

41 SCHOOL STREET 2-LOT SUBDIVISION PLAN

SB# 10-23

STAFF REPORT

February 14, 2024

SITE: 41 School Street / Map 182 / Lot 108

ZONING: Town Residence (TR)

PURPOSE OF PLAN: To subdivide Map 182 / Lot 108 into two (2) single-family residential lots.

PLANS UNDER REVIEW:

Subdivision Plan SB# 10-23, Map 182/Lot 108, 41 School Street, Hudson, New Hampshire; prepared by: Jeffrey Land Survey LLC, 46 Batten Road, Bristol, NH 03222; prepared for: Craig Parks, 41 School Street, Hudson NH, consisting of two sheets, and plan notes 1-12 on sheet 1; dated October 9, 2023, last revised November 27, 2023.

ATTACHMENTS:

- 1) Subdivision Application date stamped December 27, 2023 – Attachment “A”.
- 2) Department Comments – Attachment “B”.
- 3) ZBA Variance Denial dated October 26, 2023 – Attachment “C”
- 4) CAP Fee Worksheet – Attachment “D”.
- 5) Subdivision plans

APPLICATION TRACKING:

1. December 18, 2023 – Application received.
2. February 14, 2024 – Public hearing scheduled

COMMENTS & RECOMMENDATIONS:

BACKGROUND:

The subject lot is approximately .45 acres with approximately 140 feet of frontage along First Street, and 145 feet of frontage along School Street. The lot is in the Town Residential (TR) zone. The site contains no known wetlands. The site is served by municipal water and sewer. The applicant proposes subdividing Map 182 Lot 108 into two lots sized 10,329 sqft. (Map 182 Lot 108) and 10,003 sqft. (Map 182 Lot 108 Sublot 001). Map/Lot 182-108-000 would retain 140 linear feet of frontage on First Street and 55.2 linear feet of frontage on School Street. Newly created Map/Lot 182-108-001 would contain 90 linear feet of frontage on School Street.

STAFF COMMENTS:

Staff notes that the applicant previously applied to the Zoning Board of Adjustment (ZBA) for a variance related to §334-27, Frontage Requirements, for proposed Map/Lot 182-108-001. The

ZBA denied the request, and the applicant has revised the plan set to instead meet the requirement of 90 linear feet of frontage. Along the South-Western bound of the property is a sewer line utilized by the Town Recreation Center at 2 Oakwood Street. The garage along the South-Eastern bound of the property seems to be a pre-existing non-conformance.

PEER REVIEW:

Plans were not submitted to Fuss & O’Neill for peer review, due to the simple nature of this application.

DEPARTMENT COMMENTS:

Engineering provided the following comments:

1. Proposed location of water service needs to be included on the site plan;
2. Proposed location of sewer service needs to be included on the site plan;
3. The applicant needs to provide a plan and profile for the driveway; and
4. The applicant needs to provide a plan and profile for site distance from the driveway.

Full comments are provided in **Attachment “D”**.

RECOMMENDATIONS:

Staff recommends application acceptance, conduct public hearing and for continued or final action to be considered in accordance with the below DRAFT MOTIONS. That is, depending on whether or not the board deems that more time is needed to come to a conclusion on this application.

The Applicant has addressed all comments issued by Town Staff, the application meets applicable zoning and land use regulation criteria.

DRAFT MOTIONS:

I move to accept the subdivision application for the Subdivision Plan 41 School Street 2-Lot Subdivision Plan, SB# 10-23, Map 182 / Lot 108, 41 School Street, Hudson, NH.

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

I move to defer further review of the 41 School Street 2-Lot Subdivision Plan application, date specific, to the March _____, 2024 meeting.

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

MOTION TO APPROVE:

I move to approve the subdivision plan entitled: 41 School Street 2-Lot Subdivision Plan SB# 10-23, Map 182/Lot 108, 41 School Street, Hudson, NH; prepared by Jeffrey Land Survey LLC, 46 Batten Road, Bristol, NH 03222, prepared for Craig Parks, 41 School Street, Hudson NH, consisting of two (2) sheets, Notes 1-12 on sheet 1, dated 23 OCT 09, last revised November 27, 2023, in accordance with the following terms and conditions:

That the Planning Board finds that this application complies with the Zoning Ordinances, and with the Land Use Regulations; 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:

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. A cost allocation procedure (CAP) amount of \$6,136.00 per single-family residential unit shall be paid prior to the issuance of a Certificate of Occupancy for the new house lots. The total shall be subject to change pending the 2024 CAP fee inflation schedule.
3. All monumentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
4. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

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

SUBDIVISION APPLICATION

Date of Application: _____ Tax Map #: 182 Lot #: 108

Site Address: 41 School Street, Hudson, NH

Name of Project: Subdivision Plan, 41 School Street, Hudson, NH

Zoning District: TR General SB#: 10-23
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Craig Parks

Address: 41 School Street

Address: Hudson, NH

Telephone # 603-365-0602

Email: craigparks@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: _____

Gregg R. Jeffrey LLS

Address: _____

46 Batten Road

Address: _____

Bristol, NH 03222

Telephone # _____

603-275-0929

Email: _____

gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

To subdivide one lot into two lots.

(For Town Use Only)

Routing Date: 1/9/24 Deadline Date: 1/16/24 Meeting Date: TBD

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

_____ Title: _____ Date: _____

(Initials)

Department: _____

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

SUBDIVISION PLAN DATA SHEET

PLAN NAME: Subdivision Plan, 41 School Street, Hudson, NH

PLAN TYPE: Conventional Subdivision Plan or Open Space Development (Circle One)

LEGAL DESCRIPTION: MAP 182 LOT 108

DATE: _____

Address: 41 School Street, Hudson, NH

Total Area: S.F. 20,332 Acres: 0.467

Zoning: TR

Required Lot Area: 10,000 sf

Required Lot Frontage: 90 ft

Number of Lots Proposed: 2

Water and Waste System Proposed: Town water and sewer

Area in Wetlands: 0 sf

Existing Buildings To Be Removed: 0

Flood Zone Reference: FIRM MAP NUMBER 33011C0518D

Proposed Linear Feet Of New Roadway: 0 lf

SUBDIVISION PLAN DATA SHEET

Dates/Case #/Description/
 Stipulations of ZBA,
 Conservation Commission,
 NH Wetlands Board Action: ZBA case #182-108, 10/26/23, denial

variance request for relief from dimensional requirement § 334-27, frontage
 (Attach Stipulations on
 Separate Sheet)

List Permits Required:

<i>*Waivers Requested:</i>	Hudson Town Code Reference	Regulation Description
	1.	
	2.	
	3.	
	4.	
	5.	
	6.	
	7.	

**(Left Column for Town Use)*

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

SUBDIVISION PLAN APPLICATION AUTHORIZATION

I hereby apply for *Subdivision 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 *Subdivision 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: _____

Print Name of Owner: Craig Parks

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

Signature of Developer: N/A Date: _____

Print Name of Developer: _____

- ❖ The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The 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: _____

Street Address: _____

I _____ hereby request that the Planning Board waive the requirements of item _____ of the Hudson Land Use Regulations in reference to a plan presented by _____ (name of surveyor and engineer) dated _____ for property tax map(s) _____ and lot(s) _____ 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):

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):

Signed:

Applicant or Authorized Agent

SCHEDULE OF FEES

A. REVIEW FEES:

1. \$170.00 per proposed lot \$ 340.00

CONSULTANT REVIEW FEE: (Separate Check)

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

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.

B. POSTAGE:

2 Direct Abutters Applicant, Professionals, etc. as required by RSA 676:4.1.d @\$5.01 (or Current Certified Mail Rate) \$ 10.02

13 Indirect Abutters (property owners within 200 feet) @\$0.66 (or Current First Class Rate) \$ 8.58

C. TAX MAP UPDATE FEE

2 to 7 lots (# of lots x \$30.00) + \$25.00 (min. \$85.00) \$ 85.00
8 lots or more (min. \$325.00) \$ _____

TOTAL \$ 443.60

(For Town Use Only)			
AMOUNT RECEIVED: \$	<u>443.60</u>	DATE RECEIVED:	<u>12/27/23</u>
RECEIPT NO.:	<u>756,822</u>	RECEIVED BY:	<u>BROOKE</u>

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

D. RECORDING:

*****The applicant shall be responsible for the recording of the approved plan, and all documents as required by an approval, at the Hillsborough County Registry of Deeds (HCRD), located at 19 Temple Street, Nashua, NH 03061. Additional fees associated with recording can be found at HCRD.*****

E. 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.*****

Dubowik, Brooke

From: Kirkland, Donald
Sent: Tuesday, January 9, 2024 2:55 PM
To: Dubowik, Brooke
Cc: Dhima, Elvis; Malley, Tim
Subject: RE: Dept Sign off - 41 School Street 2-Lot Subdivision SB# 10-23
Attachments: Signed Subdivision Application - Eng..pdf

Brooke-

Comments on the 41 School Street subdivision:

- Proposed location of water service needs to be included on the site plan;
- Proposed location of sewer service needs to be included on the site plan;
- The applicant needs to provide a plan and profile for the driveway; and
- The applicant needs to provide a plan and profile for site distance from the driveway.

Don Kirkland, P.E.
Civil Engineer

Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 809-0229



SUBDIVISION APPLICATION

Date of Application: _____ Tax Map #: 182 Lot #: 108
Site Address: 41 School Street, Hudson, NH
Name of Project: Subdivision Plan, 41 School Street, Hudson, NH
Zoning District: TR General SB#: 10-23
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Craig Parks
Address: 41 School Street
Address: Hudson, NH
Telephone # 603-365-0602
Email: craigparks@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: _____
Address: _____
Address: _____
Telephone # _____
Email: _____

Gregg R. Jeffrey LLS
46 Batten Road
Bristol, NH 03222
603-275-0929
gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

To subdivide one lot into two lots.

(For Town Use Only)

Routing Date: 1/9/24 Deadline Date: 1/16/24 Meeting Date: TBD
 I have no comments _____ I have comments (attach to form)
CJS Title: ZONING ADMINISTRATOR Date: 1-9-24
(Initials)
Department: _____
Zoning: Engineering: _____ Assessor: _____ Police: _____ Fire: _____ DPW: _____ Consultant: _____

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Address: Hudson, NH

Telephone # 603-365-0602

Email: craigparks@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: _____

Address: _____

Address: _____

Telephone # _____

Email: _____

Gregg R. Jeffrey LLS

46 Batten Road

Bristol, NH 03222

603-275-0929

gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

To subdivide one lot into two lots.

(For Town Use Only)		
Routing Date: <u>1/9/24</u>	Deadline Date: <u>1/16/24</u>	Meeting Date: <u>TBD</u>
<input checked="" type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)		
SCM (Initials)	Title: <u>Captain Steven McElhinney</u>	Date: <u>01/09/23</u>
Department: _____		
Zoning: ___ Engineering: ___ Assessor: ___ Police: <input checked="" type="checkbox"/> Fire: ___ DPW: ___ Consultant: ___		

SUBDIVISION APPLICATION

Date of Application: _____ Tax Map #: 182 Lot #: 108
Site Address: 41 School Street, Hudson, NH
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Zoning District: TR General SB#: 10-23
(For Town Use Only)

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PROPERTY OWNER:

DEVELOPER:

Name: Craig Parks
Address: 41 School Street
Address: Hudson, NH
Telephone # 603-365-0602
Email: craigparks@comcast.net

PROJECT ENGINEER:

SURVEYOR:

Name: _____
Address: _____
Address: _____
Telephone # _____
Email: _____

Gregg R. Jeffrey LLS
46 Batten Road
Bristol, NH 03222
603-275-0929
gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:

To subdivide one lot into two lots.

(For Town Use Only)		
Routing Date: <u>1/9/24</u>	Deadline Date: <u>1/16/24</u>	Meeting Date: <u>TBD</u>
<input checked="" type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)		
<u>DRH</u> (Initials)	Title: <u>Fire Marshal</u>	Date: <u>1/9/24</u>
Department: _____		
Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: <input checked="" type="checkbox"/> DPW: ___ Consultant: ___		

Dubowik, Brooke

From: Twardosky, Jason
Sent: Tuesday, January 9, 2024 3:39 PM
To: Dubowik, Brooke; Dhima, Elvis; Gradert Benjamin; Hebert, David; Kirkland, Donald; McElhinney, Steven; Michaud, Jim; Sullivan, Christopher; Malley, Tim
Cc: Malley, Tim
Subject: RE: Dept Sign off - 41 School Street 2-Lot Subdivision SB# 10-23

[No comments](#)


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

SUBDIVISION APPLICATION

Date of Application: _____ Tax Map #: 182 Lot #: 108
Site Address: 41 School Street, Hudson, NH
Name of Project: Subdivision Plan, 41 School Street, Hudson, NH
Zoning District: TR General SB#: 10-23
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER: **DEVELOPER:**
Name: Craig Parks _____
Address: 41 School Street _____
Address: Hudson, NH _____
Telephone # 603-365-0602 _____
Email: craigparks@comcast.net _____

PROJECT ENGINEER: **SURVEYOR:**
Name: _____ Gregg R. Jeffrey LLS
Address: _____ 46 Batten Road
Address: _____ Bristol, NH 03222
Telephone # _____ 603-275-0929
Email: _____ gjeffrey@jeffreylandsurvey.com

PURPOSE OF PLAN:
To subdivide one lot into two lots.

(For Town Use Only)
Routing Date: 1/9/24 Deadline Date: 1/16/24 Meeting Date: TBD
 I have no comments I have comments (attach to form)
Jm Title: Chief Assessor Date: 1-10-24
(Initials)
Department: _____
Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: ___ DPW: ___ Consultant: ___

A43
Town of Hudson Zoning Board

Doc # 230039365 11/28/2023 11:35:28 AM
Book 9743 Page 2538 Page 1 of 1
Mary Ann Crowell
Register of Deeds, Hillsborough County

FEES: 10.63
SURCHARGE: 2.00
CASH: _____

Send recorded copy to:

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

NOTICE OF DECISION

Map 182, Lot 108-000, Zone TR (Town Residence), Case # 182-108

ZBA Decision 10/26/2023

Variance – DENIED

Property Owner & Address: Craig J. Parks, 41 School Street, Hudson, NH 03051

Property Location: 41 School Street, Hudson, NH 03051

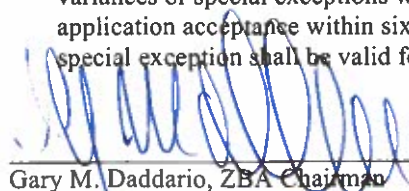
Action sought: Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required.

Zoning Ordinance Article: VII: Dimensional Requirements; §334-27 Table of Minimum Dimensional Requirements

Action denied: After consideration of the testimony, review of the of the plan prepared by Jeffrey Land Survey, LLC, Rev 1 dated 9/29/2023 and stamped by Licensed Land Surveyor, Greg R. Jeffrey, and discussion; and recognition that if the Variance is granted that the Planning Board would need to approve the proposed subdivision; and after review of the Variance criteria and determining that the hardship criterion was not satisfied, motion made, seconded and voted 4:1 not to grant the Variance.

NOTES:

- 1) 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.
- 2) In accordance with RSA 674:33 and Hudson Town Code §334-82, variances and special exceptions shall be valid if exercised within two (2) years from the date of approval by the Zoning Board of Adjustment. For variances or special exceptions which require subsequent Planning Board review, and which have gained application acceptance within six (6) months of approval by the Zoning Board of Adjustment, the variance or special exception shall be valid for a period of two (2) years after resolution of the Planning Board application.



Gary M. Daddario, ZBA Chairman

11/16/23
Date



Christopher J. Sullivan, Zoning Administrator

11/13/23
Date



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman



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

CAP FEE WORKSHEET - 2024

Date: 02-14-24 Zone # 1 Map/Lot: 182/108-001

41 School Street

Project Name: 41 School Street 2-Lot Subdivision

Proposed ITE Use #1: Single Family

Proposed Building Area (square footage): N/A S.F.

CAP FEES: (ONE CHECK NEEDED)

1.	(Bank 09) 2070-701	Traffic Improvements	\$ <u>2,158.00</u>
2.	(Bank 09) 2050-182	Recreation	\$ <u>400.00</u>
3.	(Bank 09) 2080-051	School	\$ <u>3,578.00</u>
		Total CAP Fee	\$ <u>6,136.00</u>

Check should be made payable to the Town of Hudson.

Thank you,

Brocke Dubowik

Planning Administrative Aid II