprint of the building and was approved prior with the current amount of greenspace.
5. Waiver for Locations of roadways, driveways, travel areas, or parking areas within 200 feet of the tract, 276-11.1.B(16). The applicant states this would create unnecessary financial burden that would serve little purpose for an existing commercial lot.

6. Waiver for location of building setback lines, 276-11.1.B(12). The applicant states that this ordinance is impossible to comply with in the sites current layout, and that the prior commercial use used the same configuration and was approved.
7. Waiver for 35' Green Area Buffer, 276-11.1.B(22). The applicant claims that due to NHDOT taking that occurred prior a 35' Green Area buffer is no longer possible on the site.
8. Waiver for Off-street Loading Spaces, 275-8.C(6). The applicant states that due to the nature of products being sold only shipping in small boxes, a dedicated loading zone will not be required for the property.
9. Waiver for Parking Aisle Dimensions, 279-C.5. The applicant states that resizing the parking aisles to be larger would be an unnecessary burden and is not possible due to the NHDOT taking that occurred on the front of the property.
10. Waiver for Parking and Travel in Side yard Setbacks, 276-11.1.B(25). The applicant states that the current configuration was approved for the prior occupant, and that to reconfigure the property in such a way to meet the requirement would be impossible.
11. Waiver for Parking Spaces, 275-8.C.4. The applicant states that enlarging the spaces to the minimum 10ft by 20ft would not be possible, and pose a burden on the applicant.

Recommendations

- The application suggests the parking requirements are met for retail (1 per 200 sf) for the 1,805 sf retail space with the existing 9 spaces. The Applicant should confirm the available square footage of the retail space.
- Consideration of potential approval of this application is recommended to include a condition or note specifying that the approval is for a smoke shop only and that any future change of use shall be subject to site plan review. This is recommended to limit the approval from granting a broad brush approval of any "General Retail" activity and is similar to a condition imposed on this site by the 1990 approval of the veterinary clinic.
- Pre-existing non-conformities should be addressed as discussed above.
- There appears to be an encroachment of the site's retaining wall on the north-western property line onto 277 Lowell Road (Map 234 Lot 33). This appears to mimic the approved site plan of 1990 but built slightly over the property line. The Applicant should obtain an easement from the property owner of 277 Lowell Road or remove the encroachment.
- In reviewing the Impact Fee Ordinance, no net increase would result from the change of category so no CAP fee is assessed (existing: Medical Office = \$5.30/sf; whereas

proposed comparables from the Traffic Impact Fee Table include Shopping Center = \$3.87/sf, Pharmacy = \$5.30/sf).

Staff recommends deliberation and consideration of a site walk and/or the Applicant’s requests. Recommended conditions of approval for the Board’s consideration are provided under Draft Motions.

DRAFT MOTIONS

To GRANT a waiver:

- 1. §275-9.A – Stormwater Management Plan

I move to grant a waiver from §275-9.A, to not require a Stormwater Management Plan, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

- 2. §275-8.C.4 – Parking Space Dimensions

I move to grant a waiver from §279-8.C.4, to allow parking space dimensions of less than 10-feet by 20-feet, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

- 3. §275-8.C.5 – Parking Aisle Dimensions

I move to grant a waiver from §279-C.5., to allow reduced parking aisle dimensions, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

- 4. §276-11.1.B(12) – 100-foot buffer to residential

I move to grant a waiver from §276-11.1.B(12), to not require a 100-foot buffer between the improved portion of the commercial use and a residential use, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

- 5. §276-11.1.B(16) – Location of roadways, driveways, travel areas or parking areas with 200-feet

I move to grant a waiver from §276-11.1.B(16), to not require a plan showing all vehicular travelways within 200-feet, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

6. §276-11.1.B(22) – 35-foot green area between pavement and ROW

I move to grant a waiver from §276-11.1.B(22), to not require a 35-foot green area between pavement and ROW, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

7. §276-11.1.B(24) – Open space area equal to 40% of site

I move to grant a waiver from §276-11.1.B(24), to not require an open space area of 40% of the site, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

8. §276-11.1.B(25) – Parking and travel ways in side yard setback

I move to grant a waiver from §276-11.1.B(25), to allow parking and travel ways in the side yard setback, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

9. §275-9.B – Traffic Study

I move to grant a waiver from §275-9.B to waive the requirement of providing a Traffic Study for the proposed change of use, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

10. §275-8.C(6) – Loading Area

I move to grant a waiver from §275-8.C(6) to waive the requirement of a dedicated loading zone on site, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

11. §275-9.C – Noise Study

I move to grant a waiver from §275-9.C) to waive the requirement of a Noise Study for the proposed change of use, based on the Board’s discussion, the testimony of the Applicant’s representative.

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

CONTINUE the public hearing to a date certain:

I move to continue the site plan application for Site Plan / 279 Lowell Road, Hudson, NH, Map 234 Lot 32, to date certain, _____, 2023.

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

APPROVE the site plan application:

I move to approve the site plan application for the Site Plan / 279 Lowell Road, Hudson, NH, Map 234 Lot 32; prepared by: Jeffrey Land Survey, LLC, 1 Burgess Drive, Litchfield, NH 03052; prepared for: Yanhong Yang King, Applicant, Lot 234-32, Hillsborough County, NH; consisting of 1 sheet and general notes 1-12; dated May 2023; and,

That the Planning Board finds that this application complies with the Zoning Ordinances with consideration of the provisions of Article VIII – Nonconforming Uses, Structures and Lots, and with the Land Use Regulations with consideration of the waivers granted; and for the reasons set forth in the written submissions, together with the testimony and factual representations made by the applicant during the public hearing;

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, together with the Plan.
2. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
3. This approval is for 1,805 sf of finished retail space on one floor only and does not constitute approval of retail use of a finished basement.
4. The Planning Board’s approval is for a smoke shop only. Given the unique characteristics and limitations of the subject parcel, any future change of use shall be subject to site plan review and approval.
5. Parking spaces shall be restriped prior to issuance of Certificate of Occupancy.
6. Signage shall be placed to indicate employee parking spaces.
7. Approval of business signage shall be reviewed by the Engineering Department for vehicular sight lines and sight distance.
8. 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.
9. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.

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

From: Bonnie King <bonnieking7606@gmail.com>
Sent: Thursday, August 10, 2023 10:41 PM
To: Groth, Brian
Subject: 279 Lowell Rd Site Plan Request
Attachments: Bonnie King - Zoning Determination.pdf

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Hello Brian

Thank the planning board members and you had a meeting on July 23th for 279 Lowell Rd. We were asked to hire a broker to estimate the residential property value increase or decrease after our store opens. Our application is a site plan for a commercial property that is permitted use by Zoning Determination #23-047 (see attachment). I have been asking my broker about the request ,and They don't know what the study defined for a site plan application. Also we went to multiple Vape shops and gun shops such as 29 Lowell Rd, El Toro Cigar lounge located next to residential property, Pete's Gun & Tackle located next to residential property. 95 River Rd Brennan's smoke shop, 100 River Rd Ayotte's Stateline Smokin's Joe nearby residential property ,,no one shop did that. We already spent lots of money hiring engineers for the site plan , paying the landlord maintenance fee after we know 279 Lowell Rd is permitted use and only needing a site plan . My partner and I are going to do what the town request relates to the site plan application . but to hire a broker to do the study undefined to the site plan application ,It is really difficult for us. My partner and I hope you and the planning board could consider the situation and give us support, Thank you !

Best Regards
Bonnie King

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 275-9.A of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

A Stormwater Management Plan would cause unnecessary financial burden on the applicant.

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 applicant is proposing no additional impervious material or cutting of any existing green areas, therefore the SMP would be unbenificial, since the area will not have appreciably changed since the previous owners. Therefore, granting of the waiver is in keeping with the spirit and intent of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 275-9.C of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

A Noise Study would cause unnecessary financial burden on the applicant.

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 applicant is proposing a small retail shop where all business is conducted indoors next to a well-travelled State Highway. The applicant believes that her business would not contribute to any existing noise pollution. Therefore, granting of the waiver is in keeping with the spirit and intent of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 275-9.B of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

A Traffic Study would cause unnecessary financial burden on the applicant.

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 applicant is proposing a small retail shop to sell smoking/vaping supplies and and is not expecting to have nearly the vehicular traffic as the previous tenant.

Therefore, granting of the waiver is keeping with the spirit and intent of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 276-11.1.B(24) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC

(name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

40% Green Space

The client would request relief from this statute based on the fact that it would be impossible to accomplish given the existing layout that was approved for the previous tenant.

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 client is requesting a change of use for the commercial property. When the State took between 20'-25' of property for the widening of Lowell Road, it had eliminated the ability for this statute to be tenable. Currently, the existing green space is mostly in the rear of the property, which leaves about 38% Green space.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 276-11.1.B(16) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC

(name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

The client would request relief from this statute based on the fact that it would be an unnecessary financial burden that would serve little purpose for an existing commercial lot.

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 client is requesting a change of use for the commercial property. To create additional plan set sheets would not be inexpensive for a change of use application. Therefore, granting the waiver is in keeping with the spirit of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 276-11.1.B(12) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

The client would request relief from this on the basis that the strict interpretation of the statute would remove the possibility of the property to be used commercially in a mixed use zone.

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 client is requesting a change of use for the commercial property. Because of the existing configuration of the property, the usage, which has historically been commercial, could not be used for that purpose. Therefore, granting the waiver is in keeping with the spirit of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 276-11.1.B(22) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC

(name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

35' green area buffer.
The client would request relief from this statute based on the
fact that it would be impossible to accomplish given the existing
distances between the parking area and the State ROW layout.

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 client is requesting a change of use for the commercial property. When the
State took between 20'-25' of property for the widening of Lowell Road, it had
eliminated the ability for this statute to be tenable. Therefore, granting a waiver
is in keeping with the spirit and intent of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 275-8.C(6) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated JULY 2023 for property tax map(s) 234 and lot(s) 32 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):

Loading area.

The client would request relief from this statute based on the nature of the items that are intended to be sold.

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 client is requesting a change of use for the commercial property. The boxes of delivery and retail items are small and do not warrent a designated loading area within the building. Therefore, granting of the waiver is in keeping with the spirit and intent of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 279-C.5 of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

The client would like to utilize the reduced parking aisle dimensions, larger dimensions would be an unnecessaryburden on the applicant.

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 client is requesting a change of use for the commercial property. The client would like to take advantage of the existing parking that was utilized by the previous tenant. The existing parking configuration is a result of the the NHDOT taking in the 80's, and was approved for the previous tenant. Granting the waiver is in keeping with the spirit of the ordinance.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 276-11.1.B(25) of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC

(name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

Parking and travel in side yard setbacks.
The client would request relief from this statute based on the
fact that it would be impossible to accomplish given the existing
layout that was approved for the previous tenant.

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 client is requesting a change of use for the commercial property. The client
would like to utilize the rear parking and the area to the right of the existing
building. It would be impossible to access both existing areas without using
areas within 15' of the property lines.

Signed:

Applicant or Authorized Agent

WAIVER REQUEST FORM

Name of Subdivision/Site Plan: SITE PLAN

Street Address: 279 LOWELL ROAD, HUDSON, NH

I BONNIE KING hereby request that the Planning Board waive the requirements of item § 275-8.C.4 of the Hudson Land Use Regulations in reference to a plan presented by JEFFREY LAND SURVEY LLC (name of surveyor and engineer) dated MAY 2023 for property tax map(s) 234 and lot(s) 32 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):

Parking spaces that are 10 ft by 20 ft would be an unnecessary burden on the applicant.

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 client is requesting a change of use for the commercial property. The client would like to take advantage of the existing parking that was utilized by the previous tenant. The existing parking configuration is a result of the the NHDOT taking in the 80's, and was approved for the previous tenant. Granting the waiver is in keeping with the spirit of the ordinance.

Signed:

Applicant or Authorized Agent

From: Linda Zarzatian <zarzatian@gmail.com>
Sent: Thursday, August 10, 2023 1:47 PM
To: ~BoS; Planning
Subject: vape shop

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

I am requesting that the vape shop that is being discussed for the property that was formerly lawson veterinary office on lowell road be denied. We do not want a vape shop with all that it brings with them in our residential neighborhood. We have more than enough traffic and noise without bringing more business there till 9pm at night. Whatever they may have or sell in the vape shop is not the sort of products or business we should have in our residential neighborhood.

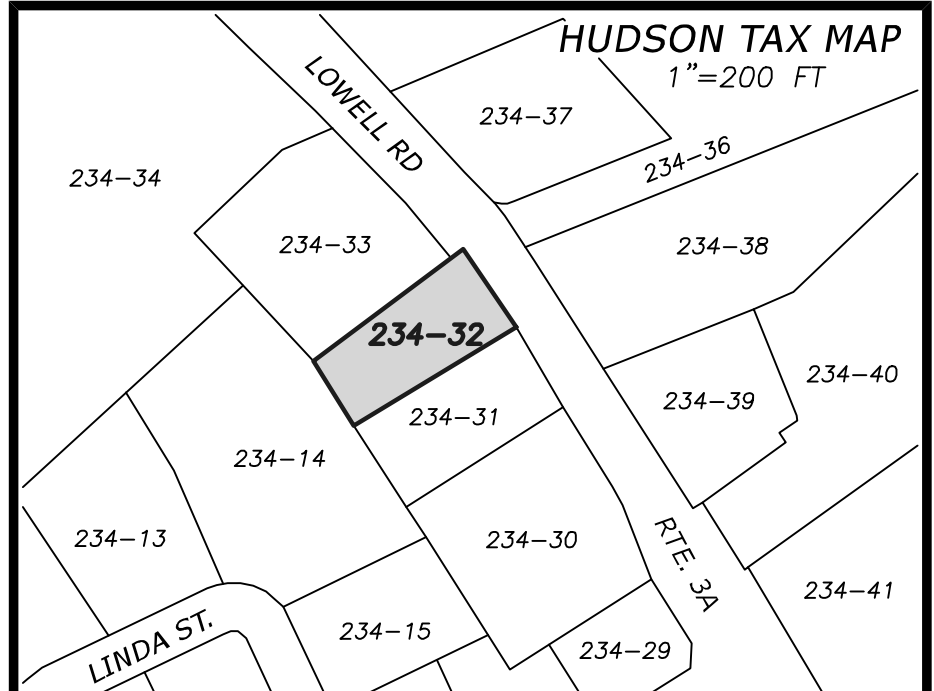
Target industrial facility is enough horror for our peaceful little neighborhood. Please do not make it any worse than it is already planned to be.

Respectfully submitted,
Sleepless in Hudson

PARKING SUMMARY			
USE RETAIL 1,805 SF	1 SPACE PER 200 SF 1,805 SF / 200 SF = 9 SPACES	REQUIRED 9	PROPOSED 9 EXISTING
ONE ADA SPACE PROVIDED EXISTING- REF. WWW.ADA.GOV/TOPICS/PARKING/			

REFERENCE PLAN:

- REFERENCE PLAN: "PLAN OF LAND OF STUART & DORIS E. GROVES HUDSON, N.H." DATED MAY, 1951 AND RECORDED IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS (HCRD) AS PLAN 1161.
- REFERENCE PLAN: "THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION CONSTRUCTIONS PLANS, FEDERAL AID PROJECT STP-X-0005(217) N.H. PROJECT NO. 12461, N.H. ROUTE 3A" ON FILE AT THE NH DOT, REFER TO: gis.dot.nh.gov/plan/12461.ASB.pdf.
- REFERENCE PLAN: "LAWSON SITE PLAN, LOWELL ROAD (LOT 32 MAP 7) HUDSON, NEW HAMPSHIRE" DATED MAY 1988 AND RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS (HCRD) AS PLAN 24849.

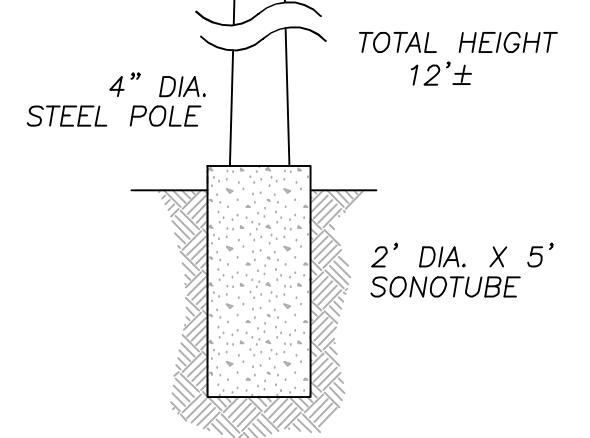
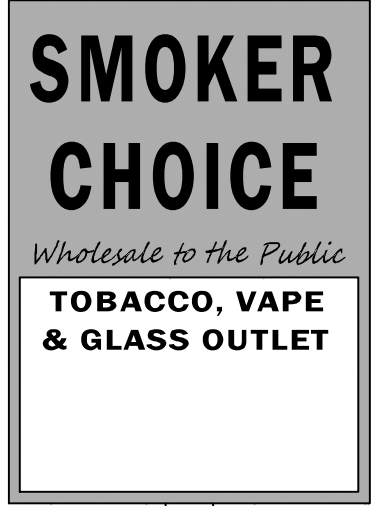


PROPOSED
3' X 16' ROOF-MOUNTED SIGN
N.T.S.

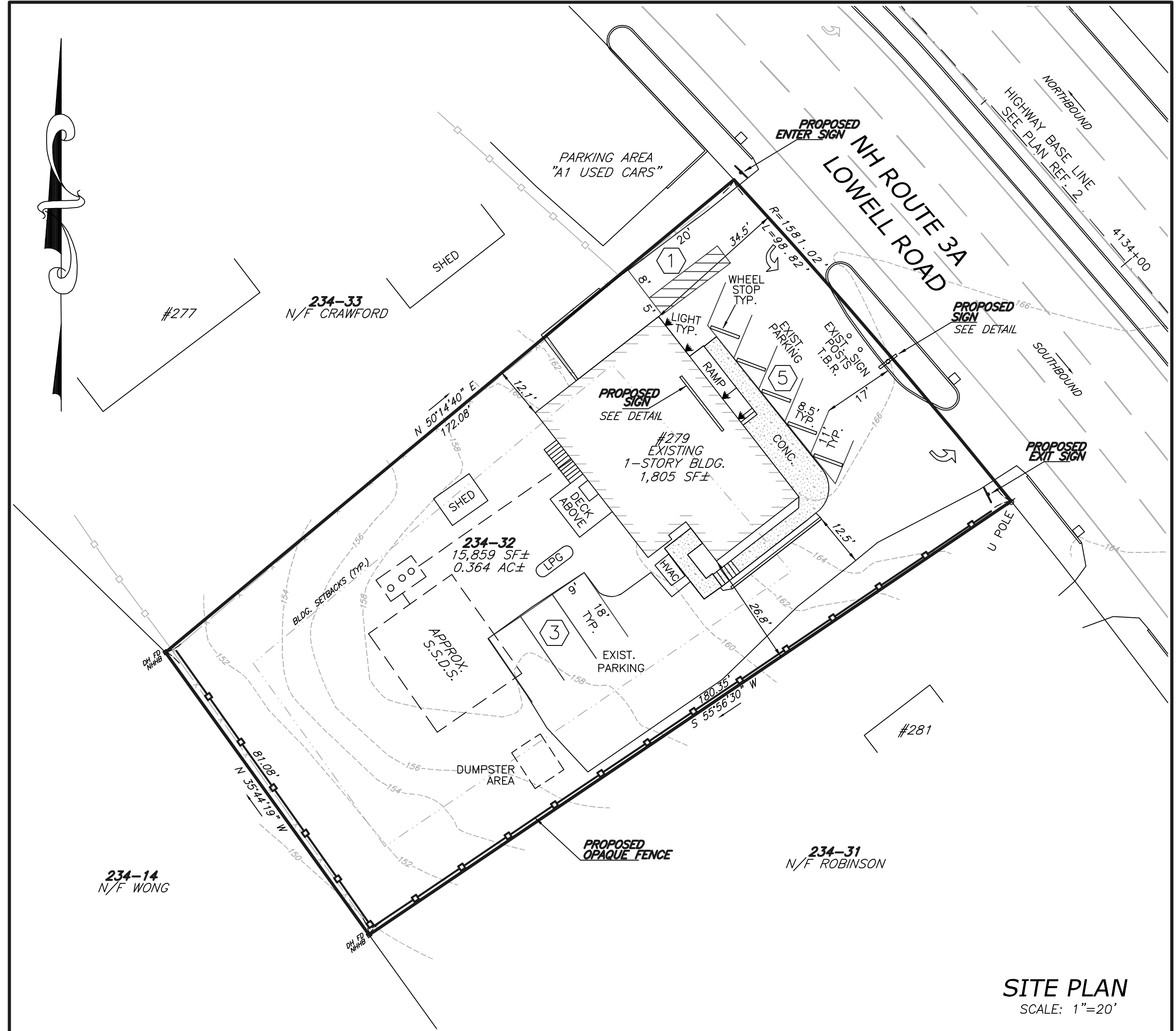
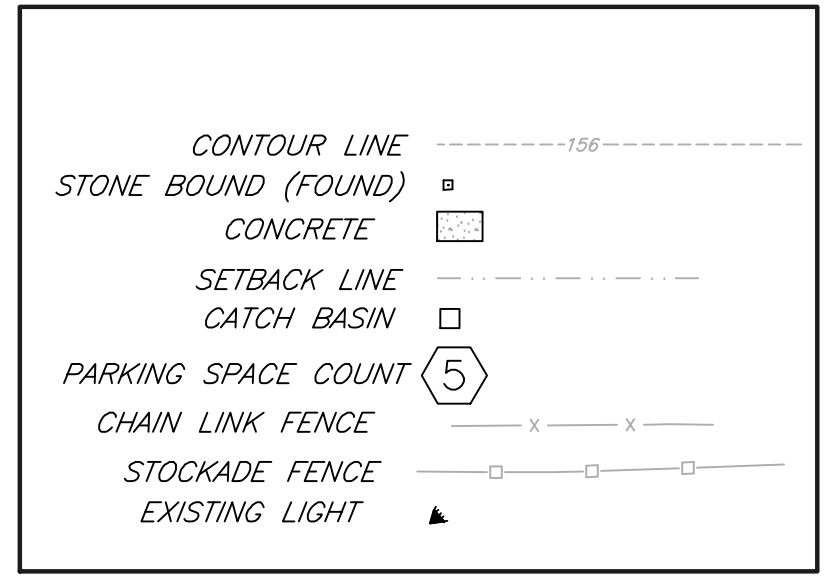
SMOKER CHOICE

TOBACCO, VAPE & GLASS OUTLET

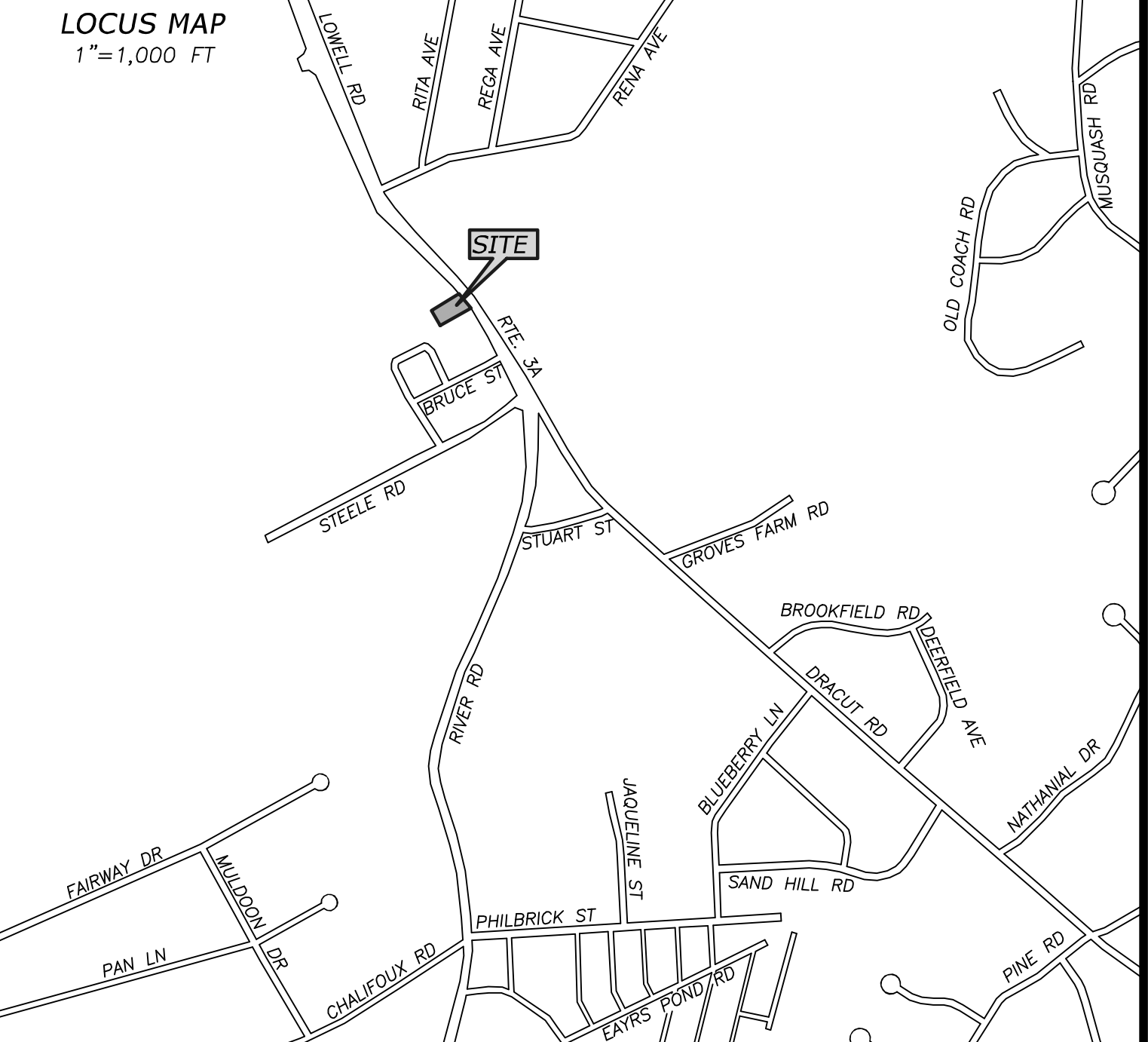
PROPOSED
5' X 7' POLE-MOUNTED SIGN
ILLUMINATED
N.T.S.



PLAN LEGEND



SITE PLAN
SCALE: 1"=20'



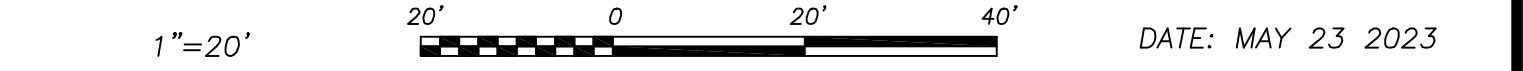
- PLAN NOTES:**
- THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF THE OF AN EXISTING BUILDING AND THE PROPOSED IMPROVEMENTS TO COMPLETE A CHANGE OF USE. THE APPLICANT INTENDS TO CONVERT AN EXISTING ANIMAL HOSPITAL INTO A SMOKE SHOP.
 - LOT AREA
TAX MAP 234 LOT 32 = 15,859 SF OR 0.364 AC.
 - REFERENCE THIS PARCEL AS TOWN OF HUDSON TAX MAP 234 LOT 32.
 - CURRENT ZONING DISTRICT:
G-1
MINIMUM SETBACKS: FRONT= 30',
SIDE= 15',
REAR= 15'.
MIN. AREA (WITHOUT SEWER)= 87,120 SF
MIN. FRONTAGE (WITHOUT SEWER)= 200'
 - FOR BOUNDARY INFORMATION SEE PLAN REFERENCES 1&2.
 - TOPOGRAPHIC INFORMATION DEPICTED HEREON IS A RESULT OF AN ON-THE-GROUND SURVEY PREPARED BY THIS OFFICE MAY 2023.
 - NO PORTION OF THE PROPERTY IS WITHIN THE 100-YEAR FLOOD PLAN AS PER FIRM MAP NUMBER 33011C0656D
 - OWNER OF RECORD:
MAP 234 LOT 32
KOMMA HOLDING, LLC
28 WINDING RD.
BEDFORD, NH 03110
HCRD BK 8538 PG 576
 - THERE WILL BE NO ADDITIONAL EXTERIOR LIGHTING.
 - ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZONING ADMINISTRATOR PRIOR TO INSTALLATION THEREOF.
 - HOURS OF OPERATION: 9:00 AM TO 9:00 PM. HOURS OF SIGN ILLUMINATION: DUSK TO CLOSE OF BUSINESS.
 - EXISTING RAMP SHALL BE CERTIFIED AS ADA COMPLIANT BEFORE START OF BUSINESS.

REV. 3		BY:
REV. 2	PARKING, FENCE, LOADING, NOTES, WHEEL STOPS	8/9/23 BY: GRJ
REV. 1	SIGN DETAILS, TEXT	7/25/23 BY: GRJ

SITE PLAN
279 LOWELL ROAD, HUDSON, NH
PREPARED FOR
YANHONG YANG KING
APPLICANT, LOT 234-32
HILLSBOROUGH COUNTY, NH

JEFFREY LAND SURVEY LLC
1 BURGESS DRIVE
LITCHFIELD, NH 03052

SHEET 1 OF 1



SUBJECT LOT:
MAP 234 LOT 32
KOMMA HOLDING, LLC
28 WINDING RD
BEDFORD, NH 03110
HCRD 8538/576

DIRECT ABUTTERS:
MAP 234 LOT 31
MICHELLE J. ROBINSON
MARK A. LEDOUX
12 SHEPHERD HILL RD
BEDFORD, NH 03110
HCRD 6337/1502

MAP 234 LOT 14
DON R. WONG
MELISSA E. WONG
18 LINDA ST
HUDSON, NH 03051
HCRD 7862/478

INDIRECT ABUTTERS:
MAP 234 LOT 30
LISA PEZZAROSSO
283 LOWELL RD
HUDSON, NH 03051
HCRD 6337/1502

MAP 234 LOT 15
EMERSON BARBOSA
20 LINDA ST
HUDSON, NH 03051
HCRD 9217/1506

MAP 234 LOT 34
TARGET CORPORATION
1000 NICOLLET MALL, TPN 12H
MINNEAPOLIS, MN 55403
HCRD 9688/512

MAP 234 LOT 36
MACTHOMPSON REALTY INC.
3 MARMON DR
NASHUA, NH 03060
HCRD 9666/2952

MAP 234 LOT 37
MACTHOMPSON REALTY INC.
3 MARMON DR
NASHUA, NH 03060
HCRD 8968/2258

MAP 234 LOT 38
286 LOWELL RD LLC
20 TRAFALGAR SQ, SUITE 610
NASHUA, NH 03064
HCRD 9349/337

MAP 234 LOT 39
286 LOWELL RD LLC
20 TRAFALGAR SQ, SUITE 610
NASHUA, NH 03064
HCRD 9349/337

PURSUANT TO THE SUBDIVISION OF LAND REGULATIONS OF THE HUDSON PLANNING BOARD, SUBDIVISION APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

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

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

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

OWNER OF RECORD:

REP. FOR KOMMA HOLDING, LLC _____ DATE _____

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE DURING MAY OF 2023. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000).

LICENSED LAND SURVEYOR

CERTIFICATION:

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.

LICENSED LAND SURVEYOR