

# **STARBUCKS DRIVE-THRU SITE PLAN**

SP# 04-24

## **STAFF REPORT**

June 12, 2024

(See May 15, 2024)

**SITE:** 77 Derry Street, Map 165 / Lot 155

**ZONING:** Business (B)

**PURPOSE OF PLAN:** To show a proposed 2,465 sf. Starbucks drive-thru restaurant along with appurtenant parking and site improvements. The restaurant would be developed on an approximately 66-space portion of the existing parking lot at the northern end of Hudson Mall shopping center site.

**PLAN UNDER REVIEW:** Non-Residential Site Plan SP# 04-24, Map 165 Lot 155, 77 Derry Street, Hudson, NH; prepared by: Hayner/Swanson, Inc. 3 Congress Street, Nashua, NH 03062; prepared for: Hudson-Vickerry, LLC, 25 Orchard View Drive, Londonderry, NH 03053; consisting of 16 sheets and general notes 1-24 on Sheet 1; dated February 16, 2024, revised May 22, 2024.

### **ATTACHMENTS:**

- 1) Application with associated waiver request, dated March 21, 2024, received May 3, 2024 – Attachment “A”.
- 2) Peer Review, prepared by Fuss & O’Neill, dated April 11, 2024 – Attachment “B”.
- 3) Response to Peer Review & Town Comments, prepared by Hayner/Swanson, Inc., dated May 22, 2024, received May 28, 2024 – Attachment “C”.
- 4) Parking Utilization Study Supplemental, prepared by Vanasse & Associates, Inc., dated & received June 3, 2024 – Attachment “D”.
- 5) Turning Movement Plan, prepared by Hayner/Swanson, Inc., dated May 20, 2024 – Attachment “E”.
- 6) Letter from MEG companies to Papa Gino’s, dated May 31, 2024 – Attachment “F”.
- 7) CAP Fee sheet – Attachment “G”.

### **APPLICATION TRACKING:**

- May 3, 2024 – Site plan application received.
- April 11, 2024 – Peer Review completed.
- May 15, 2024 – Public hearing held, continued.
- June 12, 2024 – Public hearing scheduled.

### **WAIVER REQUESTED:**

- §275-8.C.(2) – Parking calculations

## **COMMENTS & RECOMMENDATIONS**

### **BACKGROUND**

The site is approximately 10.602 acres and is located in the Business zone. The proposed site is home to the approximately 115,000 sq. ft. Hudson Mall which includes a Hannaford's grocery store, a detached 3,100 sq. ft. McDonald's restaurant and various other retail and restaurant tenants. The overall site has a total of 468 parking spaces. Hudson Mall is abutted by businesses to the west, and a cemetery to the North, West, and South. The site is served by municipal water and sewer. No section of the property is within a floodplain, and no wetlands are located on site. The site is accessed by a signalized intersection on the west side of the property, and a full access drive on the south-west corner of the property.

### **DEPARTMENT COMMENTS**

Department comments (see staff report dated May 15, 2024) have been addressed in the response letter found in attachment "C".

### **PEER REVIEW**

Fuss & O'Neill has completed a peer review of the plans provided as of April 11, 2024. No major or immediate problems have been noted, however several items need to be corrected or clarified on the plan set. Full comments may be found in Attachment "B". Hayner/Swanson Inc. provided responses on May 22, 2024, which may be found in attachment "C".

### **PARKING UTILIZATION**

Per board request, Vanasse & Associates has provided a supplemental memo detailing parking utilization rates within zones two and three of the site, which constitutes the sections of parking in front of Papa Gino's, AutoZone, and the northern end of the site. Based on proposed changes to parking on the site, Vanasse & Associates predict a reserve of 6+ spaces during peak hours, thus meeting future peak-parking demand. The full memo may be found in attachment "D".

### **TURNING PLAN**

Hayner/Swanson has provided a set of truck turning movement plans detailing how tractor-trailers could exit the site. A lane along the southern edge of the property provides entrance access, but lacks any sort of turn-around to exit through the same path. HIS provides a narrative via transmission email detailing alternative changes to the site layout to accommodate truck turning movements with the final recommended plan being located on sheet 3 of the turning movements plan set. The recommended layout revision results in the removal of 14 spaces, 8 of those being identified as problematic by the Planning Board during the prior public hearing. These changes are not present in the Site Plan Revision 1 dated May 22, 2024. The turning plan set and narrative may be found in attachment "E". In conjunction with proposed turning plans, The MEG companies has directed Papa Gino's to begin facilitating deliveries via the rear of the store, as opposed to drivers parking in the fire lane which has been a recurring issue. This should help to

alleviate some issues with traffic and safety near the northerly exit to the site. The directive letter may be found in attachment “F”.

**WAIVERS REQUESTED**

The Applicant is seeking one waiver from §275-8.C. (2) – Parking calculations.

The Applicant is seeking permission to have 421 spaces on the lot where normally 644 would be required. The site is already non-conforming, currently having 486 where 619 would be required. Development of the proposed use would result in a net reduction of 65 spaces. The application has provided a Parking Utilization Study Memorandum (Attachment “D”) which details current and projected parking required. The applicant states that there is no reasonable way to provide the additional spaces required to meet the ordinance.

As is common with large developments, formula based parking calculations can oftentimes overestimate how many spaces are actually needed. The applicant’s reasoning outlined in the memorandum is based on actual observation and is in line with current best-practices for planning and site design. The applicant has met requirements related to ADA parking spaces by adding two in their redesign of parking next to the proposed building.

As part of revisions to the site plan this number may be subject to change pending agreed upon layout for truck turning plan (see attachment “E”).

**STAFF COMMENTS**

The area to be utilized by this development is situated at some distance from the more heavily used portions of the Mall adjacent to Hannaford’s. This portion of the parking lot, therefore, is typically empty or underutilized. The addition of free-standing commercial buildings is a common way to in-fill overly large parking lots on older multi-tenant shopping center sites. With no homes directly abutting the property, increased site activity would have minimal impacts to surrounding land uses. After revision, planning staff has not determined any other studies or information to be required at this time.

**RECOMMENDATIONS**

Staff recommends deliberation and consideration of the revised site plan and waiver request prior to potential approval or further requests for information/continuation.

**DRAFT MOTIONS:**

**WAIVER:**

I move to grant a waiver from §275-8.C.(2), Parking Calculations, to allow for a total of \_\_\_ parking spaces, where 619 would be required, 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: \_\_\_\_\_

**MOTION TO CONTINUE:**

I move to continue the Site Plan Application for Non-Residential Site Plan SP# 04-24, Map 165 Lot 155, 77 Derry Street, Hudson, NH to date certain \_\_\_\_\_, 2024.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_

**MOTION TO APPROVE**

I move to approve the minor site plan for the Non-Residential Site Plan SP# 04-24, Map 165 Lot 155, 77 Derry Street, Hudson, NH; prepared by: Hayner/Swanson, Inc. 3 Congress Street, Nashua, NH 03062; prepared for: Hudson-Vickerry, LLC, 25 Orchard View Drive, Londonderry, NH 03053; consisting of 16 sheets and general notes 1-24 on Sheet 1; dated February 16, 2024, revised May 22, 2024; and:

That the Committee finds that this application complies with the Zoning Ordinances and with the Land Use Regulations 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 Development Agreement, 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. All improvements shown on the Plan, including Notes 1-24, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. A cost allocation procedure (CAP) amount of \$51,488.00 shall be paid prior to the issuance of a Certificate of Occupancy.
5. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
6. Prior to the issuance of a final certificate of occupancy, an L.L.S. Certified “as-built” site plan shall be provided to the Town of Hudson Land Use Division confirming that the development conforms to the Plan approved by the Planning Board.
7. 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.
8. 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: \_\_\_\_\_



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

## **SITE PLAN APPLICATION**

Revised July 24, 2023

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 two (2) 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 ONE WEEK prior to the scheduled Planning meeting. The purpose of these materials is hardcopy distribution to Planning Board members, not review. Any plan revisions that require staff review must be submitted no later than 10:00A.M., Tuesday TWO WEEKS prior to the scheduled Planning meeting. Depending on the complexity of changes, more time may be required for review. Please contact the Town Planner if you have any questions on this matter.*

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: \_\_\_\_\_ Tax Map #: 165 Lot #: 155

Site Address: Hudson Mall, 77 Derry Street

Name of Project: Proposed Drive-Thru Restaurant

Zoning District: B - Business General SP#: \_\_\_\_\_  
(For Town Use Only)

Z.B.A. Action: N/A

**PROPERTY OWNER:**

**DEVELOPER:**

Name: Hudson-Vickerry, LLC

(same as owner)

Address: c/o The MEG Companies

Address: 25 Orchard View Dr., Londonderry, NH 03053

Telephone # (603) 434-6700

Email: \_\_\_\_\_

**PROJECT ENGINEER:**

**SURVEYOR:**

Name: Hayner/Swanson, Inc.

Hayner/Swanson, Inc.

Address: 3 Congress Street

3 Congress Street

Address: Nashua, NH 03062

Nashua, NH 03062

Telephone # (603) 883-2057

(603) 883-2057

Email: eblatchford@hayner-swanson.com

dpollock@hayner-swanson.com

**PURPOSE OF PLAN:**

To show proposed 2,472 sf drive-thru restaurant along with appurtenant parking and site improvements.

**(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: Proposed Drive-Thru RestaurantPLAN TYPE: SITE PLANLEGAL DESCRIPTION: MAP 165 LOT 155DATE: 16 February 2024-----  
Location by Street: 77 Derry RoadZoning: B - BusinessProposed Land Use: RestaurantExisting Use: Retail shopping centerSurrounding Land Use(s): Commercial and cemeteryNumber of Lots Occupied: OneExisting Area Covered by Building: 66,600 sfExisting Buildings to be removed: N/AProposed Area Covered by Building: 69,072 sfOpen Space Proposed: 12.3% (9.6% existing)Open Space Required: 35%Total Area: S.F.: 461,823 Acres: 10.602Area in Wetland: 0 sf Area Steep Slopes: 0 sfRequired Lot Size: 30,000 sfExisting Frontage: 1,081.49 ftRequired Frontage: 150 ft

| Building Setbacks: | <u>Required*</u> | <u>Proposed</u> |
|--------------------|------------------|-----------------|
| Front:             | <u>50 ft</u>     | <u>57 ft</u>    |
| Side:              | <u>35 ft</u>     | <u>63 ft</u>    |
| Rear:              | <u>15 ft</u>     | <u>195 ft</u>   |

**SITE DATA SHEET**  
(Continued)

Flood Zone Reference: See Sheet 1 of 15, Note #19.

Width of Driveways: 34 +/- ft

Number of Curb Cuts: 2 existing

Proposed Parking Spaces: 421 (waiver requested)

Required Parking Spaces: 644

Basis of Required Parking (Use): Retail - 1 space/200 sf, restaurant - 1 space/100 sf

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

\_\_\_\_\_

\_\_\_\_\_

Waiver Requests

| <i>Town Code Reference:</i> | <i>Regulation Description:</i>           |
|-----------------------------|--|
| <u>275-(8)(C)(2)</u>        | <u>Required number of parking spaces</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: Robert Gordon Date: 2/19/24

Print Name of Owner: ROBERT F. GORDON

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

Signature of Developer: Robert Gordon Date: 2/19/24

Print Name of Developer: ROBERT F. GORDON

- ❖ 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: Proposed Drive-Thru Restaurant

Street Address: 77 Derry Street

I, as the designated representative of Hudson-Vickerry, LLC hereby request that the Planning Board waive the requirements of item 275-(8)(C)(2) of the Hudson Land Use Regulations in reference to a plan presented by Hayner/Swanson, Inc.

(name of surveyor and engineer) dated 16 February 2024 for property tax map(s) 165 and lot(s) 155 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):

See attached waiver request information.

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):

See attached waiver request information.

Signed:

  
Applicant or Authorized Agent

**SCHEDULE OF FEES****A. REVIEW FEES:**

| <b><u>1. Site Plan Use</u></b>               | <b><u>Project Size/Fee</u></b>   |                  |
|--|--|------------------|
| Multi-Family                                 | \$105.00/unit for 3-50 units<br>\$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.<br>(bldg. area):<br>\$78.50/1,000 sq.ft. thereafter. | \$ <u>471.00</u> |
| Industrial                                   | \$150.00/1,000 sq.ft for first 100,000 sq.ft.<br>(bldg. area);<br>\$78.50/1,000 sq.ft thereafter.    | \$ _____         |
| No Buildings                                 | \$30.00 per 1,000 sq.ft. of proposed<br>developed area   | \$ _____         |

**CONSULTANT REVIEW FEE: (Separate Check)**

Total 1.1 acres @ \$600.00 per acre, or \$1,250.00,  
whichever is greater. \$ 1,250.00

*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.

**B. POSTAGE:**

|   |                 |
|---|-----------------|
| <u>12</u> Direct Abutters Applicant, Professionals, etc. as required<br>by RSA 676:4.1.d @\$5.01 (or <b>Current Certified Mail Rate</b> ) | \$ <u>60.12</u> |
| <u>3</u> Indirect Abutters (property owners within 200 feet)<br>@\$0.66 (or <b>Current First Class Rate</b> )                             | \$ <u>1.98</u>  |

**C. TAX MAP UPDATING FEE: (FLAT FEE)** \$ 275.00

**TOTAL** \$ 808.10

**SCHEDULE OF FEES**  
(Continued)

|                           |                      |
|---------------------------|----------------------|
| <b>(For Town Use)</b>     |                      |
| AMOUNT RECEIVED: \$ _____ | DATE RECEIVED: _____ |
| RECEIPT NO.: _____        | RECEIVED BY: _____   |

*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.\*\*\***

**WAIVER REQUEST #1:**

**Site Plan Regulation: Hudson Site Plan Regulation Chapter 275-8 C (2)** – Required number of Parking Spaces.

**Waiver Request:** A waiver is requested from **Chapter 275-8 C (2)** in order to allow 421 parking spaces on a lot where 644 spaces are required per the regulation. The site currently has 486 parking spaces where 619 spaces are required by the regulation.

**Basis of Waiver:**

As detailed in the accompanying Parking Utilization Study Memorandum, prepared by Vanasse & Associates, Inc., the existing shopping center has a current maximum parking utilization rate of 30% (143 spaces) and 35% (165 spaces) during the respective weekday and Saturday peak periods observed during the study. This leaves over 300 parking spaces unutilized at peak times of business. It is proposed to build the new coffee shop/restaurant with drive-thru in the existing parking lot at the north end of the site, eliminating 73 existing parking spaces, and constructing 20 new parking spaces to serve the proposed restaurant. It is also proposed to remove pavement markings for 17 employee parking spaces located behind the main shopping center building to allow for improved truck maneuvering in the central loading dock area. This will still leave in excess of 200 spaces above the anticipated maximum parking utilization at peak weekday and weekend shopping times.

**Waiver Request From Standards**

The hardship reason for granting this waiver is that there is no reasonable way to add the 223 additional parking spaces on this property in order to comply with the Site Plan Regulation. And as demonstrated in the Vanasse & Associates study, they are not needed.

Granting this waiver will not be contrary to the spirit and intent of the Town's Land Use Regulations because the spirit and intent of Chapter 275-8 C (2) is that adequate parking is provided for the intended use. As evaluated in the Vanasse & Associates study, adequate parking is provided to support the existing uses with the addition of the proposed project.

**Chapter 276-7 Waivers**

**The requirements of Chapter 275-8 C (2) are unnecessary.**

The purpose of Chapter 275-8 C (2) is to ensure adequate number of parking spaces are provided for a particular use. Given the above-stated reasons, it is the owner's opinion that ample parking is provided for this business operation.

**Granting the waiver will not violate the purposes or general standards of the Land Use Regulations.**

This waiver will not violate the public safety purposes of Chapter 275-8 C (2), in that the plan represents good planning principles and is balanced with regard to parking, building and improves open space on the site.

**Granting the waiver shall result in a general benefit to the Town and surrounding properties.**

Granting the waiver will support the proposed restaurant project, which will create approximately 15-20 new jobs, increase annual tax revenue, and is the type of development specifically contemplated by the Town's Master Plan. As a result, the waiver will result in a general benefit to the Town.

**ABUTTER LIST****Job No. 1708-S**

March 18, 2024

| <b>Map</b>       | <b>Lot No.</b> | <b>Name &amp; Address</b>  |
|------------------|----------------|--|
| <b>OWNER(S):</b> |                |  |
| 165              | 155            | Hudson-Vickerry, LLC<br>c/o The MEG Companies<br>25 Orchard View Drive<br>Londonderry, NH 03053                  |
| <b>ABUTTERS:</b> |                |  |
| 165              | 141            | Abbot Farm Condominium<br>c/o Great Northern Property Mgmt.<br>636 Daniel Webster Highway<br>Merrimack, NH 03054 |
| 165              | 147            | 102 Plaza, Inc.<br>P.O. Box 188<br>Beverly, MA 01915-0188  |
| 165              | 148            | Bank of New Hampshire<br>Attn: TD Bank<br>380 Wellington St., Twr. B, Fl. 12<br>London, ON N6A 4S4               |
| 165              | 149            | Global Companies, LLC<br>c/o Engie Insight – MS 5534<br>P.O. Box2440<br>Spokane, WA 99210-2440                   |
| 165              | 150            | Cafua Realty Trust IX, LLC<br>280 Merrimack Street<br>Methuen, MA 01844  |
| 165              | 151            | Branford Properties of Nevada, LLC<br>5451 Arville Street<br>Las Vegas, NV 89118                                 |
| 165              | 152            | Russell Baldwin & Emily Sousa<br>320 Boylston Street<br>Lowell, MA 01852   |
| 165              | 153            | Deanna & Donald Brooks<br>100 Derry Street<br>Hudson, NH 03051   |

## Attachment "A"

|     |   |   |
|-----|---|---|
| 166 | 1 | St. Patrick Cemetery<br>Bishop of Manchester Roman Catholic<br>153 Ash Street<br>Manchester, NH 03104 |
|-----|---|---|

### ***ABUTTERS WITHIN 200 FEET:***

|     |     |   |
|-----|-----|---|
| 165 | 132 | Maurice E. Duval Trust<br>Denise E. Duval, Trustee<br>2 Summer Street<br>Hudson, NH 03051 |
|-----|-----|---|

|     |     |  |
|-----|-----|--|
| 165 | 146 | DT Retail Properties, LLC<br>500 Volvo Parkway<br>Chesapeake, VA 23320 |
|-----|-----|--|

|     |     |   |
|-----|-----|---|
| 165 | 154 | Clifford R. & Kim R. Antonell<br>1 Wildflower Lane<br>Wayland, MA 01778 |
|-----|-----|---|

### ***DESIGN PROFESSIONALS:***

James N. Petropulos, P.E.  
Hayner/Swanson, Inc.  
3 Congress Street  
Nashua, NH 03062-3301

Dennis C. Pollock, L.L.S.  
Hayner/Swanson, Inc.  
3 Congress Street  
Nashua, NH 03062-3301





**TOWN OF HUDSON**  
Land Use Division



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

**Zoning Determination #24-018**

March 5, 2024

Sent Email and 1<sup>st</sup> Class mail

Hudson-Vickerry, LLC  
25 Orchard View Drive  
Londonderry, NH 03053

Re: 77 Derry Street Map 165 Lot 155-000  
District: Business (B)

Dear Mr. Gordon,

**Your request:** To construct a 1-story, 2,465 sq. ft. building to operate a coffee shop restaurant with walk-in and drive-through food service. (**Site Plan, Floor Plan, and Elevation where provided**)

**Zoning Review / Determination:**

77 Derry Street is located within the Business (B) zone, where fast-food, restaurants and drive-through establishments are allowed use per §334-21 Table of Permitted Principal Uses (Use D-16). An updated site plan approved by the Planning Board is required per §334-16.1 Site Plan Approvals.

Sincerely,

Chris Sullivan  
Zoning Administrator/Code Enforcement Officer  
(603) 886-6000 (ext. 1275)  
[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

cc: Public File  
B. Dubowik, Administrative Aide  
Earle D. Blatchford (Hayner/Swanson, Inc. (Senior Project Manager)  
Owner  
File

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



## **PROJECT NARRATIVE**

### **Proposed Drive-Thru Restaurant Hudson Mall, 77 Derry Street Map 165, Lot 155 Hudson, New Hampshire 4 March 2024**

The subject site under consideration for this application is located at 77 Derry Street, Hudson, NH. The parcel is known to the Hudson Assessors Department as Map 165, Lot 155. The lot measures 10.602 acres and is located in the B - Business zoning district. The site is abutted by Derry Street, and commercial and residential properties to the west; and St. Patrick Cemetery to the north, east, and south.

The lot currently contains a 1-story, 114,800 square foot retail shopping center building, and a 3,100 square foot fast-food drive thru restaurant; along with associated parking and loading areas. Primary access to the site is provided via one non-signalized full-access driveway off Derry Street at the southerly end of the site, and one signalized full-access driveway off Derry Street near the northerly end of the site. The site is currently serviced by municipal sewer and water, natural gas, and overhead telecommunications and electric utilities from Derry Street. Existing stormwater management practices consist of a series of catch basins, and underground drain pipes. This collection system discharges via underground pipe connection to the municipal drainage system in Derry Street.

NRCS soil mapping shows that this site contains Windsor loamy sands. The proposed building improvements are entirely in the area of Windsor soils. The property is completely developed with 9.6+/-% open space, and no onsite wetlands. No portion of the subject site is located within the 100-year Flood Hazard Area.

It is being proposed to construct a 1-story, 2,465 square foot coffee shop restaurant with drive-thru in the existing parking lot north of the main existing shopping center building. The project proposes to remove 68 existing parking spaces and adjacent driveways to accommodate the new building, drive-thru, and parking lot with 20 new parking spaces. It is also proposed to eliminate 17 current employee parking spaces in the rear loading area to accommodate a truck maneuvering area. This results in a net reduction of 65 underutilized parking spaces. Associated site improvements include a new parking area, stormwater management systems, landscaping, site lighting, and utility services to the new building. To the best of our

## **Attachment "A"**

knowledge the sewer, water, gas, telecommunication, and electric utilities present onsite and in the adjacent roadway have adequate capacity to service this intended use.

Upon project completion the site will contain approximately 13.0+/-% open space, compared to the existing 9.6+/-%. There are no wetland impacts proposed. The layout for the proposed building and associated site improvements has been developed to integrate with the existing shopping center and minimize environmental issues.

A traffic and parking utilization report has been prepared by the traffic consultant which summarizes the anticipated impacts of the proposed project on the site and area road network.

## WARRANTY DEED

Robert F. Gordon, as Trustee of Hudson-Vickerry Realty Co., Trust, a New Hampshire realty trust, with a principal place of business at 25 Orchard View Drive, Londonderry, New Hampshire for consideration paid grants to Hudson Vickerry, LLC, a New Hampshire limited liability company, with a principal place of business at 25 Orchard View Drive, Londonderry, New Hampshire, with Warranty Covenants the following described premises:

A certain tract or parcel of land together with the buildings and improvements now or hereafter located thereon, situated in the town of Hudson, County of Hillsborough, State of New Hampshire being more particularly bounded and described as follows:

Beginning at a stone bound on the easterly sideline of New Hampshire Route 102 (Derry Street) at the southwest corner of the premises at land of St. Patrick Cemetery; thence

1. N 19° 06' 30" W, a distance of 106.95 feet by said Derry Street to a point; thence
2. Northerly along a curve to the right having a radius of 2,158 feet, a delta angle of 11° 57' 08" and an arc length of 450.17 feet by said dedicated portion to a point; thence
3. Northerly and northeasterly by a curve to the right by said dedicated portion having a radius of 30 feet, a delta angle of 68° 45' 45" and an arc length of 36 feet to a point; thence
4. N 61° 36' 22" E a distance of 24.25 feet by dedicated portion to a point; thence
5. N 13° 36' 14" W, a distance of 78.35 feet by dedicated portion to a point; thence
6. Westerly and northerly along a curve to the right having a radius of 30 feet, a delta angle of 92° 43' 56" an arc length of 48.55 feet by said dedicated portion to a point; thence

7. Northerly along a curve to the right having a radius of 2,958 feet, a delta angle of  $04^{\circ} 54' 32''$  and an arc length of 253.43 feet by dedicated portion to a point; thence
8. N  $01^{\circ} 02' 26''$  W a distance of 83.79 feet by said dedicated portion to the aforesaid land of St. Patrick Cemetery ; thence
9. N  $63^{\circ} 00' 19''$  E, a distance of 143.24 feet by said cemetery to a stone bound; thence
10. S  $81^{\circ} 18' 13''$  E, a distance of 118.57 feet by said cemetery to a stone bound; thence
11. S  $64^{\circ} 52' 39''$  E, a distance of 70.99 feet by said cemetery to a point; thence
12. S  $27^{\circ} 26' 36''$  E, a distance of 251.98 feet by said cemetery to a point; thence
13. N  $73^{\circ} 12' 46''$  E, a distance of 48.83 feet by said cemetery to a stone bound; thence
14. S  $30^{\circ} 23' 43''$  E, a distance of 301.52 feet by said cemetery to a stone bound; thence
15. S  $30^{\circ} 25' 16''$  E, a distance of 200.11 feet by said cemetery to a stone bound; thence
16. S  $54^{\circ} 30' 35''$  W, a distance of 398.30 feet by said cemetery to a stone bound; thence
17. S  $54^{\circ} 49' 02''$  W, a distance of 283.30 feet by said cemetery to a stone bound at the point of beginning.

The premises are conveyed subject to:

## Attachment "A"

1. Rights, if any, as may exist in a wood road and in pine timber, and right to go upon land to make repairs to water pipes as recited in deed of Rose A. Banister to John Dugan, dated September 15, 1913, and recorded at Book 714, Page 143. Reference is made to Plan #7212 for possible wood road.
2. Right of way (12 feet in width) as recited in deed of Alphonse J. Raudonis to Hudson Vickerry Realty Co. Trust dated December 7, 1972, and recorded at Book 2264, Page 355, and in deed of Alphonse J. Raudonis to Robert F. Gordon, et als, Trustees of Hudson-Vickerry Realty Co. Trust dated December 14, 1973, and recorded at Book 2338, Page 423. Reference is made to Plan #7212 for twelve (12) foot right of way along northerly property line.
3. Easement (25 feet in width) to New England Telephone and Telegraph Company dated February 16, 1974, and recorded at Book 2345, Page 398.
4. Easement from Robert F. Gordon, et als, Trustees of Hudson Vickerry Realty Co. Trust to Hudson Water Co. dated February 5, 1975, and recorded at Book 2391, Page 845.
5. Three Easements contained in the Memorandum of Lease dated August 23, 1988, and recorded at Book 5072, Page 1107, between Hudson-Vickerry Realty Co. Trust and McDonald's Corporation.
6. Signalization Maintenance Easement from Hudson-Vickerry Realty Co Trust to Town of Hudson dated February 10, 1988, and recorded at Book 4747, Page 235.
7. Amendment to Signalization Maintenance Easement from Hudson-Vickerry Realty Co. Trust to Town of Hudson, dated October 3, 1988, and recorded at Book 5023, Page 174.
8. Development Agreement between Hudson Vickerry Realty Co., Trust and the Town of Hudson, dated June 6, 1997, recorded at Book 5832, Page 706.

BK6307PG1989

9. Signalization Maintenance Easement from Hudson-Vickerry Realty Co Trust to Town of Hudson dated February 10, 1988, and recorded at Book 4747, Page 235.
10. Amendment to Signalization Maintenance Easement from Hudson-Vickerry Realty Co. Trust to Town of Hudson, dated October 3, 1988, and recorded at Book 5023, Page 174.
11. Development Agreement between Hudson Vickerry Realty Co., Trust and the Town of Hudson, dated June 6, 1997, recorded at Book 5832, Page 706.
12. The property is also conveyed subject to rht rights of McDonald's Corporation as Lessee, as evidenced by Memorandum of Lease dated June 8, 1976, recorded at Book 2490, Page 108, as amended by Lease Supplement effective October 9, 1967, recorded at Book 2490, Page 112, and further amended by Memorandum of Lease dated August 23, 1988, recorded at Book 5072, Page 1107.
13. Said premises are also conveyed subject to the rights of Hannaford Brothers, as Lessee, as evidenced by Notices of Lease dated December 28, 1990, recorded at Book 5238, Page 922, and Book 5280, Page 102.
14. The premises are also conveyed subject to the rights of Blockbuster Videos, Inc., as Lessee, as evidenced by Memorandum of Lease dated September 8, 1994, recorded at Book 5615, Page 390.
15. The premises are also conveyed subject to the rights of Papa Gino's, Inc., as Lessee, dated October 31, 1998, recorded at Book 6088, Page 574.

BK6307PG1990

Meaning and intending to describe a portion of the premises conveyed to the Grantor by deeds recorded at Book 2264, Page 355, Book 2264, Page 359, and Book 2378, Page 289.

This Deed is being given pursuant to N.H. RSA 78-B: 2 (XVII) (a), and no transfer taxes are payable as a result of this conveyance.

Attachment "A"

IN WITNESS WHEREOF, the undersigned has caused this deed to be executed this \_\_\_\_\_ day of October, 2000.

WITNESS:

HUDSON-VICKERRY REALTY  
CO, TRUST

*Kathleen N. Sullivan*

by *Robert F. Gordon Trust*  
Robert F. Gordon, Trustee

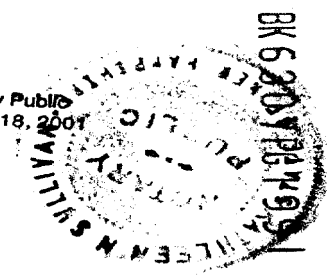
STATE OF NEW HAMPSHIRE  
COUNTY OF ~~HILLSBOROUGH~~  
*Nottingham*

DATED: Oct. 25, 2000

Before me, the undersigned officer, personally appeared Robert F. Gordon, who acknowledged himself to be the Trustee of Hudson-Vickerry Co., Trust, a New Hampshire Trust, and that he, as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Trust by himself as such Trustee.

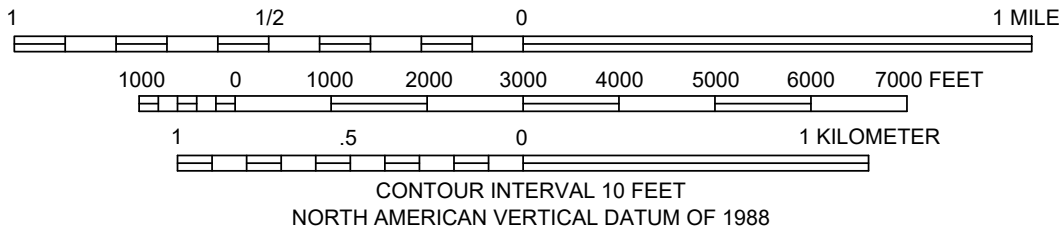
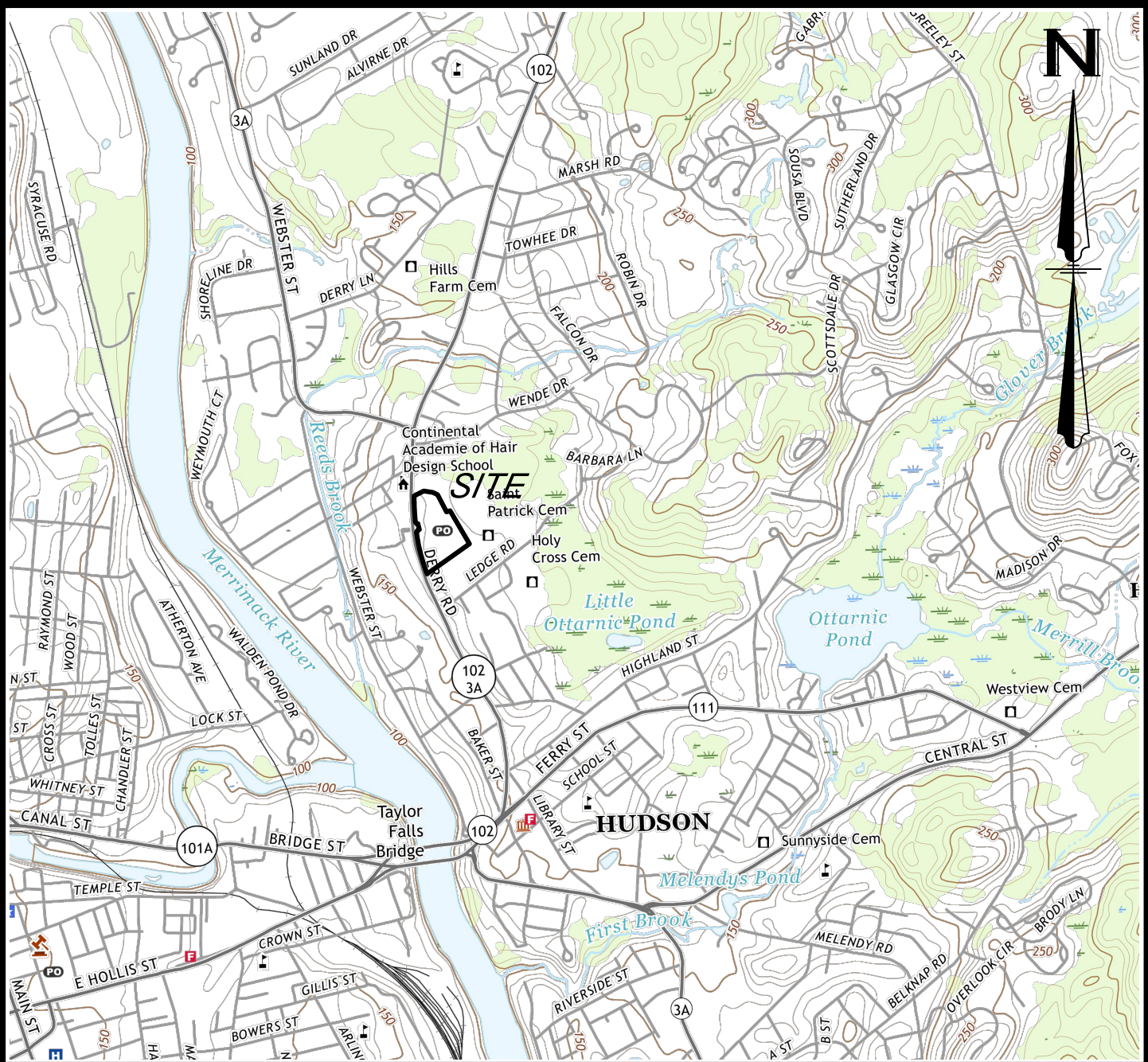
*Kathleen N. Sullivan*  
Justice of the Peace/Notary Public

KATHLEEN N. SULLIVAN, Notary Public  
My Commission Expires December 18, 2001



BK6307 PG1991





VICINITY PLAN  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY ROAD  
 HUDSON, NH

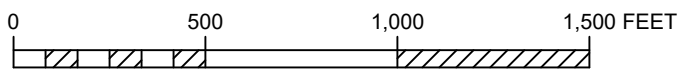
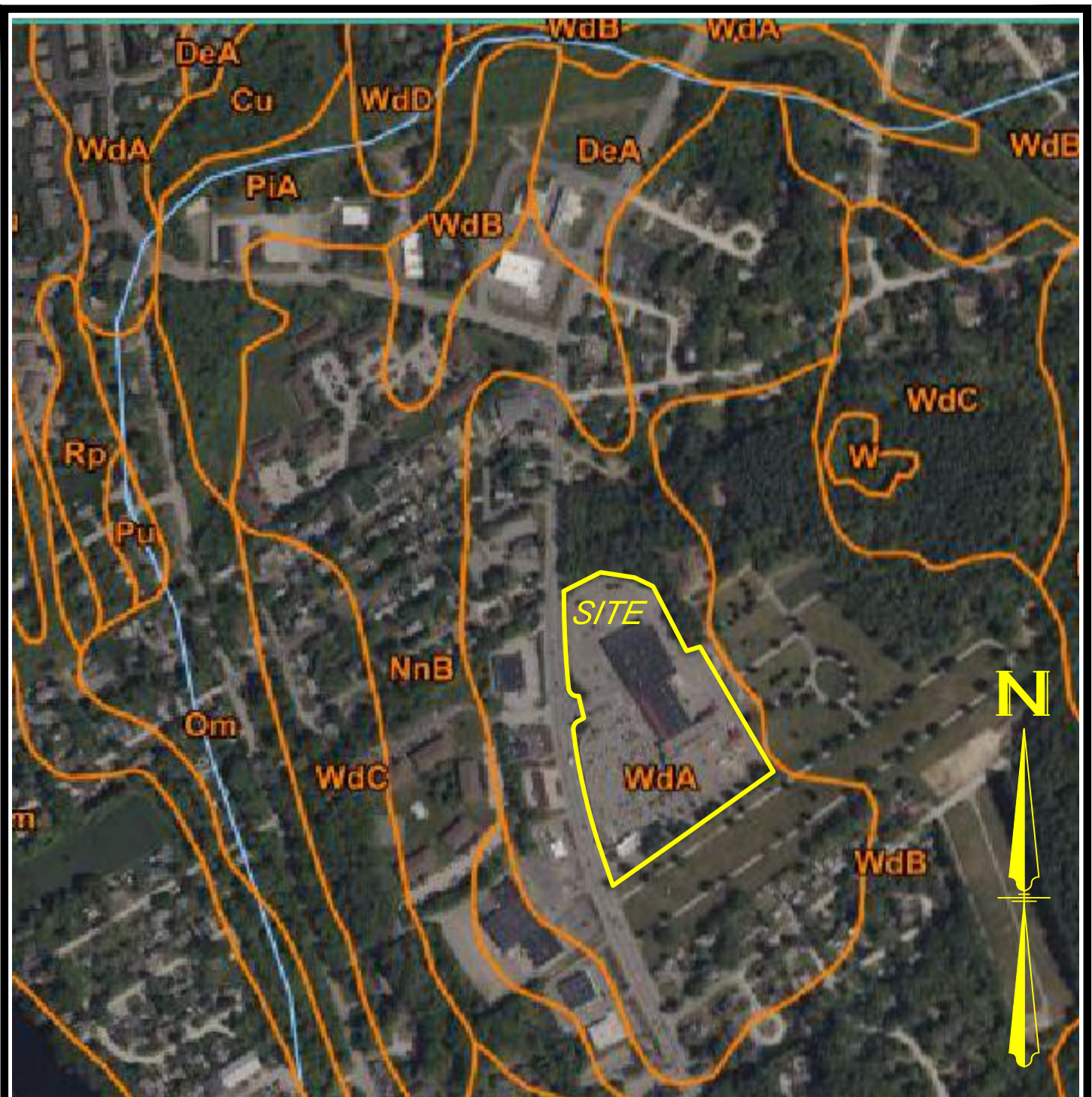
PREPARED FOR:  
**HUDSON-VICKERRY, LLC**  
 25 ORCHARD VIEW DR, LONDONDERRY, NH 03053  
**OCTOBER 2023**

FIG. 1

**HSI** Hayner/Swanson, Inc.  
 3 Congress Street Nashua, NH 03062 (603) 883-2057  
 131 Middlesex Turnpike Burlington, MA 01803 (781) 203-1501  
 www.hayner-swanson.com

Drawing: 1708SB-USGS  
 Location: J:\1000\1708\DWG\1708 SB

1708-SB  
 File Number



SOIL SURVEY STAFF, NATURAL RESOURCES CONSERVATION SERVICE, UNITED STATES DEPT. OF AGRICULTURE. WEB SOIL SURVEY. AVAILABLE ONLINE AT <http://websoilsurvey.nrcs.usda.gov/> ACCESSED OCTOBER 5, 2023.

**NRCS SOILS MAP**  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY ROAD  
 HUDSON, NH

FIG. 2  
**PREPARED FOR:**  
**HUDSON-VICKERRY, LLC**  
 25 ORCHARD VIEW DR, LONDONDERRY, NH 03053  
**OCTOBER 2023**

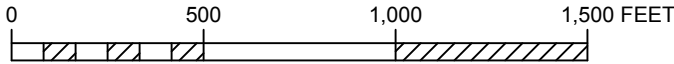
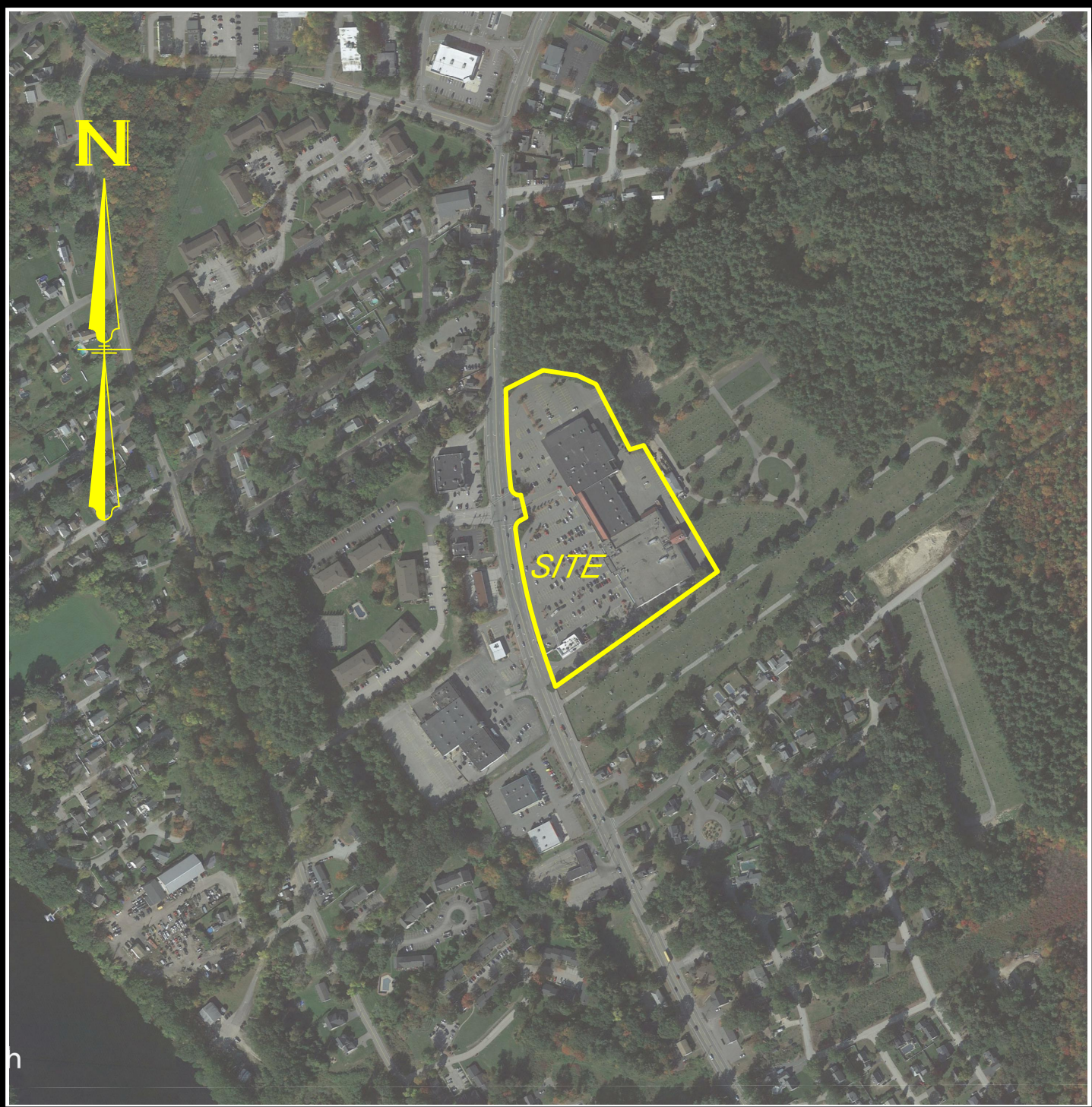
 **Hayner/Swanson, Inc.**  
 3 Congress Street Nashua, NH 03062 (603) 883-2057  
 131 Middlesex Turnpike Burlington, MA 01803 (781) 203-1501  
[www.hayner-swanson.com](http://www.hayner-swanson.com)

Drawing: 1708SB-USGS

Location: J:\1000\1708\DWG\1708 SB

1708-SB

File Number



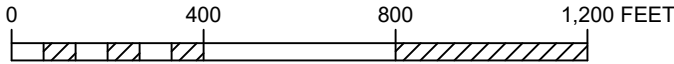
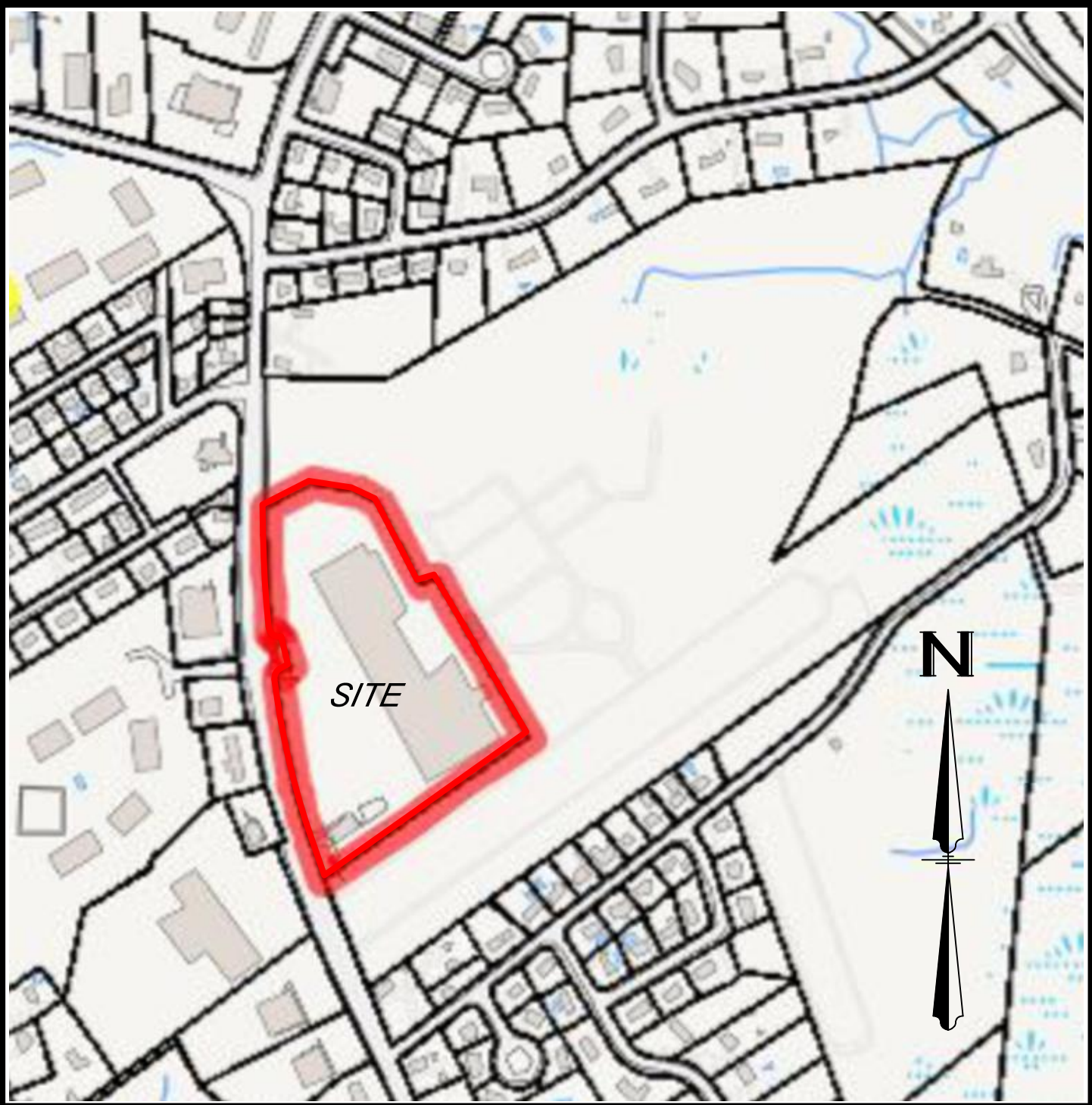
AERIAL DISPLAY PLAN  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY ROAD  
 HUDSON, NH

FIG. 3  
 PREPARED FOR:  
**HUDSON-VICKERRY, LLC**  
 25 ORCHARD VIEW DR, LONDONDERRY, NH 03053  
 OCTOBER 2023

 **Hayner/Swanson, Inc.**  
 3 Congress Street Nashua, NH 03062 (603) 883-2057  
 131 Middlesex Turnpike Burlington, MA 01803 (781) 203-1501  
 www.hayner-swanson.com

Drawing: 1708SB-USGS  
 Location: J:\1000\1708\DWG\1708 SB

1708-SB  
 File Number



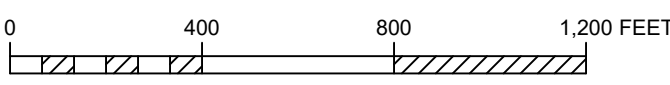
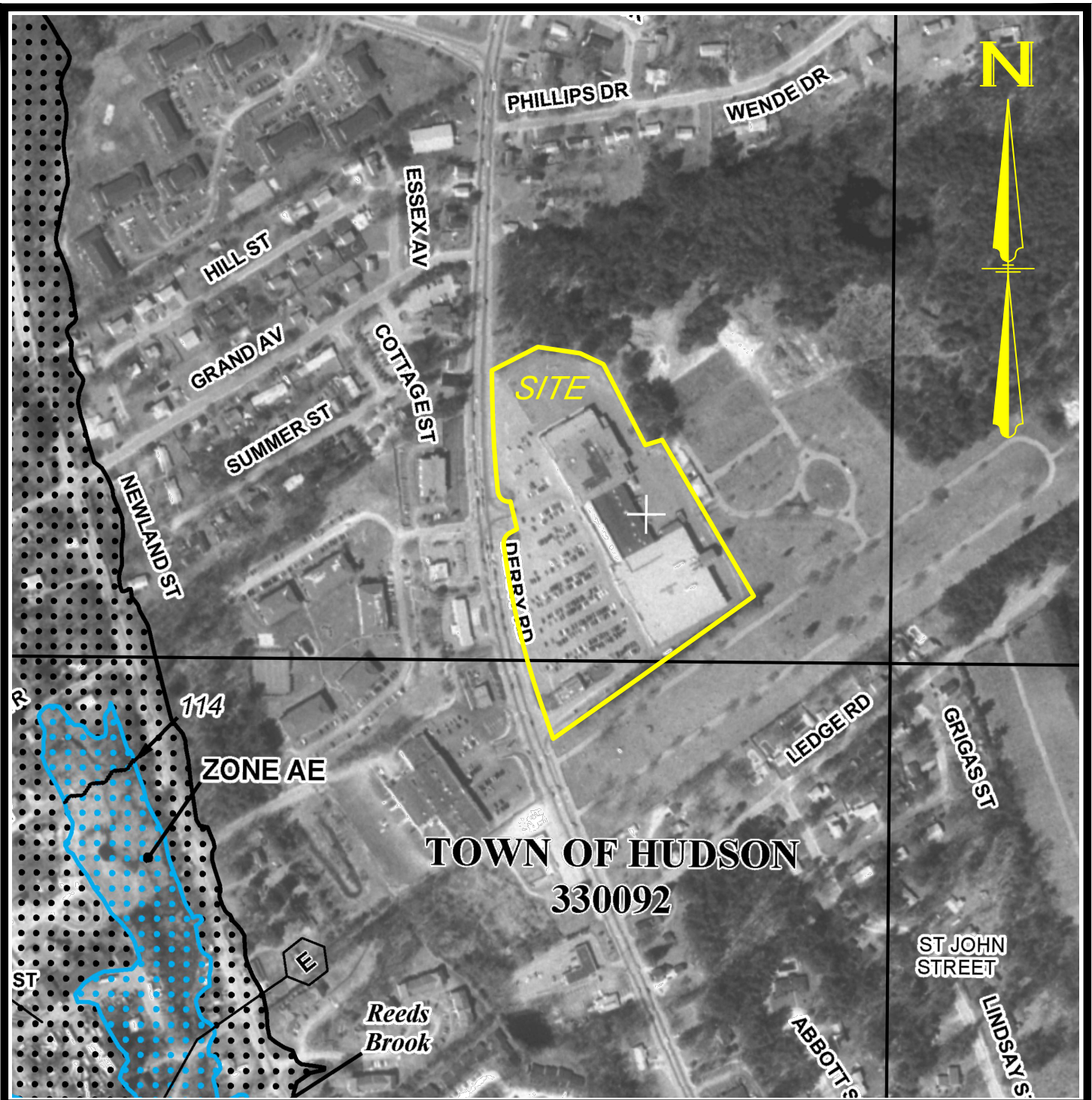
TAX MAP  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY ROAD  
 HUDSON, NH

FIG. 4  
 PREPARED FOR:  
**HUDSON-VICKERRY, LLC**  
 25 ORCHARD VIEW DR, LONDONDERRY, NH 03053  
 OCTOBER 2023

 **Hayner/Swanson, Inc.**  
 3 Congress Street Nashua, NH 03062 (603) 883-2057  
 131 Middlesex Turnpike Burlington, MA 01803 (781) 203-1501  
 www.hayner-swanson.com

Drawing: 1708SB-USGS  
 Location: J:\1000\1708\DWG\1708 SB

1708-SB  
 File Number



FIRM: HILLSBOROUGH COUNTY, NEW HAMPSHIRE  
 TOWN OF HUDSON COMMUNITY No. 330092  
 MAP No. 33011C0514E  
 EFFECTIVE DATE: APRIL 18, 2011

**FLOOD INSURANCE RATE MAP**  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY ROAD  
 HUDSON, NH

FIG. 5  
 PREPARED FOR:  
**HUDSON-VICKERRY, LLC**  
 25 ORCHARD VIEW DR, LONDONDERRY, NH 03053  
**OCTOBER 2023**

**HSI** Hayner/Swanson, Inc.  
 3 Congress Street Nashua, NH 03062 (603) 883-2057  
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 www.hayner-swanson.com

Drawing: 1708SB-USGS  
 Location: J:\1000\1708\DWG\1708 SB

1708-SB  
 File Number



April 11, 2024

Mr. Jay Minkarah  
Acting Town Planner  
Town of Hudson  
12 School Street  
Hudson, NH 03051

Re: Town of Hudson Planning Board Review  
Hudson Mall Starbucks Site Plan, 77 Derry Street  
Tax Map 165 Lot 155; Acct. #1350-192  
Reference No. 20030249.238

Dear Mr. Minkarah:

Fuss & O'Neill (F&O) has reviewed the first submission of the materials received on March 25, 2024, related to the above-referenced project. Authorization to proceed was received on March 29, 2024. 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 construction of a coffee shop restaurant with drive-thru on the previously developed Hudson Mall property. Proposed improvements to the site also include the construction of parking areas, landscaping, drainage, utilities, and other associated site improvements. The site is to be serviced by public water and sewer systems.

The following items are noted:

**1. Site Plan Review Codes (HR 275)**

- a. Hudson Regulation (HR) 275-6.C. The site currently has sidewalks along Derry Street. The applicant has not proposed any changes or disturbances to these sidewalks.
- b. HR 275-6.C. The applicant is proposing removing an existing crosswalk and installing a new crosswalk along the north side of the existing Hudson Mall building to connect to the proposed site. However, the applicant has not proposed any changes to the existing sidewalk at these locations. The new crosswalk connection should include a curb ramp and detectable warning panel, and the existing crosswalk striping should be removed.

50 Commercial Street  
Manchester, NH  
03101  
t 603.668.8223  
800.286.2469  
[www.fando.com](http://www.fando.com)

California  
Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

Mr. Jay Minkarah

April 11, 2024

Page 2 of 7

- c. HR 275-6.I. The scope of this review does not include the adequacy of any fire protection provisions for the proposed building. The applicant has not shown a proposed fire service connection to the building. We note that there is one fire hydrant shown within the proposed disturbed area that will remain and be adjacent to the drive-thru bypass lane. Also the plans do not show a separate fire service water connection to the restaurant building.
- d. HR 275-6.T. The applicant is not proposing any offsite improvements on the plan set.
- e. HR 275-8.C.(2)(g) and Zoning Ordinance (ZO) 334-15.A. The applicant has provided parking calculations on the plan set and noted that 644 parking spaces are required for the entire Hudson Mall site with the proposed Starbucks and that 421 spaces are provided. The applicant has requested a waiver for the reduced number of parking spaces.
- f. HR 275-8.C.(6). The applicant has noted that 13 loading spaces are required for the entire site and 14 are provided. We note that the applicant did not label these spaces on the plan and it does not appear that any are near the Starbucks building. The applicant should clarify the loading space intended to be used for this new structure.
- g. HR 275-9.C.(11). The applicant has provided 18 handicap accessible parking spaces for the site which meets the minimum requirement.
- h. HR 275-9.C.(11). The applicant is proposing the removal of two existing handicap accessible parking spaces that are adjacent to a crosswalk that leads to the north side of the Hudson Mall building, where there are several exterior doors for tenant businesses. The applicant should clarify which handicap accessible parking spaces are intended for use by those businesses. We note that the applicant has proposed two handicap accessible parking spaces near the new restaurant.
- i. HR 275-9.F. The applicant has provided a copy of the existing deed but no copies of any easements were provided as part of the package received for review. We note that multiple easements are shown on the plan.

## **2. Administrative Review Codes (HR 276)**

- a. HR 276-11.1.B.(6). The applicant should add the owner's signature to the plan set for the final approval copy. A location was shown on the plan for future signature.
- d. HR 276-11.1.B.(20). The applicant has not provided the height of the existing building on the plan set.
- c. HR 276-11.1.B.(24). The site does not currently meet the open space requirement. We note that the proposed changes do increase the overall open space for the site but does not make it compliant.
- d. HR 276-11.1.B.(25). The applicant has proposed a travelway within the side setback area of the proposed disturbed area. We note that the existing site also has a travelway and parking spaces within this setback.

## **3. Driveway Review Codes (HR 275-6.B/Chapter 193)**

- a. HR 193.10. The applicant has not proposed any changes to the existing site driveways as part of the proposed development.

Mr. Jay Minkarah  
April 11, 2024  
Page 3 of 7

#### **4. Traffic (HR 275-9.B)**

Fuss & O'Neill, Inc. has reviewed the Parking Utilization and Trip Generation Study prepared by Vanasse & Associates, Inc. (VAI) dated December 19, 2023, for the proposed drive-thru restaurant development at 77 Derry Street (The Hudson Mall) in Hudson, New Hampshire (Tax Map 165, Lot 155). The project proposes the development of a 2,472 square foot (sf) drive-thru restaurant in the area of a surface parking lot located to the north of the existing buildings in the mall. Access and egress to the site will be provided via the existing entrance to the mall. As part of the restaurant construction, several of the mall's parking spaces will be removed to accommodate the new development. The purpose of the VAI report is to determine if additional parking is needed for the proposed site or if the existing Hudson Mall parking lot is large enough to accommodate the proposed drive-through restaurant.

VAI visited the site and appropriately gathered 12-hour parking utilization data for both a weekday and Saturday, ultimately determining that approximately 39% of the existing parking lot adjacent to the proposed restaurant is utilized during the peak Saturday interval, while 29% is utilized during the weekday peak interval. Similar percentages were determined for the entire Hudson Mall parking lot, not just adjacent to the proposed development. According to the data, between 315 and 335 parking spaces remained available during the mall's peak intervals during the count period. We ultimately agree with the report's conclusion that these remaining spaces should be more than enough to accommodate for the removal of about 46 parking spaces associated with the construction of the restaurant.

The VAI report also calculated trips generated by the proposed site following standard procedures and using appropriate trip generation rates and data from the ITE *Trip Generation*, 11<sup>th</sup> Edition publication for the project scenario. While the restaurant would be expected to generate 212 trips during the weekday morning peak hour and 218 trips during the Saturday midday peak hour, approximately 90% of these trips would be pass-by. This results in about 22 new trips being generated by the site during either peak hour.

We also agree that the layout of the site, which provides queueing space for about 15 or 16 vehicles, is reasonable and follows the conclusions found in the industry study provided in the report and the requirements of the Site Plan Regulations Section 275-8.C.

While we agree with the overall conclusion of the VAI report, and recognize that the majority of the traffic generated by the site is pass-by traffic, it does not appear that the applicant has considered any impacts to the mall entrance signalized intersection. Adding, or at least shifting around onto different approaches, up to 218 trips may result in some level of operational deficiency of the signals depending on their existing timings and coordination settings. The Town should consider having the applicant conduct a minor capacity analysis at this



Mr. Jay Minkarah  
April 11, 2024  
Page 4 of 7

intersection with existing signal timings to confirm that no signal timing adjustments or optimizations will be needed as a result of the project development.

Note that there are several minor discrepancies between the report and notes on the plans. We don't believe these discrepancies impact the conclusions in the report however.

- The report notes the drive-through aisle can accommodate 15 vehicles in queue, the plans show 16.
- The report notes there will be 417 parking spaces following construction, the plans show 421.
- The report notes 490 existing parking spaces (including corrals), the plans note 486.
- The report notes the proposed restaurant as 2,472 square feet, the plans note this as 2,465 square feet.

#### **5. Utility Design/Conflicts**

- a. HR 275-9.E. & 276-13. The applicant has proposed connecting to the existing gas, water, sewer, and communications utilities already at the site.
- b. HR 275-9.E & 276-13. The applicant has not provided any sewer details in the plan set. The applicant has also noted that the grease trap design is by others and has not provided any additional information on this structure. The applicant should include a detail for the grease trap in the plans.
- c. Engineering Technical Guidelines & Typical Details (ETGTD) Section 701. The applicant should confirm that the existing sewer main within the site and the Town sewer main that it connects to have adequate capacity to handle the anticipated flow from the proposed facility.
- d. ETGTD Detail S-5. The applicant has proposed a sewer service connection to the building with less than 4 feet of cover. We note that rigid insulation is proposed to be installed above the sewer pipe.
- e. ETGTD Section 801. The applicant should confirm with the Town that the existing water main has enough flow and pressure to meet domestic requirements for the proposed facility and also for any proposed fire suppression system requirements.
- f. The proposed grading at the existing fire hydrant is about six inches higher than existing grades. The applicant should review with the Fire Department to determine if a hydrant extension is required for this hydrant.
- g. The plan should note that the gate valve cover for the hydrant is to be raised to the proposed grade for the drive thru bypass lane.
- h. The plans show an existing capped water pipe in the island near the proposed rain garden. The applicant should clarify what this water pipe is and if it or other existing pipes connecting to this location will be impacted by the proposed construction.

#### **6. Drainage Design/Stormwater Management (HR 275-9.A./Chapter 290)**

- a. HR 275-6.F. and 290-5.A.4. The applicant should provide the NHDES GRV worksheet and compare the required to the provided volume.
- b. HR 275-9.A.3. The applicant should provide the required test pit log and the location of the test pit.

Mr. Jay Minkarah

April 11, 2024

Page 5 of 7

- c. HR 275-9.A.3. The applicant should also provide additional information as to the use of the 6.0 iph infiltration rate within the HydroCAD analysis. The applicant should provide additional information and/or conversion calculations to support the use of the infiltration rate. Does this rate utilize a factor of safety, does it follow typical current engineering practice as outlined within Env-Wq 1504.14(c), etc.
- d. HR 290-5.A.3. The applicant should provide the appropriate BMP worksheet for the intended rain garden practice proposed. The BMP worksheet provided is intended for use on a practice not utilized within this design. The appropriate BMP worksheet for this project would be the Filtration Practice worksheet, which takes into account separation to ESHWT/ledge and infiltration rate, etc.
- e. HR 290-5.A.3. The applicant should update the Typical Section-Rain Garden detail on Detail Sheet 11 of 16 to match the filter media depth of 24" within the Stormwater Management Plan.
- f. HR 290-5.A.11. The applicant should provide reasoning for the varying direct entry Tc values utilized for DA1 and DA2 in the pre-development HydroCAD, and how was the use of an 8-minute Tc determined for DA1. Unless sheet/shallow/channel flow or other allowed methods are utilized, any size pavement area is typically 6 minutes for Tc. We note use of 6 minutes is for all nodes in post-development as well.
- g. HR 290-5.A.11. The applicant states proposed pre-treatment on site is use of deep sump catch basins. The proposed rain garden is utilizing sheet flow from Subcatchment 3, and runoff directly enters the rain garden. The applicant should provide additional information on the pre-treatment of the impervious runoff prior to treatment within the rain garden.
- h. HR 290-5.A.12. The applicant should update the I&M manual to state the proposed BMP is a rain garden, not a basin as currently listed.
- i. HR 290-5.B. The applicant states a disturbed area of 36,375 sf in two sections of the write up, section I.c and section II.e. Fuss & O'Neill performed a PDF area measurement and came up with  $44,180 \pm$  sf of disturbance from the Site Demo Plan, and  $48,900 \pm$  sf disturbance on the Master Site Plan. The applicant should review the disturbed area and confirm the disturbance. If greater than 40,000 sf, the project will be required to meet Site Plan Review Regulations Section 290-5.B in addition to Section 290-5.A.
- j. HR 290-5.B. If greater than 1 acre the applicant should provide a note on the plan set stating the requirement of the EPA GCP, E-NOI, and/or SWPPP.
- k. The applicant should show the proposed rim elevation for existing catch basin RCB 1473 on the plans.
- l. The applicant will be required to comply with all provisions of the Town of Hudson's MS4 permit, including but not limited to annual reporting requirements, construction site stormwater runoff control, and record keeping requirements. The applicant has noted that the project has been designed to meet MS4 requirements.
- m. Please note that this review was carried out in accordance with applicable regulations and standards in place in New Hampshire at this time. Note that conditions at the site, including average weather conditions, patterns and trends, and design storm characteristics, may change in the future. In addition, future changes in federal, state or local laws, rules or regulations, or in generally accepted scientific or industry information concerning environmental, atmospheric and geotechnical conditions and developments may affect the information and conclusions set forth in this review. In no way shall Fuss & O'Neill be liable for any of these changed conditions that may impact this review, regardless of the source of or reason for such changed conditions. Other than as described herein, no other

Mr. Jay Minkarah  
April 11, 2024  
Page 6 of 7

investigation or analysis has been requested by the Client or performed by Fuss & O'Neill in preparing this review.

#### **7. Zoning (ZO 334)**

- a. ZO 334-17 & 334-21. The applicant has noted that the subject parcel is located within the Business (B) zoning district, and that the proposed drive-thru restaurant use is allowed within the district.
- b. ZO 334-35. The applicant has noted that there are no wetlands located on the site.
- c. ZO 334-60. The applicant has not shown any sign details on the plan set but has noted that all signs are subject to approval by the Hudson Planning Board prior to installation.
- d. ZO 334-83 and HR 218-4.E. The applicant has noted that the project is not located within a Flood Hazard Area.

#### **8. Erosion Control/Wetland Impacts**

- a. The applicant has noted that the Town of Hudson shall reserve the right to require any additional erosion control measures as needed.

#### **9. Landscaping (HR 275-8.C.(7) & 276-11.1.B.(20)) and Lighting (HR 276-11.1.B.(14))**

- a. HR 275-8.C.(7) & (8). The applicant has provided landscaping for the proposed disturbance area. The existing landscaping for the entire site was not evaluated as part of this review. The proposed restaurant only has one parking aisle therefore interior landscape calculations are not required. It appears that the applicant has not proposed any additional screening of the project area. Existing woods to the north and east provide screening although these trees are located on abutting property.
- b. HR 276-11.1.B.(14). The applicant has provided a lighting plan that shows photometric values and full cut-off fixtures are proposed. The applicant has noted that the lighting will be operational from dusk to dawn.
- c. HR 276-11.1.B.(14). The applicant has proposed a light along the south side parking row that is in the same location as a proposed tree

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

- a. HR 275-9.G. The applicant should list the required permits and their status on the plan set.
- b. HR 275-9.G. The applicant should provide copies of any applicable Town, State or Federal approvals or permits to the Town.
- c. Additional local and state permitting may be required.

#### **11. Other**

- a. The applicant should review the size/scale of the printed plans. When measured against the scale on the full-size drawings there is a discrepancy – 120' on the drawing scale measures 118' with an actual scale.
- b. We recommend that the stop signs at the facility driveways more closely line up with the proposed stop bars.

Mr. Jay Minkarah  
April 11, 2024  
Page 7 of 7

Please feel free to call if you have any questions.

Very truly yours,



Steven W. Reichert, P.E.

SWR:

Enclosure

cc: Town of Hudson Engineering Division – File  
Hayner/Swanson, Inc. – [eblatchford@hayner-swanson.com](mailto:eblatchford@hayner-swanson.com)



May 22, 2024  
HSI Job No, 1708-S

Mr. Jay Minkarah  
Acting Town Planner  
Town of Hudson  
12 School Street  
Hudson, NH 03051

Re: Proposed Starbucks Site Plan, Hudson Mall  
77 Derry Street, Tax Map 165, Lot 155, Sublot 002

Dear Mr. Minkarah:

On behalf of our client, Hudson-Vickerry, LLC, we off the following responses to Hudson Town Department and Fuss & O'Neill comments received via email from the Hudson Planning Department. Responses to comments are in ***bold italics***.

**Engineering Department:**

- 1. CB 5 shall be equipped with mechanical/oil separator.  
***CB 5 is designed with a 4-foot sump and a snout-type gas hood over the outlet pipe, as are all proposed catch basins for the project (see details on Sheet 11 of the Site Plan).***

**Assessing Department:**

- 1. In reviewing the proposed site plan I would offer the following map/lot/sublot number to be utilized and placed on the recorded plan as I believe that this will be a ground lease set up with building owned by the drive-thru restaurant operator;  
Tax Map 165b Lot 155 Sublot 002  
***The proposed building is being built and owned by Hudson-Vickerry. They will be leasing said premises to Starbucks. This arrangement was discussed with Jim Michaud at the Assessor's office, and he determined that a subplot number would not be required.***

**Zoning Administrator:**

No comments.

**Fire Department:**

No comments.

**Police Department:**

No comments.

Fuss & O'Neill:

1. Site Plan Review Codes (HR 275)

- a. Hudson Regulation (HR) 275-6.C. The site currently has sidewalks along Derry Street. The applicant has not proposed any changes or disturbances to these sidewalks.

***No response required.***

- b. HR 275-6.C. The applicant is proposing removing an existing crosswalk and installing a new crosswalk along the north side of the existing Hudson Mall building to connect to the proposed site. However, the applicant has not proposed any changes to the existing sidewalk at these locations. The new crosswalk connection should include a curb ramp and detectable warning panel, and the existing crosswalk striping should be removed.

***The plan has been revised to reconstruct the existing ramp with a detectable warning panel meeting ADA requirements, and the proposed crosswalk has been adjusted accordingly.***

- c. HR 275-6.I. The scope of this review does not include the adequacy of any fire protection provisions for the proposed building. The applicant has not shown a proposed fire service connection to the building. We note that there is one fire hydrant shown within the proposed disturbed area that will remain and be adjacent to the drive-thru bypass lane. Also the plans do not show a separate fire service water connection to the restaurant building.

***Because the proposed building is only 2,465 square feet, a fire service is not required.***

- d. HR 275-6.T. The applicant is not proposing any offsite improvements on the plan set.

***No response required.***

- e. HR 275-8.C.(2)(g) and Zoning Ordinance (ZO) 334-15.A. The applicant has provided parking calculations on the plan set and noted that 644 parking spaces are required for the entire Hudson Mall site with the proposed Starbucks and that 421 spaces are provided. The applicant has requested a waiver for the reduced number of parking spaces.

***No response required.***

- f. HR 275-8.C.(6). The applicant has noted that 13 loading spaces are required for the entire site and 14 are provided. We note that the applicant did not label these spaces on the plan and it does not appear that any are near the Starbucks building. The applicant should clarify the loading space intended to be used for this new structure.

***The 14 existing loading spaces have been labeled on Sheet 1. Starbuck's deliveries will occur outside of business hours overnight through the front door. No separate delivery loading zone is required by Starbucks.***

- g. HR 275-9.C.(11). The applicant has provided 18 handicap accessible parking spaces for the site which meets the minimum requirement.

***With the revisions described in response "h" below, there will be 19 accessible parking spaces.***

- h. HR 275-9.C.(11). The applicant is proposing the removal of two existing handicap accessible parking spaces that are adjacent to a crosswalk that leads to the north side of the Hudson Mall building, where there are several exterior doors for tenant businesses. The applicant should clarify which handicap accessible parking spaces are intended for use by those businesses. We note that the applicant has proposed two handicap accessible parking spaces near the new restaurant.

***The plan has been revised to add an accessible aisle and an additional accessible parking space with additional sidewalk, new crosswalk, and detectable warning panels to allow people parking in the new Starbucks parking lot to cross safely across the existing north site drive to access the tenants at the north end of the existing shopping center building.***

- i. HR 275-9.F. The applicant has provided a copy of the existing deed but no copies of any easements were provided as part of the package received for review. We note that multiple easements are shown on the plan.

*Copies of existing easement documents are attached herewith.*

**2. Administrative Review Codes (HR 276)**

- a. HR 276-11.1.B.(6). The applicant should add the owner's signature to the plan set for the final approval copy. A location was shown on the plan for future signature.

*The owner's signature has been added to Sheet 1 of the Site Plan.*

- d. HR 276-11.1.B.(20). The applicant has not provided the height of the existing building on the plan set.

*The existing building roof elevation is labeled at the northeast building corner of Sheet 3 of the Site Plan (BH=206.53). The existing building height has been added to Note 9 on Sheet 1 of the Site Plan.*

- c. HR 276-11.1.B.(24). The site does not currently meet the open space requirement. We note that the proposed changes do increase the overall open space for the site but does not make it compliant.

*The proposed site improvements reduce the current, grandfathered open space nonconformity.*

- d. HR 276-11.1.B.(25). The applicant has proposed a travelway within the side setback area of the proposed disturbed area. We note that the existing site also has a travelway and parking spaces within this setback.

*The proposed site improvements reduce the current, grandfathered area of pavement within the building setback area.*

**3. Driveway Review Codes (HR 275-6.B/Chapter 193)**

- a. HR 193.10. The applicant has not proposed any changes to the existing site driveways as part of the proposed development.

*No response required.*

**4. Traffic (HR 275-9.B)**

Fuss & O'Neill, Inc. has reviewed the Parking Utilization and Trip Generation Study prepared by Vanasse & Associates, Inc. (VAI) dated December 19, 2023, for the proposed drive-thru restaurant development at 77 Derry Street (The Hudson Mall) in Hudson, New Hampshire (Tax Map 165, Lot 155). The project proposes the development of a 2,472 square foot (sf) drive-thru restaurant in the area of a surface parking lot located to the north of the existing buildings in the mall. Access and egress to the site will be provided via the existing entrance to the mall. As part of the restaurant construction, several of the mall's parking spaces will be removed to accommodate the new development. The purpose of the VAI report is to determine if additional parking is needed for the proposed site or if the existing Hudson Mall parking lot is large enough to accommodate the proposed drive-through restaurant.

*No response required.*

VAI visited the site and appropriately gathered 12-hour parking utilization data for both a weekday and Saturday, ultimately determining that approximately 39% of the existing parking lot adjacent to the proposed restaurant is utilized during the peak Saturday interval, while 29% is utilized during the weekday peak interval. Similar percentages were determined for the entire Hudson Mall parking lot, not just adjacent to the proposed development. According to the data, between 315 and 335 parking spaces remained available during the mall's peak intervals during the count period. We ultimately agree with the

report's conclusion that these remaining spaces should be more than enough to accommodate for the removal of about 46 parking spaces associated with the construction of the restaurant.

***No response required.***

The VAI report also calculated trips generated by the proposed site following standard procedures and using appropriate trip generation rates and data from the ITE *Trip Generation*, 11<sup>th</sup> Edition publication for the project scenario. While the restaurant would be expected to generate 212 trips during the weekday morning peak hour and 218 trips during the Saturday midday peak hour, approximately 90% of these trips would be pass-by. This results in about 22 new trips being generated by the site during either peak hour.

***No response required.***

We also agree that the layout of the site, which provides queuing space for about 15 or 16 vehicles, is reasonable and follows the conclusions found in the industry study provided in the report and the requirements of the Site Plan Regulations Section 275-8.C.

***No response required.***

While we agree with the overall conclusion of the VAI report, and recognize that the majority of the traffic generated by the site is pass-by traffic, it does not appear that the applicant has considered any impacts to the mall entrance signalized intersection. Adding, or at least shifting around onto different approaches, up to 218 trips may result in some level of operational deficiency of the signals depending on their existing timings and coordination settings. The Town should consider having the applicant conduct a minor capacity analysis at this intersection with existing signal timings to confirm that no signal timing adjustments or optimizations will be needed as a result of the project development.

***During an initial meeting between the applicant's consultants and Town staff, it was agreed that the applicant's traffic consultant would work with the Town Engineer, if needed, to assess the need for any adjustments to traffic signal timing settings. This will occur following the opening of the proposed Starbucks.***

Note that there are several minor discrepancies between the report and notes on the plans. We don't believe these discrepancies impact the conclusions in the report however.

- The report notes the drive-through aisle can accommodate 15 vehicles in queue, the plans show 16.
- The report notes there will be 417 parking spaces following construction, the plans show 421.
- The report notes 490 existing parking spaces (including corrals), the plans note 486.
- The report notes the proposed restaurant as 2,472 square feet, the plans note this as 2,465 square feet.

***There were some minor revisions to the Site Plan after the Traffic Study was complete. As stated above, the minor differences are inconsequential to the findings of the traffic report.***

## 5. Utility Design/Conflicts

- a. HR 275-9.E. & 276-13. The applicant has proposed connecting to the existing gas, water, sewer, and communications utilities already at the site.

***No response required.***

- b. HR 275-9.E & 276-13. The applicant has not provided any sewer details in the plan set. The applicant has also noted that the grease trap design is by others and has not provided any additional information on this structure. The applicant should include a detail for the grease trap in the plans.



*Sewer trench, manhole, and cleanout details have been added to Sheet 10 of the Site Plan. A note has been added to the Sewer Service Profile on Sheet 7 of the Site Plan that the sewer grease trap is to be designed by others, and the size and type would be determined by the Building Department. This was discussed with and approved by the Town Engineer.*

- c. Engineering Technical Guidelines & Typical Details (ETGTD) Section 701. The applicant should confirm that the existing sewer main within the site and the Town sewer main that it connects to have adequate capacity to handle the anticipated flow from the proposed facility.

*The Town Engineer confirmed that there is adequate reserve capacity in the existing downstream sewer system to accommodate the proposed sewer flow.*

- d. ETGTD Detail S-5. The applicant has proposed a sewer service connection to the building with less than 4 feet of cover. We note that rigid insulation is proposed to be installed above the sewer pipe.

*No response required.*

- e. ETGTD Section 801. The applicant should confirm with the Town that the existing water main has enough flow and pressure to meet domestic requirements for the proposed facility and also for any proposed fire suppression system requirements.

*The Town Engineer confirmed that there is adequate flow and pressure for the proposed domestic water service.*

- f. The proposed grading at the existing fire hydrant is about six inches higher than existing grades. The applicant should review with the Fire Department to determine if a hydrant extension is required for this hydrant.

*The shoulder grading was adjusted and a note added to hold the existing grade at the existing hydrant on Sheet 5 of the Site Plan.*

- g. The plan should note that the gate valve cover for the hydrant is to be raised to the proposed grade for the drive thru bypass lane.

*A note to raise the existing hydrant gate valve cover to the proposed finish grade was added to Sheet 5 of the Site Plan.*

- h. The plans show an existing capped water pipe in the island near the proposed rain garden. The applicant should clarify what this water pipe is and if it or other existing pipes connecting to this location will be impacted by the proposed construction.

*The owner did some research and said that is a stub for a future fire service that was envisioned many years ago. It's apparently been there as long as anyone can remember.*

*It's located on the shoulder area of the rain garden, so it can remain in-place (proposed grades are close to existing grades). We've called for 2 bollards to be install adjacent to it because of its proximity to the drive-thru lane.*

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

- a. HR 275-6.F. and 290-5.A.4. The applicant should provide the NHDES GRV worksheet and compare the required to the provided volume.

*The GRV worksheet wasn't submitted because there's a net reduction in pavement area for the project and therefore the worksheet yields no results.*

- b. HR 275-9.A.3. The applicant should provide the required test pit log and the location of the test pit.

*This site is known to be predominantly Windsor sands from previous work onsite, and NRCS soils mapping. As stated in the Infiltration Feasibility Report in Appendix E of the SMECP, "because the proposed infiltration practice is to be located in an area that is currently a paved parking lot, a test pit will be conducted under Hayner/Swanson's supervision during construction to confirm design infiltration rates and seasonal high water table. Test pits logs will be submitted to the Hudson Engineering Department upon completion." A corresponding note is located on Sheet 5 of the Site Plan, notifying the*

*contractor the test pit needs to be performed and witnessed by HSI. This has been discussed with the Town Engineer and is in keeping with past practices for similar situations.*

- c. HR 275-9.A.3. The applicant should also provide additional information as to the use of the 6.0 iph infiltration rate within the HydroCAD analysis. The applicant should provide additional information and/or conversion calculations to support the use of the infiltration rate. Does this rate utilize a factor of safety, does it follow typical current engineering practice as outlined within Env-Wq 1504.14(c), etc.

*Because Windsor sands are considered excessively well drained, with infiltration rates faster than 30 inches/hour, NHDES required a soil media filter layer to slow the initial infiltration rate to no faster than 10 inches/hour. The 6 inches/hour design infiltration rate adds a factor of safety to this requirement.*

- d. HR 290-5.A.3. The applicant should provide the appropriate BMP worksheet for the intended rain garden practice proposed. The BMP worksheet provided is intended for use on a practice not utilized within this design. The appropriate BMP worksheet for this project would be the Filtration Practice worksheet, which takes into account separation to ESHWT/ledge and infiltration rate, etc.

*The Filtration Practice BMP Worksheet has been provided herewith and added to Appendix D of the SMECP.*

- e. HR 290-5.A.3. The applicant should update the Typical Section-Rain Garden detail on Detail Sheet 11 of 16 to match the filter media depth of 24" within the Stormwater Management Plan.

*The Rain Garden Detail on Sheet 11 of the Site Plan has been revised to show 24" filter media depth.*

- f. HR 290-5.A.11. The applicant should provide reasoning for the varying direct entry Tc values utilized for DA1 and DA2 in the pre-development HydroCAD, and how was the use of an 8-minute Tc determined for DA1. Unless sheet/shallow/channel flow or other allowed methods are utilized, any size pavement area is typically 6 minutes for Tc. We note use of 6 minutes is for all nodes in post-development as well.

*The pre-development DA 1 Tc of 8.0 minutes was estimated by adding the minimum Tc of 6.0 minutes for sheet flow from the further point to the nearest catch basin, plus an estimated 2.0 minutes of travel time (240+/- feet @ an estimated 2 seconds/foot) in the existing 24" drain line to the point-of-analysis. The same 2.0 minutes of travel time should have been included in the post-development analysis, as the proposed catch basins tie-into the same drainage pipe system, but inadvertently was not. As a result, the post-development analysis peak flow numbers are conservatively higher than they would be if we had used 8.0 minutes as well. The result is a higher factor of safety in our peak flow estimates.*

- g. HR 290-5.A.11. The applicant states proposed pre-treatment on site is use of deep sump catch basins. The proposed rain garden is utilizing sheet flow from Subcatchment 3, and runoff directly enters the rain garden. The applicant should provide additional information on the pre-treatment of the impervious runoff prior to treatment within the rain garden.

*The rain garden provides adequate treatment of the stormwater draining to it, but there isn't sufficient room in the development pad area to capture and pretreat the sheet runoff from DA 3 prior to sheeting into the rain garden. The design was discussed with the Town Engineer who determined that the design meets the intent of the regulations because it entails a small area of redevelopment of a much larger developed site; and reduces impervious area and peak runoff rates, while providing improved stormwater treatment prior to leaving the site when compared to the existing condition.*

- h. HR 290-5.A.12. The applicant should update the I&M manual to state the proposed BMP is a rain garden, not a basin as currently listed.

*The I&M Manual has been revised to specify the proposed rain garden and is attached herewith.*

- i. HR 290-5.B. The applicant states a disturbed area of 36,375 sf in two sections of the write up, section I.c and section II.e. Fuss & O'Neill performed a PDF area measurement and came up with 44,180± sf of disturbance from the Site Demo Plan, and 48,900± sf disturbance on the Master Site Plan. The applicant should review the disturbed area and confirm the disturbance. If greater than 40,000 sf, the project will be required to meet Site Plan Review Regulations Section 290-5.B in addition to Section 290-5.A.

*As stated in Section I.C - Proposed Conditions in the Stormwater Report: "The site development associated with the overall construction of this project disturbs approximately 45,000 square feet of contiguous area and therefore a NHDES Alteration of Terrain permit is not required. It should be pointed out that 8,625 SF of the proposed disturbed area entails removing existing pavement areas outside the proposed project development pad (see post-development drainage subareas DA 1, DA 11, and DA 12) and converting them to landscape areas. This makes the effective disturbed area attributed to the proposed development equal to 36,375 SF." This assessment was discussed with the Town Engineer who determined that the design meets the intent of the regulations because it entails a small area of redevelopment of a much larger developed site; and reduces impervious area and peak runoff rates, while providing improved stormwater treatment prior to leaving the site when compared to the existing condition.*

- j. HR 290-5.B. If greater than 1 acre the applicant should provide a note on the plan set stating the requirement of the EPA GCP, E-NOI, and/or SWPPP.

*See Erosion Control Notes 1 & 2 on Sheet 2 of the Site Plan.*

- k. The applicant should show the proposed rim elevation for existing catch basin RCB 1473 on the plans.

*The proposed adjusted rim elevation of 183.75+/- has been noted on Sheet 5 of the Site Plan.*

- l. The applicant will be required to comply with all provisions of the Town of Hudson's MS4 permit, including but not limited to annual reporting requirements, construction site stormwater runoff control, and record keeping requirements. The applicant has noted that the project has been designed to meet MS4 requirements.

*Acknowledged. As stated above, the proposed design has been discussed with the Town Engineer who confirmed that we meet the requirements of the Town's MS4 Permit by reduced pavement area, and providing pretreatment and treatment practices in the design.*

- m. Please note that this review was carried out in accordance with applicable regulations and standards in place in New Hampshire at this time. Note that conditions at the site, including average weather conditions, patterns and trends, and design storm characteristics, may change in the future. In addition, future changes in federal, state or local laws, rules or regulations, or in generally accepted scientific or industry information concerning environmental, atmospheric and geotechnical conditions and developments may affect the information and conclusions set forth in this review. In no way shall Fuss & O'Neill be liable for any of these changed conditions that may impact this review, regardless of the source of or reason for such changed conditions. Other than as described herein, no other investigation or analysis has been requested by the Client or performed by Fuss & O'Neill in preparing this review.

*No response required.*

## 7. Zoning (ZO 334)

- a. ZO 334-17 & 334-21. The applicant has noted that the subject parcel is located within the Business (B) zoning district, and that the proposed drive-thru restaurant use is allowed within the district.

*No response required.*

- b. ZO 334-35. The applicant has noted that there are no wetlands located on the site.

*No response required.*

- c. ZO 334-60. The applicant has not shown any sign details on the plan set but has noted that all signs are subject to approval by the Hudson Planning Board prior to installation.

*It is currently planned that a Starbucks sign panel will be added to the existing pylon sign and the building sign graphics are shown on the building elevations. The details of these will be specified with the Building Permit Application package. If this requires additional Planning Board review it can be done at that time. Traffic sign details are shown on Sheet 9 of the Site Plan.*

- d. ZO 334-83 and HR 218-4.E. The applicant has noted that the project is not located within a Flood Hazard Area.

*No response required.*

**8. Erosion Control/Wetland Impacts**

- a. The applicant has noted that the Town of Hudson shall reserve the right to require any additional erosion control measures as needed.

*No response required.*

**9. Landscaping (HR 275-8.C.(7) & 276-11.1.B.(20)) and Lighting (HR 276-11.1.B.(14))**

- a. HR 275-8.C.(7) & (8). The applicant has provided landscaping for the proposed disturbance area. The existing landscaping for the entire site was not evaluated as part of this review. The proposed restaurant only has one parking aisle therefore interior landscape calculations are not required. It appears that the applicant has not proposed any additional screening of the project area. Existing woods to the north and east provide screening although these trees are located on abutting property.

*No response required.*

- b. HR 276-11.1.B.(14). The applicant has provided a lighting plan that shows photometric values and full cut-off fixtures are proposed. The applicant has noted that the lighting will be operational from dusk to dawn.

*No response required.*

- c. HR 276-11.1.B.(14). The applicant has proposed a light along the south side parking row that is in the same location as a proposed tree.

*The proposed tree has been relocated on Sheet 14 of the Site Plan.*

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

- a. HR 275-9.G. The applicant should list the required permits and their status on the plan set.

*The only site-related permit required for this plan is Hudson Planning Board approval. The Planning Board approval block can be found on Sheet 1 of the Site Plan.*

- b. HR 275-9.G. The applicant should provide copies of any applicable Town, State or Federal approvals or permits to the Town.

*As stated above, the only site-related permit required at this time is the Hudson Planning board approval. A copy of the EPA-eNOI registration for construction activities under the Region 1 Construction General Permit will be submitted for Town records in the future at the time of construction.*

- c. Additional local and state permitting may be required.

*Acknowledged.*

**11. Other**

- a. The applicant should review the size/scale of the printed plans. When measured against the scale on the full-size drawings there is a discrepancy – 120' on the drawing scale measures 118' with an actual scale.

*The plan scale has been checked and is correct.*

## Attachment "C"

- b. We recommend that the stop signs at the facility driveways more closely line up with the proposed stop bars.


*Proposed stop sign locations have been adjusted closer to the proposed stop bars.*

In addition, we're working on the following items:

1. We've asked our Site Lighting subconsultant, Dubois & King, to add additional fixtures on the proposed light poles adjacent to the north storefront drive, to better illuminate that area where pedestrians will cross from the proposed Starbucks parking lot to the sidewalk at the north end of the existing shopping center building. That plan will be submitted as soon as received.
2. We will also have AutoTurn truck turning plans to discuss with the Planning Board at the June 12<sup>th</sup> hearing.
3. Vanasse and Associates is working on a supplemental analysis of parking lot Zones 2 and 3, as requested by the planning Board. That additional analysis will be submitted as soon as received, and they will be at the June 12<sup>th</sup> hearing to discuss traffic and parking.
4. The applicant has had discussions with Papa Gino's management regarding taking deliveries only at the rear loading area going forward. They've agreed to do so.

If there are any questions regarding any of the above responses, please contact me at our office at (603) 883-2057 ext. 132. Thank you.

Sincerely,

  
Earle D. Blatchford  
Senior Project Manager  
**HAYNER/SWANSON, INC.**

Attachments: As noted above.

cc: Elvis Dhima, Hudson Town Engineer  
Steve Reichert, Fuss & O'Neill  
Jim Michaud, Hudson Town Assessor  
Dan Gordon, Hudson-Vickery, LLC  
Morgan Hollis, Gottesman & Hollis



## INFILTRATION PRACTICE CRITERIA (Env-Wq 1508.06)

**Type/Node Name:** SMA DETENTION/INFILTRATION BASIN

Enter the type of infiltration practice (e.g., basin, trench) and the node name in the drainage analysis, if applicable.

|               |   |                  |
|---------------|---|------------------|
| <b>YES</b>    | Have you reviewed Env-Wq 1508.06(a) to ensure that infiltration is allowed?                   | ← yes            |
| 0.22 ac       | A = Area draining to the practice   |                  |
| 0.14 ac       | $A_i$ = Impervious area draining to the practice  |                  |
| 0.64 decimal  | I = Percent impervious area draining to the practice, in decimal form                         |                  |
| 0.62 unitless | $R_v$ = Runoff coefficient = $0.05 + (0.9 \times I)$  |                  |
| 0.14 ac-in    | $WQV = 1'' \times R_v \times A$   |                  |
| 497 cf        | WQV conversion (ac-in x 43,560 sf/ac x 1ft/12")   |                  |
| 124 cf        | 25% x WQV (check calc for sediment forebay volume)  |                  |
|               | Method of pretreatment? (not required for clean or roof runoff)                               |                  |
| cf            | $V_{SED}$ = Sediment forebay volume, if used for pretreatment                                 | ≥ 25%WQV         |
| 836 cf        | V = Volume <sup>1</sup> (attach a stage-storage table)  | ≥ WQV            |
| 774 sf        | $A_{SA}$ = Surface area of the bottom of the pond   |                  |
| 6.00 iph      | $K_{sat_{DESIGN}}$ = Design infiltration rate <sup>2</sup>                                    |                  |
| 1.3 hours     | $T_{DRAIN}$ = Drain time = $V / (A_{SA} * I_{DESIGN})$  | < 72-hrs         |
| 182.00 feet   | $E_{BTM}$ = Elevation of the bottom of the basin  |                  |
| 178.00 feet   | $E_{SHWT}$ = Elevation of SHWT (if none found, enter the lowest elevation of the test pit)    |                  |
| 178.00 feet   | $E_{ROCK}$ = Elevation of bedrock (if none found, enter the lowest elevation of the test pit) |                  |
| 4.00 feet     | $D_{SHWT}$ = Separation from SHWT   | ≥ * <sup>3</sup> |
| 4.0 feet      | $D_{ROCK}$ = Separation from bedrock  | ≥ * <sup>3</sup> |
| 2.0 ft        | $D_{amend}$ = Depth of amended soil, if applicable due high infiltration rate                 | ≥ 24"            |
| ft            | $D_T$ = Depth of trench, if trench proposed   | 4 - 10 ft        |
| Yes/No        | If a trench or underground system is proposed, has observation well been provided?            | ← yes            |
|               | If a trench is proposed, does material meet Env-Wq 1508.06(k)(2) requirements. <sup>4</sup>   | ← yes            |
| YES Yes/No    | If a basin is proposed, Is the perimeter curvilinear, and basin floor flat?                   | ← yes            |
| 3.0 :1        | If a basin is proposed, pond side slopes.   | ≥ 3:1            |
| 182.11 ft     | Peak elevation of the 10-year storm event (infiltration can be used in analysis)              |                  |
| 182.62 ft     | Peak elevation of the 50-year storm event (infiltration can be used in analysis)              |                  |
| 183.80 ft     | Elevation of the top of the practice (if a basin, this is the elevation of the berm)          |                  |
| YES           | 10 peak elevation ≤ Elevation of the top of the trench? <sup>5</sup>                          | ← yes            |
| YES           | If a basin is proposed, 50-year peak elevation ≤ Elevation of berm?                           | ← yes            |

- Volume below the lowest invert of the outlet structure and excludes forebay volume
- $K_{sat_{DESIGN}}$  includes a factor of safety. See Env-Wq 1504.14 for requirements for determining the infiltr. rate
- 1' separation if treatment not required; 4' for treatment in GPAs & WSIPAs; & 3' in all other areas.
- Clean, washed well graded diameter of 1.5 to 3 inches above the in-situ soil.
- If 50-year peak elevation exceeds top of trench, the overflow must be routed in HydroCAD as secondary discharge.

**Designer's Notes:** ESHWT and ledge elevations assumed. To be confirmed with test pit during construction.

**INSPECTION & MAINTENANCE (I&M) MANUAL**

**Proposed Drive-Thru Restaurant Building Project**

**Tax Map 165, Lot 155**

**Hudson Mall, 77 Derry Street**

**Hudson, New Hampshire**

March 4, 2024

Revised: May 15, 2024

Prepared for:

Hudson-Vickerry, LLC

c/o The MEG Cos., 25 Orchard View Drive

Londonderry, NH 03053

Prepared by:

Hayner/Swanson, Inc.

3 Congress Street

Nashua, NH 03062

In accordance with the Town of Hudson Stormwater Regulations Section 290, the mechanism for providing long-term inspection and maintenance of stormwater management practices for this development are as follows:

**I. RESPONSIBLE MAINTENANCE PARTY**

Hudson-Vickerry, LLC  
c/o The MEG Cos., 25 Orchard View Drive  
Londonderry, NH 03053

Attn: Dan Gordon  
Phone: (603) 434-6700  
Email: gorstar@icloud.com

**For Hudon-Vickerry, LLC:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**II. MAINTENANCE RECOMMENDATIONS FOR BMP's**

The following recommendations are to be used as a guide for the inspection and maintenance of the permanent erosion and sediment control measures.

**A. PARKING/LOADING AREA SWEEPING**

- Inspect parking and loading areas at least semi-annually for the accumulation of sediment along drainage flow lines. Additional inspections recommended particularly during and after the winter months if the ice conditions during the winter were severe.
- Sweep parking and loading areas to remove sediment buildup along and drainage flow lines.
- Dispose of sediments and other wastes in conformance with applicable local, state, and federal regulations.

**B. DEEP-SUMP CATCH BASINS, DRAIN MANHOLES, AND INLET STRUCTURES**

- Inspect structures at least semi-annually at the same time that the parking lot and loading areas are inspected.
- Vacuum the sediment in the catch basins when the sediment reaches one-half the depth from the bottom of the sump to the invert of the outlet pipe.
- Repair damaged catch basin structure grates immediately after the inspection.
- Repair pavement damage around structures immediately after the inspection to prevent further damage.



- Dispose of sediments and other wastes in conformance with applicable local, state, and federal regulations.

### **C. RAIN GARDEN**

- Inspect the rain garden at least twice annually, and following any rainfall event exceeding 2.5-inches in a 24-hour period, with maintenance or rehabilitation as warranted by such inspection.
- Inspect, repair and remove debris from basin, grass swales, and areas around the associated and inlet structures as needed.
- Dispose of sediments and other wastes in conformance with applicable local, state, and federal regulations.
- If the system does not drain within 72-hours following a rainfall event, then a qualified professional should assess the condition of the facility to determine measures required to restore infiltration function, including but not limited to removal of accumulated sediments or reconstruction.
- Mowing of the rain garden shall occur, on average, twice a year during the growing season.

### **III. INSPECTION CHECKLIST/MAINTENANCE AND DEICING LOGS**

The accompanying sheets to this section are to be used as a guide for the inspection reporting for this project. Inspection reports shall include photographs of the above-referenced practices.

Completed inspection reports should be kept on-site and be easily accessible to the Town Engineer.

# Inspection Checklist & Maintenance Log

**Project Name: Proposed Drive-Thru Restaurant, 77 Derry St., Hudson, NH**

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- Deep-sump catch basins, and drain manholes.
- Rain garden area slope stability and debris removal.

| <b>Inspection Date</b> | <b>Inspector Name(s)</b> | <b>Description of BMP Condition</b> | <b>Corrective Action Needed (including planned date/responsible person)</b> | <b>Date Action Taken/Responsible person</b> |
|------------------------|--------------------------|-------------------------------------|---|---|
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# Deicing Log

**Project Name: Proposed Drive-Thru Restaurant, 77 Derry St., Hudson, NH**

| <b>Application Date</b> | <b>Application</b> | <b>Type of Deicer</b> | <b>Amount of Deicer</b> |
|-------------------------|--------------------|-----------------------|-------------------------|
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AMENDMENT TO SIGNALIZATION MAINTENANCE EASEMENT  
RECORDED IN HILLSBOROUGH COUNTY REGISTRY OF DEEDS  
BOOK 4747, PAGE 236

HUDSON-VICKERRY REALTY CO. TRUST, a New Hampshire Trust with a principal place of business at 100 Mall Road, Nashua, Hillsborough County, New Hampshire, GRANTOR, hereby amends the Signalization Maintenance Easement recorded in Hillsborough County Registry of Deeds Book 4747, Page 235, conveying, for consideration paid, a signalization maintenance easement to the TOWN OF HUDSON, a municipal corporation, with a principal place of business at 12 School Street, Hillsborough County, New Hampshire, to include within the area of the easement the location of the siting of all equipment and components for a traffic signal at the intersections of Derry Street (Route 102) and Abbott Farms Lane. The specific purpose of this amendment is to include within the easement the location of a traffic signal controller cabinet, approximately 50 square feet.

The rights, conditions, restrictions, and duties created by the original easement recorded in Hillsborough County Registry of Deeds Book 4747, Page 235, shall remain in full force and effect.

Reference is made to the certificate of trustee of Robert F. Gordon, of Hudson Vickerry Realty Co. Trust recorded in Hillsborough County Registry of Deeds Book 4747, Page 244.

DATED: 10/3, 1988

HUDSON-VICKERRY CO. REALTY TRUST

Patricia M. Payne  
Witness

BY: Robert F. Gordon Trustee  
ROBERT F. GORDON, TRUSTEE

85023 PG 174

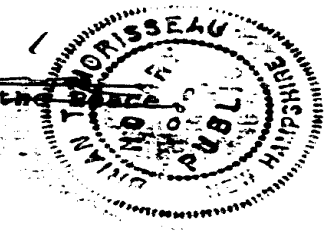
ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

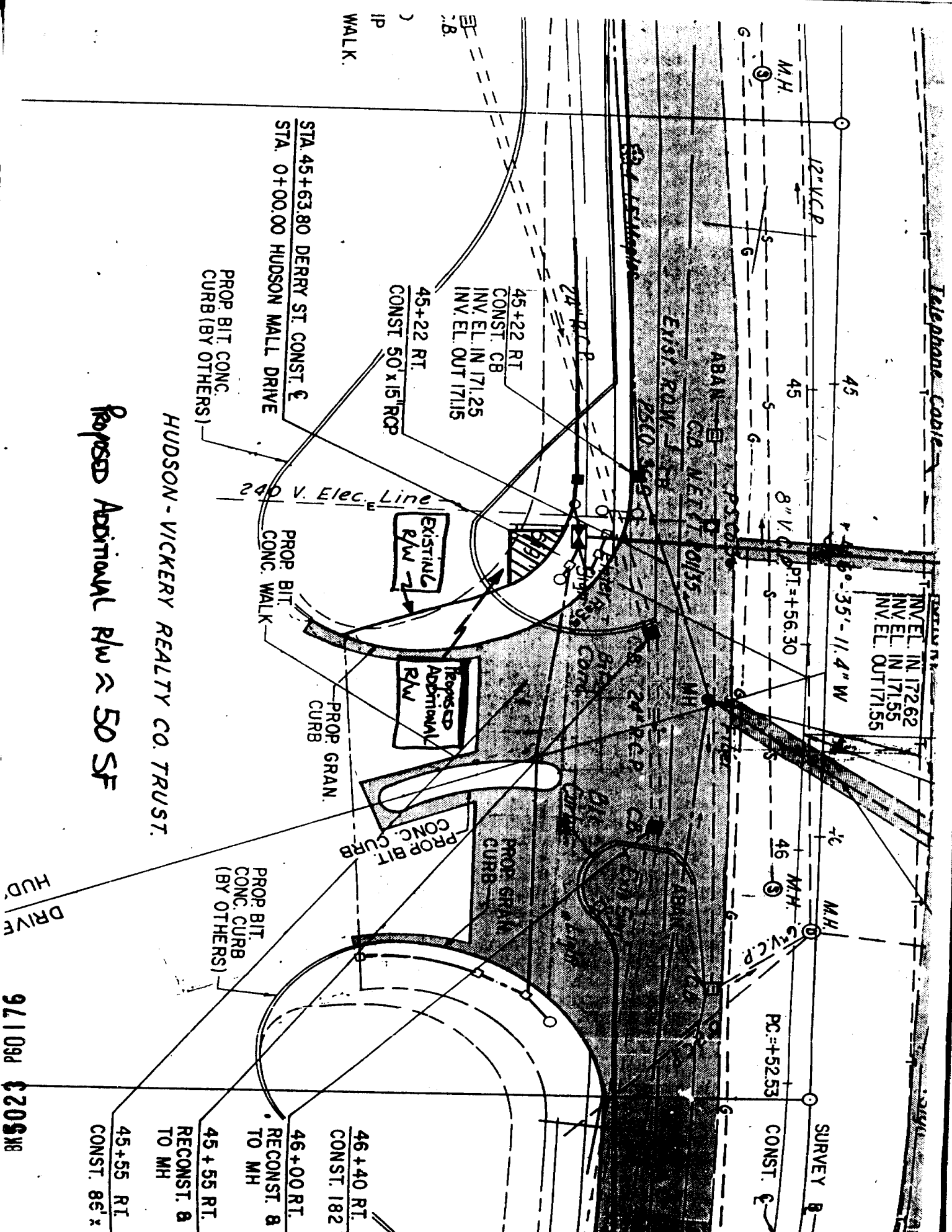
The foregoing instrument was acknowledged before me this  
3<sup>RD</sup> day of October, 1988 by Robert F. Gordon,  
Trustee, on behalf of the Trust.

  
Notary Public/Justice of the Peace

BRIAN T. MORISSEAU, Notary Public  
My Commission Expires October 24, 1989



JK 5023 P60175



HUDSON - VICKERY REALTY CO. TRUST.  
 Proposed Additional R/W ≈ 50 SF

91109d C205MB

823391

MAY 9 3 02 PM '88

SIGN EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT the Town of Hudson, a New Hampshire municipal corporation with a principal place of business at 12 School Street Hudson, County of Hillsborough and State of New Hampshire, for consideration paid, grants to Hudson-Vickerry Realty Co. Trust, a New Hampshire trust with a principal place of business at 100 Nashua Mall, Nashua, County of Hillsborough and State of New Hampshire, an easement over the following land as described below:

Beginning at a point on the easterly sideline of a newly dedicate portion of Derry Street, Route 102, said point being northerly of and 557.12 feet from a stone bound at the southwesterly corner of land of Hudson-Vickerry Realty Co. Trust; thence

S 82° 15' 37" W a distance of 5.00 feet to a point; thence

N 06° 54' 35" W a distance of 18.62 feet to a point; thence

N 61° 36' 22" E a distance of 25.81 feet to a point on said sideline of a newly dedicated portion of Derry Street; thence

Southwesterly and southerly along a curve to the left having a radius of 30.00 feet, a delta angle of 68° 45' 45" and an arc length of 36.00 feet to the point of beginning.

Said Sign Easement is granted to land of Grantor described in Book , Page , on file at the Hillsborough County Registry of Deeds.

All construction, inspection, repair or other work in connection with said easement shall be done without expense to the Grantor and with as little inconvenience to the Grantor as is consistent with reasonable progress and good

BK4747 PG238

PRUNIER, NADEAU & LEONARD, P.A. ATTORNEYS AT LAW 4 MANCHESTER STREET NASHUA, N.H. 03060 (603) 883-8900

construction practice. Upon any exercise of the herein described rights the Grantee shall generally restore the property of the Grantor to as nearly original condition as may be practicable including the removal of all stakes and pots which may have been put in the ground and the leveling of all ruts and depressions caused by construction or other operations.

Grantee shall indemnify Grantor from and against any liability, claim of liability, expense, causes of action, loss or damage, whatsoever and howsoever caused, for any injury, including death, to any person or property occasioned by the agents or employees of the Grantee in the course of the use of said easement, or arising out of the exercise of any of the rights granted to the Grantee hereunder.

IN WITNESS WHEREOF, I have hereto set my hand this day of \_\_\_\_\_, 1988.

TOWN OF HUDSON

Michael J. Dildan  
WITNESS

BY Alvin M. [Signature]  
ITS Temporary Chairman's Office

3K4 747 P80239



STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

On this the *28* day of *April*, 1988, before me,  
the undersigned officer, personally appeared the above-named  
*Alan Marchant* who acknowledged ~~himself~~ to be a duly  
authorized officer the Town of Hudson, known to me (or  
satisfactorily proven) to be the person whose name is  
subscribed to the within instrument and acknowledged that he  
execute the same for the purposes therein contained.

Before me,

*Karen R. W. [Signature]*  
JUSTICE OF THE PEACE/NOTARY PUBLIC

3K4747 P60240

823390

MAY 9 3 02 PM '88

SIGNALIZATION MAINTENANCE EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT Hudson-Vickerry Realty Co. Trust, a New Hampshire trust with a principal place of business at 100 Mall Road, Nashua, County of Hillsborough and State of New Hampshire for consideration paid, grants the Town of Hudson, a New Hampshire municipal corporation with a principal place of business at 12 School Street, Hudson, County of Hillsborough and State of New Hampshire, an easement over the following land as described below:

Beginning at a stone bound on the easterly sideline of Derry Street at the southeasterly corner of land of Hudson-Vickerry Realty Co. Trust; thence

N 19° 06' 30" W a distance of 106.95 feet by a newly dedicated portion of Derry Street to a point; thence

Northerly along a curve to the right having a radius of 2158.00 feet and an arc length of 23.98 feet by said newly dedicated portion to a point; thence

Southerly and southeasterly along a curve to the left having a radius of 40.00 feet, a delta angle of 73° 31' 30" and an arc length of 51.31 feet to a point; thence

S 21° 22' 58" E a distance of 83.19 feet to a point at land of St. Patrick Cemetery; thence

S 54° 49' 02" W a distance of 32.95 feet by said Cemetery to the point of beginning.

Said Signalization Maintenance Easement is granted to land of Grantor described in Book , Page , on file at the Hillsborough County Registry of Deeds.

All construction, inspection, repair or other work in connection with said easement shall be done without expense to the Grantor and with as little inconvenience to the Grantor as is consistent with reasonable progress and good

PRUNIER, NADEAU  
& LEONARD, P.A.  
ATTORNEYS AT LAW  
4 MANCHESTER STREET  
NASHUA, N.H. 03060  
(603) 883-8900

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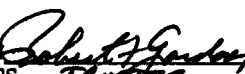

reasonable progress and good construction practice. Upon any exercise of the herein described rights the Grantee shall generally restore the property of the Grantor to as nearly original condition as may be practicable including the removal of all stakes and pots which may have been put in the ground and the leveling of all ruts and depressions caused by construction or other operations.

Grantee shall indemnify Grantor from and against any liability, claim of liability, expense, causes of action, loss or damage, whatsoever and howsoever caused, for any injury, including death, to any person or property occasioned by the agents or employees of the Grantee in the course of the use of said easement, or arising out of the exercise of any of the rights granted to the Grantee hereunder.

IN WITNESS WHEREOF, I have hereto set my hand this *14<sup>th</sup>* day of *February*, 1988.

HUDSON-VICKERRY REALTY CO. TRUST

  
\_\_\_\_\_  
WITNESS

BY   
ITS Trustee  
BY   
ITS Trustee

3X4747 P60236

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

On this the 10<sup>th</sup> day of February, 1988, before me, the undersigned officer, personally appeared the above-named Robert Gordon, who acknowledged himself to be a duly authorized Trustee of Hudson-Vickerry Realty Co. Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he execute the same for the purposes therein contained.

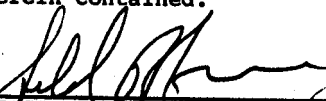
Before me,

  
JUSTICE OF THE PEACE/NOTARY PUBLIC

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

On this the 7th day of April, 1988, before me, the undersigned officer, personally appeared the above-named Herman Gordon, who acknowledged himself to be a duly authorized Trustee of Hudson-Vickerry Realty Co. Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

Before me,

  
JUSTICE OF THE PEACE/NOTARY PUBLIC

3K4747 P60237

EASEMENT

GRANTORS: We, Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy, M. Michael Weinberg, and Jason S. Elias, Trustees of Hudson Vickerry Realty Co. Trust under a declaration of Trust dated October 20, 1972, recorded with Hillsborough County Registry of Deeds, Book 2259, Page 344, hereinafter called "Grantors",

for consideration paid in the sum of One Dollar (\$1.00) and in further consideration of the Grantee's covenants hereinafter contained which the Grantee covenants to keep and fulfill, the aforesaid Grantors do hereby grant to:

GRANTEE: Hudson Water Co., a corporation duly organized under the laws of the State of New Hampshire and having its principal office at 41 Webster Street, Hudson, Hillsborough County, New Hampshire, hereinbefore and hereinafter called "Grantee"

the right and easement to prudently and carefully trench, dig, place, construct, reconstruct, repair and maintain, for the transmission of fresh water for drinking, cleaning, washing and for all purposes for which fresh water is used, all fresh water pipes which are presently laid and which may hereafter at different times be laid or placed in and upon the GRANTOR'S premises situated on the Easterly side of Derry Road, Hudson, New Hampshire, said premises more fully described in deeds recorded in Hillsborough County Registry in Book 2338, Page 423 and in Book 2338, Page 425, for water service to and for the Grantors, heirs, executors, successors and assigns and all others specifically designated by the Grantors, over and upon a strip of land in such manner and such degree as shall be reasonably necessary and as shall be physically permitted and being located on either or both sides of the water pipes presently placed and laid; said strip of land shall not exceed twenty (20) feet in width in the aggregate where and in such manner as physical structures and boundry lines shall permit, for the purposes of performing and fulfilling the Grantee's obligations to maintain, make repairs and replacements to the aforesaid water pipes.

BK-2391 PGE-845

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REGISTRY OF DEEDS

BK-2391 PGE-846

The Grantee covenants and agrees at all times hereafter, at Grantee's sole expense, to maintain, to keep in good repair and make replacements whenever reasonably necessary of and to the fresh water pipes presently placed and laid and which may hereafter be placed and laid in and upon the Grantors' premises.

In the performance of the work and things done and to be performed by the Grantee in the fulfillment of the Grantee's obligations herein contained, the Grantee shall not unreasonably interfere with the operation of the business and shopping center located on the Grantors' premises and the Grantee shall restore the land surface to its then original existing condition upon the performance of each event.

The Grantors reserve the right to pave, with materials of Grantors' choosing, over the whole or any portion of said strip of land to which this Easement pertains and to all other land owned by the Grantors.

The Grantors, for themselves, their beneficiaries, heirs, administrators, and executors, covenant with the Grantee, its successors and assigns, that no building, structure, or any substantial improvements shall be erected or placed over or upon the twenty (20) foot wide easement granted hereby. This covenant shall run with the land. Nothing contained herein, however, shall prevent the Grantors from paving the easement or making any other use of the easement which is not incompatible with the Grantee's access to the premises for purposes of maintaining the water pipes located in said easement. Furthermore, the Grantors may reasonably require the Grantee to relocate said easement, if it shall become reasonably necessary to accommodate the Grantors' building plans. This covenant shall run with the land.

This Easement is granted to be used in common with the Grantors, their heirs, successors and assigns and all others lawfully using the premises and also subject to any easements, conditions, restrictions of record and the terms of any zoning ordinances insofar as any of the same may now or hereafter be or become in force and applicable.

Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy, M. Michael Weinberg, and Jason S. Elias, Trustees of Hudson Vickerry Realty Co. Trust, have caused these presents to be signed and sealed this 5<sup>th</sup> day of February, 1975.

*William A. Kasilowski*  
*William A. Kasilowski*

*Robert F. Gordon*  
Robert F. Gordon  
*Herman Gordon*  
Herman Gordon

As Trustees and not individually.

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, SS.

February 5, 1975

Before me, personally appeared the above-named Robert F. Gordon and Herman Gordon, and acknowledged the foregoing instrument to be their free and deed.

My commission expires:

*William A. Kasilowski*  
Notary Public  
WILLIAM A. KASLOWSKI  
Notary Public  
My Commission Expires April 27, 1981

BK-2391 PGE-848

The Hudson Water Co., a corporation duly organized under the laws of the State of New Hampshire and having its principal offices at 41 Webster Street, Hudson, Hillsborough County, New Hampshire, in consideration of being granted the easement above recited, does hereby assent to and accept said easement and agrees to be bound by the terms and conditions therein contained. In witness whereof, the said Hudson Water Co. has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by

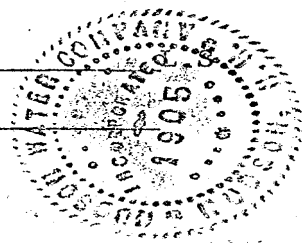
Peter N. Johnson, its President

this 5th day of February, 1975.

HUDSON WATER CO.

By: [Signature]

Its President



STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

February 5, 1975

Before me, personally appeared Peter N. Johnson the President of Hudson Water Co., who acknowledged that he executed the foregoing instrument on behalf of Hudson Water Co., as duly authorized.

[Signature]  
Notary Public  
[Signature]

My commission expires:

Notary Public



BK-2305 PGE-398

REGISTERED DEEDS

EASEMENT

Know All Men By These Presents That Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy, M. Michael Weinberg and Jason S. Elias, Trustees of Hudson Vickerry Realty Co. Trust, under a Declaration of Trust dated October 20, 1972 and recorded in the Hillsborough County Registry of Deeds, Book 2259, Page 344-347, (Grantor), for consideration paid, grant to New England Telephone and Telegraph Company, a corporation duly established by law and having a usual place of business at 770 Elm Street in the City of Manchester, (Grantee), and its successors and assigns forever with quitclaim covenants, the right and easement to lay, construct, reconstruct, operate, maintain, replace and remove lines for the transmission of intelligence by electricity as the Grantee may from time to time desire across, over and under a strip of land twenty-five feet (25') in width beginning on the easterly side of Derry Road, Hudson, Hillsborough County, New Hampshire, in the premises conveyed to Grantor by (1) Deed of Alphonse J. Raudonis dated December 14, 1973 and recorded with said Registry, Book 2338, Page 423; (2) Deed of Alphonse J. Raudonis dated December 14, 1973 and recorded with said Registry, Book 2338, Page 426; (3) Deed of Kenneth T. Abbott dated November 30, 1973 and recorded with said Registry, Book 2338, Page 425.

The above granted rights are more particularly described as the exclusive right to construct, reconstruct, operate, maintain, replace and remove poles with the wires and/or cables thereon, with the necessary guys, anchors, fixtures and supports within a strip of land twenty-five feet (25') in width, and/or the exclusive right within said strip to lay, construct, reconstruct, operate, maintain and remove the necessary cables and/or conduits, pipes, manholes and such surface testing terminals, repeaters and markers and such other appurtenances with wires or cables therein, upon, over and under said strip as the Grantee may from time to time desire.

The location of said twenty-five (25') foot strip is to be determined by and to become permanent upon erection of poles, laying of cables or construction of conduits in said lines, with permission to enter upon said strip and upon said premises for access thereto for all the above purposes.

Grantor reserves the right to pave over the portions of said strip of land surrounding all or any surface equipment installed by Grantee, and to use such portions for parking, access, building, and any other purposes which shall not unreasonably interfere with the equipment of the Grantee.

The above granted rights are subject to the condition that within sixty (60) days after receipt of written notice from Grantor, Grantee shall commence relocating all or any part of its equipment installed pursuant hereto to another suitable location or locations upon the land of Grantor designated by Grantor, provided that Grantor shall pay the cost of such relocation.

The above rights are granted subject to any easements, conditions, restrictions of record, and the terms of any zoning ordinances insofar as any of the same may now be in force and applicable.

Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy, M. Michael Weinberg and Jason S. Elias, Trustees of Hudson Vickerry Realty Co. Trust, have caused these presents to be signed and sealed this 22<sup>nd</sup> day of February, 1974.

Witness [Signature] By Robert F. Gordon  
 Witness [Signature] By Herman Gordon

FOR CONSIDERATION OF LESS THAN \$100.00

Witness Blaine D. Foley By Robert F. Gordon

Witness Blaine D. Foley By Michael Weinberg

Witness Blaine D. Foley By Jason S. Elias

Witness Blaine D. Foley By William Soucy

State of New Hampshire  
 County of Hillsborough SS

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of February, 1974, by Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy, M. Michael Weinberg and Jason S. Elias, Trustees of Hudson Vickerry Realty Co. Trust, for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal.

Phillip P. [Signature]  
 Notary Public/Justice of the Peace

My Commission Expires

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS That I, Alphonse J. Raudonis, of Hudson, Hillsborough County and State of New Hampshire, for consideration paid, grant to Robert F. Gordon, Herman Gordon, Phillip Gordon, William Soucy and M. Michael Weinberg, all of Lowell, Middlesex County, Commonwealth of Massachusetts, and Jason S. Elias of Nashua, County of Hillsborough and State of New Hampshire, Trustees of Hudson-Vickerry Realty Co. Trust, under a Declaration of Trust dated October 20, 1972, recorded with Hillsborough County Registry of Deeds on November 15, 1972 in Book 2259, Page 344, WITH WARRANTY COVENANTS,

A certain tract of land situated in Hudson, Hillsborough County, New Hampshire, bounded and described as follows:

Commencing at a point at the Northwest corner of the premises on the Easterly side of the Derry Road, said point being ten and 8/10 (10.8) feet Southerly from a stone bound at the Southwest corner of land now or formerly of C. W. Spaulding; thence

- (1) North 76° East, parallel and ten (10.0) feet from land now or formerly of Spaulding, one hundred ninety-one (191) feet, more or less, to a point; thence
- (2) South 68° East one hundred one and 5/10 (101.5) feet to a point; thence
- (3) South 51° 30' East 128.9 feet to a stone bound; thence
- (4) South 5° 30' West 211.9 feet to a stone bound in the Northerly side of a wood road; thence
- (5) Easterly 83.2 feet to a stone bound on the Southerly side of said wood road; thence
- (6) South 16° 30' East 301.7 feet to a stone bound; thence
- (7) South 76° 10' West 337.7 feet to a stone bound; thence
- (8) South 86° 4' West 294.3 feet to the Easterly side of said Derry Street passing through a stone bound near the line of said road; thence
- (9) Northeasterly 686 feet more or less to the point of beginning.

Together with all right and interest, if any, in and to spring and water formerly used with said premises.

Said premises may further be described as being located on the Easterly side of said Derry Street in Hudson, New Hampshire, and being bounded on the North and East by land of the Roman Catholic Bishop of Manchester, and on the South by land of Kenneth T. Abbott et ux, and on the West by the said Derry Street formerly known as the Derry Road.

Subject to the right to enter upon the premises and use the accesses and routes for vehicular travel to reach the existing right of way which is 12 feet in width and which enters the said premises at the northeasterly corner thereof, said right of way running to the second lot described in deed of Valeria Raudonis to Alphonse J. Raudonis dated February 8, 1965 and recorded in Volume 1822, Page 180. April 2, 1965, for whatever foot or noncommercial vehicular traffic may be necessary to go to and from said wood lot located behind the cemetery or land of the Roman Catholic Bishop of Manchester, said limitation to noncommercial vehicular traffic not

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HILLSBOROUGH COUNTY  
REGISTRY OF DEEDS

BK-2338 PGE-424

to limit or affect the right of the grantor, his heirs, or assigns, to use said right of way for the purpose of filling the land or bringing in construction dwellings or farm buildings on said wood lot.

The use of said right of way by the Grantor shall not unreasonably interfere with the operation of the Grantees' shopping center. A more defined right of way may later be determined by the Grantees and may be modified by the Grantees from time to time, but the Grantees shall not impede the Grantor's right to the use of said right of way.

This instrument of conveyance is hereby executed, acknowledged and delivered to grant the herein described premises to the grantees, and also to correct, ratify and to confirm the deed of conveyance executed, acknowledged and delivered by Alphonse J. Raudonis and his wife, Sophie Raudonis to Hudson-Vickery Realty Co. Trust dated December 7, 1972 and recorded with Hillsborough County Registry of Deeds in Book 2264, Page 355, in a like manner as though the aforesaid deed dated December 7, 1972 contained the same names of the Trustees as is contained in this deed.

Witness our hands and seals this 14th day of December, 1973.

Witness:

[Signature]  
Alphonse J. Raudonis

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

December 14, 1973

Then personally appeared Alphonse J. Raudonis who acknowledged the foregoing instrument to be his free act and deed, before me:

[Signature]  
Justice of the Peace  
Notary Public



EASEMENT

Lamoy Realty Corp., a New Hampshire corporation with a principal place of business at 23 Orchard Avenue, in the City of Nashua, County of Hillsborough and State of New Hampshire, FOR CONSIDERATION PAID, does grant to Hudson Vickerry Realty Co. Trust, of 100 Nashua Mall, in said Nashua,

A twenty (20) foot drainage easement for the purpose of laying, installing and maintaining a drainage pipe. Said twenty-foot drainage easement being situate on the Northerly portion of land of the Grantor and the most Northerly line abutting land now or formerly of Charles W. Spalding, and being described as follows: Land in Hudson, New Hampshire,

Beginning at a stone bound in the Easterly line of the Litchfield Road, U. S. Route 3A; thence

North 70° 6' 22" East six hundred thirty-seven and fifty-four hundredths (637.54) feet to a stone bound; thence

North 70° 8' 6" East one hundred forty-nine and ninety-one hundredths (149.91) feet to a stone bound; thence

North 70° 41' 2" East two hundred fifteen and ninety-four hundredths (215.94) feet to an iron pipe; thence Continuing in the same direction approximately eighty-seven (87) feet to the Westerly line of Derry Road, N. H. Route 102.

Together with a temporary easement abutting the above described easement on the South. Said temporary easement being twenty (20) feet in width, and being for the purpose of entering upon the first described easement for the purpose of installing the drainage system, including said pipe.

Said pipe shall be located in the center of said first herein described drainage easement, and sufficiently below the surface to enable the Grantor to suitably pave the area over said easement for parking and travel purposes.

Reserving to the Grantee the right to remove said paving for the purpose of repairing and/or maintaining said pipe, in which event, said Grantee shall restore said paving surface at no costs to the Grantor.

In those areas of the easement where it shall become

STEIN, GORMLEY  
& MORRILL  
COUNSELLORS AT LAW  
NASHUA, N. H. 03060

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HILLSBOROUGH COUNTY  
REGISTRY OF DEEDS

necessary to remove trees or debris if any, the Grantee shall remove same and restore, seed, and grade the surface of said area, consistent with the adjacent premises of the Grantor.

RESERVING to the Grantor, its successors and assigns, the right and privilege to connect onto the above described drainage system.

The Grantee shall save the Grantor harmless from any liability which may accrue by virtue of the area in the easement under the control of the Grantee.

In the event that town assessment or taxes shall be imposed upon said drainage system, the Grantee shall save the Grantor harmless for same.

The installation of said draining system shall be made in a good and sufficient workmanlike manner and in compliance with any statutory or ordinance provisions respecting the laying of same.

Witness its hand and seal this 26<sup>th</sup> day of June, 1973.

Morris J. Allen  
Witness

LAMOY REALTY CORP.  
BY Philip T. Lamoy  
PRESIDENT

The mortgage of Lamoy Realty Corp. to Bank of New Hampshire, N.A. dated October 6, 1970, recorded in Vol. 2098 Page 420 Hillsborough County Registry of Deeds, is hereby discharged ONLY as to the foregoing easement, otherwise to remain in full force and effect.

Dated this 26 day of June, 1973.

BANK OF NEW HAMPSHIRE, N.A.  
By James C. [Signature]

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH, SS

The foregoing instrument was acknowledged before me this 26 day of June, 1973, by Philip T. Lamoy, President of Lamoy Realty Corp., a corporation, on behalf of the corporation.

Morris J. Allen  
Justice of the Peace

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That I, Alphonse J. Raudonis, of Hudson, Hillsborough County and State of New Hampshire, for consideration paid, grant to Hudson Vickerry Realty Co. Trust, of 100 Nashua Mall, Nashua, said County and State, WITH WARRANTY COVENANTS,

A certain tract of land situated in Hudson, in Hillsborough County, State of New Hampshire, bounded as follows:

Commencing at a point at the Northwest corner of the premises in the Easterly side of Derry Street, so-called, said point being 10.8 feet southerly from a stone bound at the Southwest corner of land formerly of C. W. Spalding, now land of the Roman Catholic Bishop of Manchester; thence

- (1) North 76° East parallel to and 10.8 feet distant from land formerly of said Spalding, 191 feet to a point; thence
- (2) South 68° East 101.5 feet to a point; thence
- (3) South 51° 30' East 128.9 feet to a stone bound; thence
- (4) South 5° 30' West 211.9 feet to a stone bound in the Northerly side of a wood road; thence
- (5) Easterly 83.2 feet to a stone bound on the Southerly side of said wood road; thence
- (6) South 16° 30' East 301.7 feet to a stone bound; thence
- (7) South 76° 10' West 337.7 feet to a stone bound; thence
- (8) South 86° 4' West 294.3 feet to the Easterly side of said Derry Street passing through a stone bound near the line of said road; thence
- (9) Northeasterly 674 feet more or less to the point of beginning.

Together with all right and interest, if any, in and to spring and water formerly used with said premises.

Said premises may further be described as being located on the Easterly side of said Derry Street in Hudson, New Hampshire, and being bounded on the North and East by land of the Roman Catholic Bishop of Manchester, and on the South by land of Kenneth T. Abbott et ux, and on the West by the said Derry Street formerly known as the Derry Road.

Subject to a right of way 12 feet in width along the northerly bound of said premises from the said Derry Street to the second lot described in deed of Valeria Raudonis to Alphonse J. Raudonis, dated February 8, 1965, and recorded in Volume 1822 at page 180 on April 2, 1965, for whatever foot or vehicular traffic may be necessary to go to and from said wood lot located behind the cemetery dump, that is to the East of said St. Patrick's Cemetery or land of the Roman Catholic Bishop of Manchester.

And we, Alphonse J. Raudonis and Sophie Raudonis, husband and wife, release to said grantee our rights of curtesy and dower and homestead and other interests in said premises.

DEC 7 3 09 PM '72  
RECEIVED  
HILLSBOROUGH COUNTY  
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE  
REGISTRY OF DEEDS  
195.00  
DEC 7 1972

LAW OFFICES  
HARKAWAY, GALL  
& SHAPIRO  
588 MAIN STREET  
NASHUA, N. H. 03060

Witness our hands and seals this 7th day of December  
, 1972.

Witness:

*Aaron A. Harkaway*  
*To both*

*Alphonse J. Raudonis*  
Alphonse J. Raudonis  
*Sophie Raudonis*  
Sophie Raudonis

STATE OF NEW HAMPSHIRE) SS  
COUNTY OF HILLSBOROUGH)

On this the 7th day of December , 1972, before  
me, Aaron A. Harkaway the undersigned officer,  
personally appeared Alphonse J. Raudonis and Sophie Raudonis,  
husband, and wife, known to me (or satisfactorily proven) to be  
the persons whose names are subscribed to the within instrument  
and acknowledged that they executed the same for the purpose  
therein contained.

In witness whereof I hereunto set my hand and official  
~~seal~~

*Aaron A. Harkaway*  
Justice of the Peace  
~~Notary Public~~



180

Attachment C

Valeria Raudonis

of Hudson, Hillsborough County, State of New Hampshire, for consideration paid, grant to Alphonse J. Raudonis

of Hudson, Hillsborough County, State of New Hampshire, with WARRANTY COVENANTS,

(Description and incumbrances, if any)

A certain tract of land with the buildings and farm appurtenances thereon, situated in said Hudson, bounded as follows: Commencing at a point at the northwest corner of the premises on the easterly side of Derry Street, said point being 10.8 feet southerly from a stone bound at the southwest corner of land formerly of C. W. Spalding; thence, N 76° E parallel to and 10.8 feet distant from land formerly of Spalding; 191 feet to a point; thence, S 51° 30' E, 128.9 feet to a stone bound; thence S 5° 30' W, 211.9 feet to a stone bound in the northerly side of a wood road; thence, Easterly 83.2 feet to a stone bound on the southerly side of said wood road; thence, S 16° 30' E 301.7 feet to a stone bound; thence, S 76° 10' W, 337.7 feet to a stone bound; thence, S 86° 4' W 294.3 feet to the easterly side of said Derry Street passing through a stone bound near the line of said road; thence, northeasterly 674 feet, more or less to the point of beginning. Containing in all about 6.8 acres. Also all right and interest in and to the spring and water used now or formerly with said premises are hereby conveyed to the said grantee, his heirs and assigns. Together with a right of way over the aforementioned "wood road". Being the same premises described in Vol. 767 page 483, deed dated Aug. 20, 1919.

Also another lot of land in said Hudson, not abutting but used as wood lot in connection with the first described lot, described as follows: Beginning at a stone bound at the southwest corner of the premises at land of the St. Patrick's Catholic Cemetery and land formerly of John Dugan; thence, northeasterly by said former Dugan land 451.3 feet to a stone bound at land formerly of Geo. H. Abott; thence, east by said Abbott land about 380 feet to a bound; thence, south by said Abbott land about 125 feet to the land of said cemetery; thence west by said cemetery land about 738 feet to the point begun at. Being the same premises described in Vol. 773 page 460, deed dated Sept. 29, 1919. Together with such rights of way as grantor may have acquired by deed or by use.

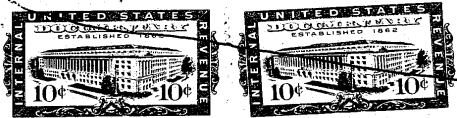
Grantor reserves for herself the right to remain on said premises rent-free, using it as her residence, providing she pays the taxes during such time I am the widow of Faliksa Raudonis and have never remarried, and I am the wife of the said Grantor's husband.

release to said Grantee all rights of ~~title~~ ~~and~~ homestead and other interest therein.

WITNESS my hand and seal this 8th day of February, 19 65

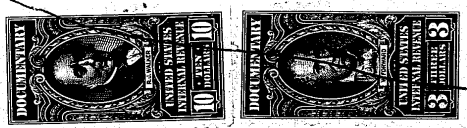
Valeria Raudonis

Witness: Rosau G. Velislika



State of New Hampshire  
Hillsborough ss. February 8 19 65

Then personally appeared the above named Valeria Raudonis and acknowledged the foregoing instrument to be her voluntary act and deed, before me



Rosau G. Velislika  
Notary Public - Justice of the Peace.

HILLSBOROUGH, SS. Received and Recorded  
3-50 P.M., April 2, 1965  
Examined by Stuart Corvican Register.

KNOW ALL MEN BY THESE PRESENTS.

That I Rose A. Barister of Hudson in the County of Hillsborough and State of New Hampshire

for and in consideration of the sum of one dollar and other valuable considerations to me in hand before the delivery hereof well and truly paid by

John Dugan of Nashua in said County and State

the receipt whereof, I do hereby acknowledge, have granted, bargained, and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said John Dugan

his heirs and assigns, forever, a certain parcel of land situate in the town of Hudson in said County and being a part of the W. M. Tolles Farm so called bounded and described as follows: Beginning at a point in the westerly line of Rose A. Barister land which is 172.6 feet long a stone bound at the Denby Road; thence N 76 degrees E 591.7 feet to a stone bound; thence S 72 degrees E 149.82 feet to a stone bound thence north 71 degrees E 314.16 feet to a stone bound; thence south 89.2 degrees E 138.6 feet to a stone bound; thence north 95 degrees east 388 feet to a point on the westerly side of the wood road which is 8 feet westerly of an old stone bound in the road; thence south west and westerly along the westerly and northerly side of the wood road through Rose A. Barister land 1500 feet more or less to a stone bound; thence north 5 degrees 30 minutes E. 211.9 feet to a stone bound; thence north 51 degrees and 30 minutes west 128.9 feet; thence north 68 degrees west 118.5 feet to the point of beginning. The westerly boundary of the above lot is on the line shown on Plan A. E. W. Tolles Farm in Hudson N. H. made by E. O. Hathaway & E. dated June 25th 1910.

Reserving all the pine timber on said parcel of land in accordance with a deed of the above from Rose A. Barister to Ira H. Crocker and Nathaniel K. Crocker dated December 11th 1911 and recorded in Vol. 293 Page 426 Hillsborough County Registry of Deeds. Also reserving to myself, my heirs, administrators or assigns the right to go upon said land to make all necessary repairs to and upon the water pipe which pass through and upon said parcel of land

To HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging to him the said grantee and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Rose A. Barister

and my heirs, executors and administrators do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators shall and will warrant and defend the same to the said grantee and his heirs against the lawful claims and demands of any person or persons whomsoever.

And I, J. S. Barister husband of the said Rose A. Barister in consideration aforesaid, do hereby relinquish my right of curtesy in the before-mentioned premises.

And we each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4th, 1861, entitled "An Act to exempt the Homesteads of families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In WITNESS WHEREOF we have hereunto set our hands and seals this 15th day of September in the year of our Lord, 1913

Signed, sealed and delivered in presence of us Edwin D. Flanders Rose A. Barister seal S. L. Hallinan J. S. Barister seal

STATE OF NEW HAMPSHIRE, HILLSBOROUGH, ss. Nashua N. H. September 15th A. D., 1913 Personally appeared the above named Rose A. Barister and J. S. Barister and acknowledged the foregoing instrument to be their voluntary act and deed. Before me, S. L. Hallinan JUSTICE OF THE PEACE.

HILLSBOROUGH, ss.— Received and recorded, 9:55 AM. Sep. 18-1913 and examined by Calvin R. Ford REGISTER.

MEMORANDUM

TO: Mr. Earle Blatchford  
Hayner/Swanson, Inc.  
3 Congress Street  
Nashua, NH 03062

FROM: Scott W. Thornton, P.E. and  
Thomas Hannon  
Vanasse & Associates, Inc.  
35 New England Business Center Drive  
Suite 140  
Andover, MA 01810  
(978) 474-8800



DATE: June 3, 2024

RE: 9857

SUBJECT: Response to Planning Board Comments on the December 19, 2023 Parking Utilization Study  
Proposed Drive-Through Restaurant  
Hudson, New Hampshire

Vanasse & Associates, Inc. (VAI) has prepared this supplemental memorandum in response to comments from the Hudson Planning Board on the December 19, 2023 *Parking Utilization Study*<sup>1</sup> prepared by VAI for the proposed Starbucks to be located within the Hudson Mall (hereafter, the "Project"). The comments from the Board included a request to look closer at the parking utilization around the section of the Hudson Mall where the Starbucks is proposed. This would include parking in certain areas on site, designated as Parking Zones 2 and 3 as depicted on Figure 1. In addition, the Planning Board was concerned about queueing exiting the site on the driveway to Derry Road. VAI reached out to the Town Engineer for his perspective on this issue which is provided in this memorandum.

The following provides an updated parking utilization study for Zones 2 and 3 and illustrates that there is adequate parking supply in these areas during both the retail peak-parking demand period and the Project peak-parking demand period.

**PARKING UTILIZATION**

The parking utilization in this memorandum focuses on Zones 2 and 3. The parking utilization counts discussed in the December 19, 2023 memorandum showed that at the peak-parking demand time of 2:00 PM for Zones 2 and 3, 13 vehicles were parked in Zone 2 and 26 vehicles were parked in Zone 3 for a combined parking demand of 39 vehicles. These vehicles were assumed to be parking for nearby commercial stores including: Papa Gino's (2,634 square feet (sf)), East Coast Muscle (4,500 sf), Auto Zone (7,069 sf), and Inner Dragon Martial Arts (2,400 sf). This part of the mall is depicted by the green shaded area on Figure 1. There is also 5,400 sf of vacant space in this section of the mall.

The empirical parking demand of Zones 2 and 3 can be estimated using the parking utilization count data and the square footage of the commercial stores. The estimated empirical parking demand rate of Zones 2 and 3 was calculated to be 39 parked vehicles/16,603 square feet, or 2.35 parked vehicles per thousand square feet (ksf).

<sup>1</sup>*Parking Utilization Study -- Proposed Drive-Through Restaurant Hudson, New Hampshire*; VAI; December 19, 2023.





**Parking Zones**

**Building Tenants:**

- Papa Gino's 2,634 sf
- East Coast Muscle (Gym) 4,500 sf
- AutoZone 7,069 sf
- Inner Dragon Martial Arts 2,400 sf
- Vacant Space 5,400 sf

Figure 1  
Site Location Map



In order to provide a conservative analysis, we assumed the vacant 5,400 sf space would be occupied in the future. The number of vehicles parked for the vacant store was estimated using the empirical parking demand rate. The number of vehicles parked during the retail peak-parking demand is estimated to be 2.35 parked vehicles per ksf multiplied by 5.4 ksf which results in a demand of 13 parked vehicles for this space. Therefore, the peak-parking demand for Zones 2 and 3 if the vacant store was occupied is estimated to be 52 parked vehicles.

The number of parked vehicles for the proposed Project can be estimated using parking demand data from the Institute of Transportation Engineers (ITE) *Parking Generation* manual 6<sup>th</sup> Edition<sup>2</sup> for Land Use Code (LUC) 937, *Coffee/Donut Shop with Drive-Through Window*. Based on this data it was determined that the parking demand for the Project at 2:00 PM was 7 vehicles. This was added to the existing peak-parking demand of 52 to obtain a future peak-parking demand for Zones 2 and 3 of 59 spaces.

The same procedure was used to estimate the parking demand of Zones 2 and 3 during the Project peak-parking demand period. According to ITE LUC 937, the peak-parking demand for this use occurs at 8:00 AM. The parking utilization count data shows that at 8:00 AM, there are 10 vehicles parked in Zones 2 and 3 combined. The empirical parking demand at 8:00 AM is 10 parked vehicles/16.603 ksf, or 0.60 parked vehicles per ksf. The vacant store is estimated to have a parking demand of 4 vehicles at 8:00 AM. The parking demand of Zones 2 and 3 with the vacant store occupied is therefore estimated to be 14 vehicles during this period. The peak-parking demand for the Project is 13 vehicles according to LUC 937. This was combined with the existing parking demand of 14 vehicles, so the parking demand for Zones 2 and 3 during the Project peak-parking demand period is 27 spaces.

According to the latest site plan for the Project Zone 2 will be reduced to 44 parking spaces and Zone 3 will be reduced to 19 spaces. The changes to the two zones are shown in Table 1 below.

**Table 1**  
**PARKING SUPPLY MODIFICATIONS**

| Parking Lot Zone | Existing Parking Supply | Proposed Parking Supply |
|------------------|-------------------------|-------------------------|
| 2                | 58                      | 44                      |
| 3                | <u>66</u>               | <u>19</u>               |
| Total            | 124                     | 63                      |

Calculations to identify the available supply in comparison to the expected demand were developed with the results shown in Table 2.

<sup>2</sup>*Parking Generation* 6<sup>th</sup> Edition; Institute of Transportation Engineers; October 2023.



**Table 2  
PARKING SUPPLY VERSUS DEMAND**

| Parking Lot Zone | Parking Supply | Retail Peak <sup>a</sup> |         | Project Peak <sup>b</sup> |         |
|------------------|----------------|--------------------------|---------|---------------------------|---------|
|                  |                | Demand                   | Reserve | Demand                    | Reserve |
| 2 and 3          | 63             | 57                       | 6       | 27                        | 36      |

<sup>a</sup>Occuring at 2:00 PM

<sup>b</sup>Occuring at 8:00 AM

Based on the calculated parking demand, Zones 2 and 3 will have approximately 6 spaces available at 2:00 PM and approximately 36 spaces available at 8:00 AM. Therefore Zones 2 and 3 provide an adequate parking supply to accommodate the anticipated future peak-parking demand.

**QUEUEING ON SITE DRIVEWAY AT DERRY ROAD INTERSECTION**

VAI reached out to the Town Engineer to discuss timing adjustments at the signalized intersection of the site driveway with Derry Road, as the Planning Board was concerned about queueing exiting the site on the driveway. The Town Engineer confirmed that this intersection is under Town control and that he can make signal timing adjustments to provide additional green time to the site driveway exiting phase if deemed necessary. The Town Engineer confirmed that he can make such adjustments at any time and no permit would be required for such work.

**CONCLUSION**

The discussion above indicates that in response to the Hudson Planning Board’s concerns regarding parking on-site, a detailed analysis of the Zones 2 and 3 future peak-parking demand indicates that Zones 2 and 3 will provide adequate parking supply to accommodate the anticipated future parking demand of the Project as well as the existing and re-occupied retail space in the Hudson Mall. Further, the Town Engineer has the ability to adjust timing at the site driveway/Derry Road intersection to provide more green time if needed to address increased demand.

cc: File



PARKING UTILIZATION DATA

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## Attachment "D"

Peak Parking Demand of Zones 2 and 3  
2:00 PM

Total Parked at 2:00 PM  
39 vehicles

Commercial Stores  
Total area of 16,603 sf

Emprical parking demand rate  
 $39 \text{ veh}/16.60 \text{ ksf} = 2.35 \text{ veh/ksf}$

Vacant Store  
Area of 5,400 sf

Parking Demand of vacant store  
 $5.4 \text{ ksf} * 2.35 \text{ veh/ksf} = 13 \text{ vehicles}$

Parking demand of zones 2 and 3  
with vacant store occupied  
 $39 + 13 = 52 \text{ vehicles}$

LUC 937 (Project) Peak Parking demand  
 $2.47 \text{ ksf (Project)} * 5.1 \text{ veh/ksf} = 13 \text{ vehicles}$

Project Parking Demand at 2:00 PM  
 $13 * 0.54 = 7 \text{ vehicles}$

Parking demand of zones 2 and 3  
with proposed Project  
 $52 + 7 = 59 \text{ vehicles}$

Parking after Project  
 $44 + 19 = 63 \text{ parking spaces}$

Parking Demand  
59 vehicles

Parking Utilization  
 $59 \text{ vehicles}/63 \text{ parking spaces} = 0.937$

Peak Parking Demand of Project  
8:00 AM

Total Parked in zones 2 and 3 at 8:00 AM  
10 vehicles

Commercial Stores  
Total area of 16,603 sf

Emprical parking demand rate  
 $10 \text{ veh}/16.60 \text{ ksf} = 0.60 \text{ veh/ksf}$

Vacant Store  
Area of 5,400 sf

Parking Demand of vacant store  
 $5.4 \text{ ksf} * 0.60 \text{ veh/ksf} = 4 \text{ vehicles}$

Parking demand of zones 2 and 3  
with vacant store occupied  
 $10 + 4 = 14 \text{ vehicles}$

LUC 937 (Project) Peak Parking demand  
 $2.47 \text{ ksf (Project)} * 5.1 \text{ veh/ksf} = 13 \text{ vehicles}$

Parking demand of zones 2 and 3  
with proposed Starbucks  
 $14 + 13 = 27 \text{ vehicles}$

Parking after Project  
 $44 + 19 = 63 \text{ parking spaces}$

Parking Demand  
27 vehicles

Parking Utilization  
 $27 \text{ vehicles}/63 \text{ parking spaces} = 0.429$



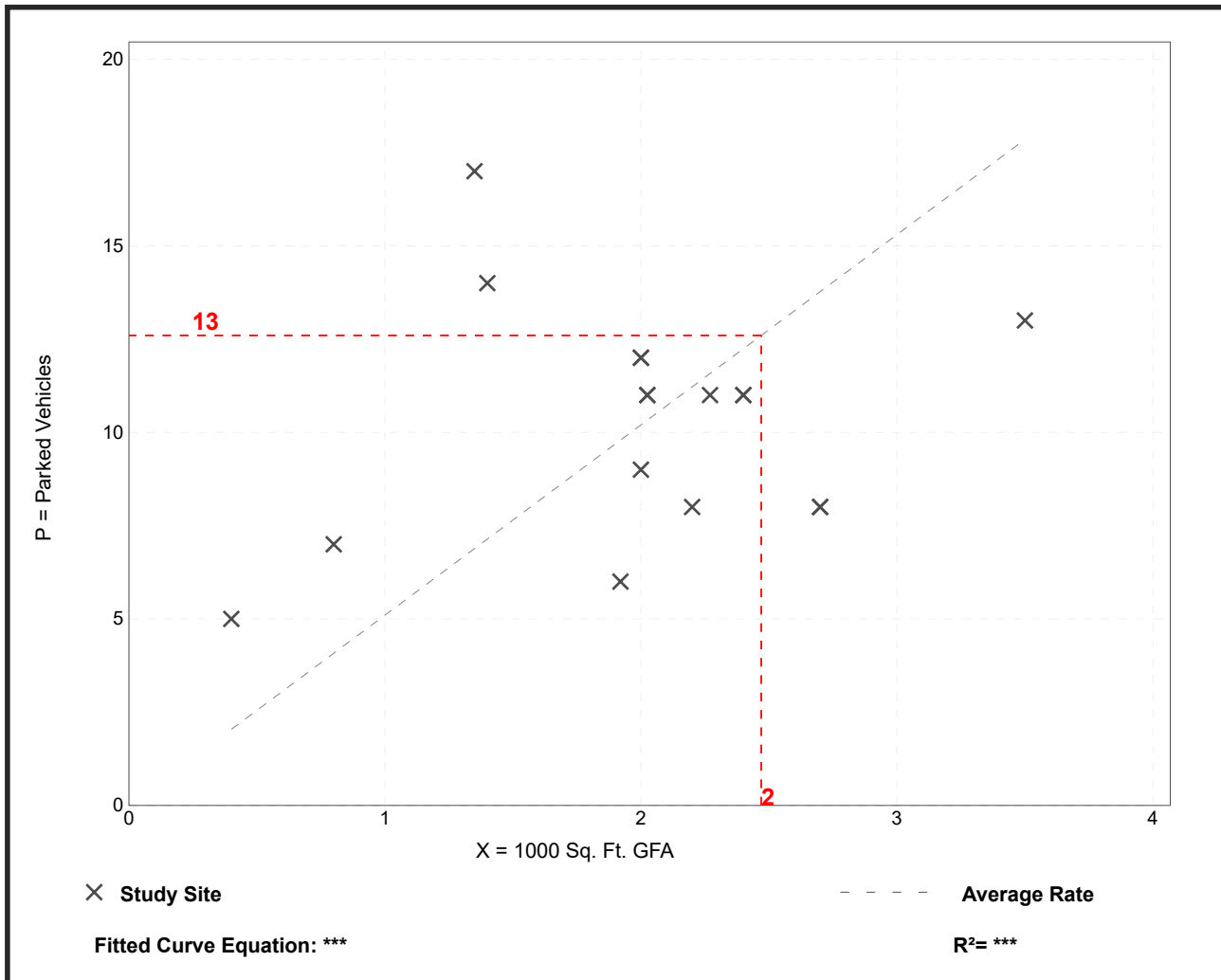
# Coffee/Donut Shop with Drive-Through Window (937)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 17  
 Avg. 1000 Sq. Ft. GFA: 2.0

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | 33rd / 85th Percentile | 95% Confidence Interval | Standard Deviation (Coeff. of Variation) |
|--------------|----------------|------------------------|-------------------------|--|
| 5.10         | 2.96 - 12.59   | 4.45 / 10.75           | ***                     | 2.44 (48%)                               |

## Data Plot and Equation



## Land Use: 937 Coffee/Donut Shop with Drive-Through Window

### Description

This land use includes any coffee and donut restaurant that has a drive-through window as well as a walk-in entrance area at which a patron can purchase and consume items. The restaurant sells freshly brewed coffee (along with coffee-related accessories) and a variety of food/drink products such as donuts, bagels, breads, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. The restaurant marketing and sales may emphasize coffee beverages over food (or vice versa). A coffee/donut shop typically holds long store hours (more than 15 hours) with an early morning opening. Limited indoor seating is generally provided for patrons and table service is not provided.

### Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at four study sites in a general urban/suburban setting.

| Hour Beginning  | Percent of Monday–Thursday Peak Parking Demand |
|-----------------|--|
| 12:00–4:00 a.m. | –  |
| 5:00 a.m.       | –  |
| 6:00 a.m.       | –  |
| 7:00 a.m.       | 91   |
| 8:00 a.m.       | 100  |
| 9:00 a.m.       | 97   |
| 10:00 a.m.      | 97   |
| 11:00 a.m.      | 71   |
| 12:00 p.m.      | 77   |
| 1:00 p.m.       | 66   |
| 2:00 p.m.       | 54   |
| 3:00 p.m.       | 57   |
| 4:00 p.m.       | 63   |
| 5:00 p.m.       | –  |
| 6:00 p.m.       | –  |
| 7:00 p.m.       | –  |
| 8:00 p.m.       | –  |
| 9:00 p.m.       | –  |
| 10:00 p.m.      | –  |
| 11:00 p.m.      | –  |

## **Additional Data**

The average parking supply ratio for the 12 study sites in a general urban/suburban setting and with parking supply information is 10.3 spaces per 1,000 square feet GFA. The average peak parking occupancy at these sites is 50 percent.

The sites were surveyed in the 2000s, the 2010s, and the 2020s in Maine, Nevada, New Jersey, Ontario (CAN), Tennessee, and Washington.

## **Source Numbers**

405, 407, 412, 433, 442, 509, 523, 540, 620

**Dubowik, Brooke**

---

**From:** Earle Blatchford <eblatchford@hayner-swanson.com>  
**Sent:** Monday, June 3, 2024 4:29 PM  
**To:** Minkarah, Jay; Dubowik, Brooke  
**Cc:** Steve Reichert; Dhima, Elvis; Hebert, David; Daniel Gordon; Scott Thornton; Morgan Hollis; Elizabeth Hartigan; Justin McLinden (Dacon Corporation)  
**Subject:** Proposed Starbucks, Hudson Mall - Truck Turning Display Plans, Supplemental Parking Utilization Memo  
**Attachments:** 1708SB Hudson Mall Turning Plan.pdf; 9857 E. Blatchford 0624.pdf

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

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Hi Jay,

Attached are the following items that were requested by the Planning Board at the May 15<sup>th</sup> meeting:

1. AutoTURN Truck Turning Plans by Hayner/Swanson, Inc:
  - A. All 3 plans analyze a 53-foot trailer (WB-67) maneuvering through the northerly end of the shopping center. The plans are shown in the progression that we did the analysis. The travel path for the tractor trailer is highlighted in blue.
  - B. Plan #1 shows the route through the proposed Starbucks drive thru. As can be seen, the tractor trailer crosses into the drive-thru stacking lane in several locations and can't negotiate the corner nearest the drive-thru window. The right turn into the northerly site access/egress driveway also shows the tractor trailer having to cross the centerline to make that movement. Hayner/Swanson feels this option is problematic for many reasons, and has advised our client to reject this option.
  - C. Plan #2 show the route in the storefront driveway along the northerly and westerly sides of the existing building. The analysis shows encroachment into the parking spaces across from the AutoZone to make the left turn, and has the same issue making the right turn into the northerly site access/egress driveway.
  - D. Plan #3 shows proposed layout improvements to eliminate the encroachment issued identified in Plan #2. They include the following improvements:
    1. Widen northerly storefront driveway width from 24 feet to 30 feet.
    2. Eliminate 6 parking spaces in the parking lot west of AutoZone to accommodate the left turning movement.
    3. Eliminate 8 parking spaces that currently back into the northerly access/egress site driveway to accommodate the right turn into the main site driveway. These are the same 8 parking spaces that certain Boardmembers felt were currently problematic to exiting traffic at peak times.Plan #3 is the option that Hayner/Swanson has recommended to our client as the best design to accommodate truck movement through that portion of the site.

2. Supplemental Traffic/Parking Memorandum by Vanasse & Associates, Inc. takes a closer look at parking Zones 2 and 3, as well as

## Attachment "E"

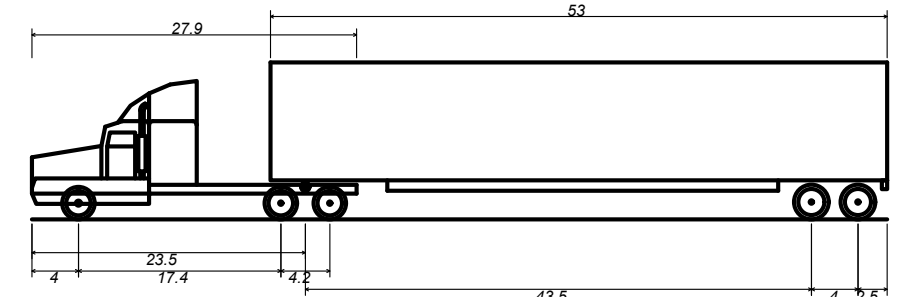
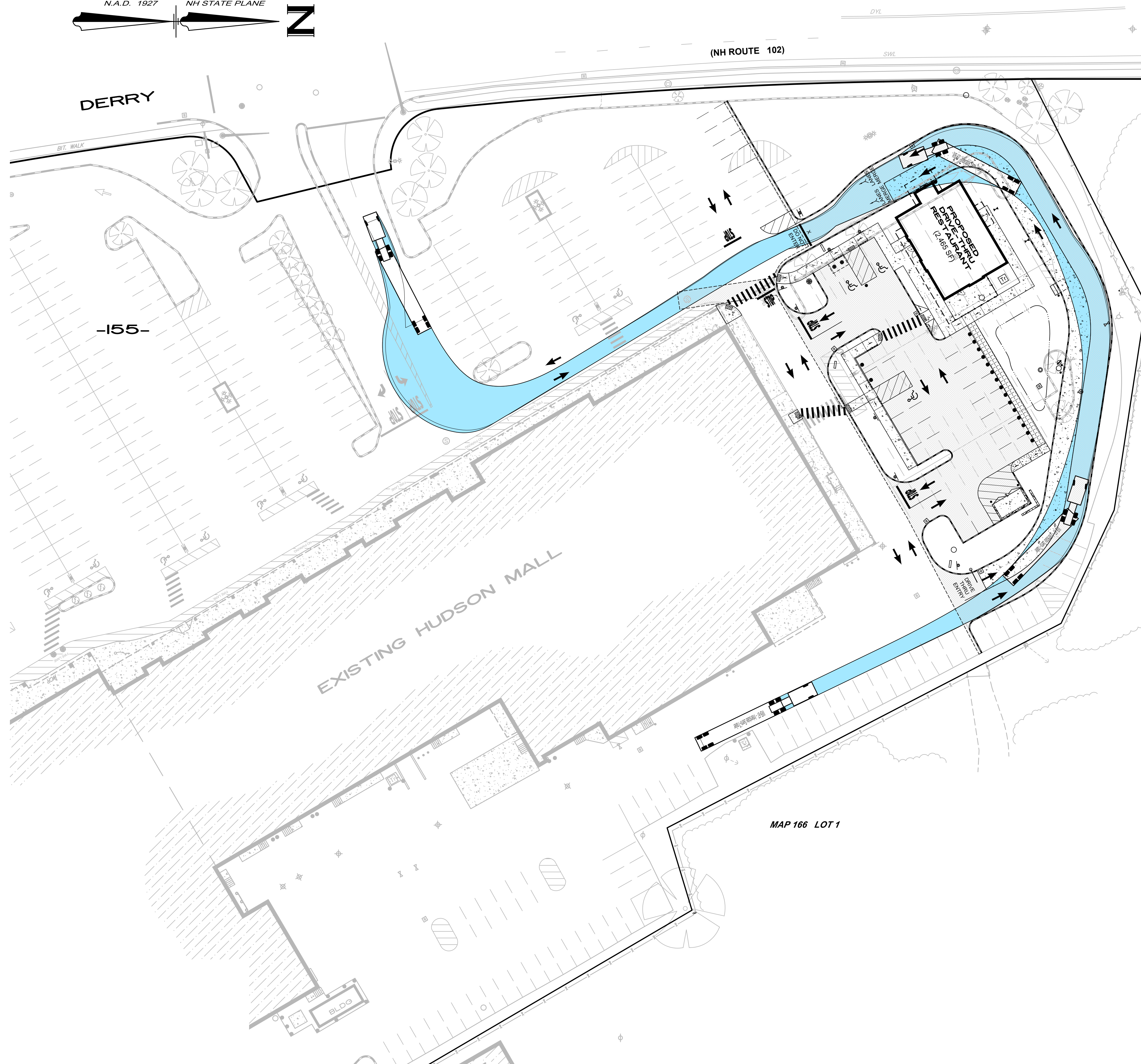
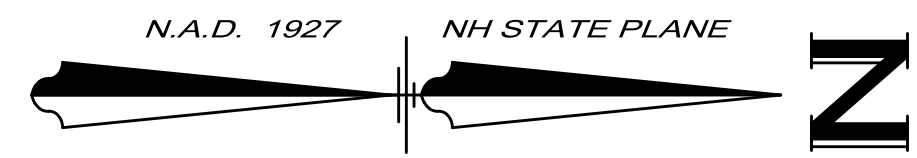
addresses the concern of existing stacking in the northerly site driveway straight/left turn exit lane at peak times. It should be noted that this parking analysis takes into account the parking changes depicted on AutoTURN Plan #3 described above and attached herewith.

Please let me know if there are any questions.

Regards,

Earle

Earle Blatchford  
Senior Project Manager  
**Hayner/Swanson, Inc.**  
*3 Congress Street  
Nashua, NH 03062  
phone: 603.883.2057 x132  
fax: 603.883.5057  
[eblatchford@hayner-swanson.com](mailto:eblatchford@hayner-swanson.com)  
[www.hayner-swanson.com](http://www.hayner-swanson.com)*



WB-67 - Interstate Semi-Trailer  
 Overall Length 73.501ft  
 Overall Width 8.500ft  
 Overall Body Height 13.500ft  
 Min Body Ground Clearance 1.334ft  
 Max Track Width 8.500ft  
 Lock-to-lock time 6.00s  
 Max Steering Angle (Virtual) 28.40°

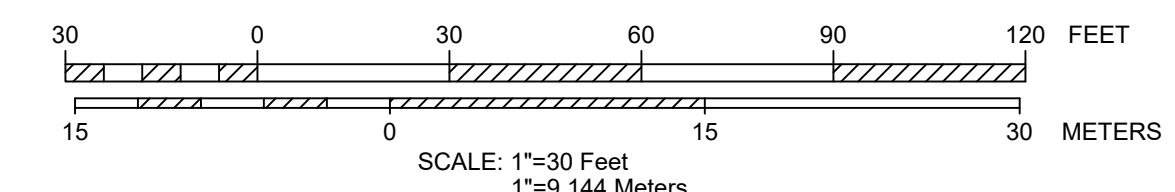
**REVIEW ONLY**

| No. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |

**TURNING MOVEMENT PLAN #1**  
 (MAP 165, LOT 155)

**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY STREET  
 HUDSON, NEW HAMPSHIRE

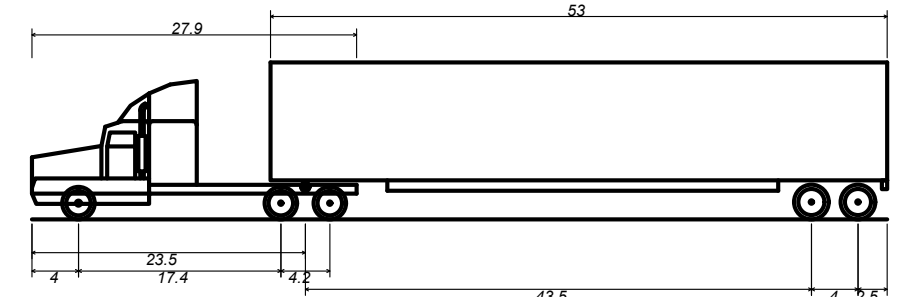
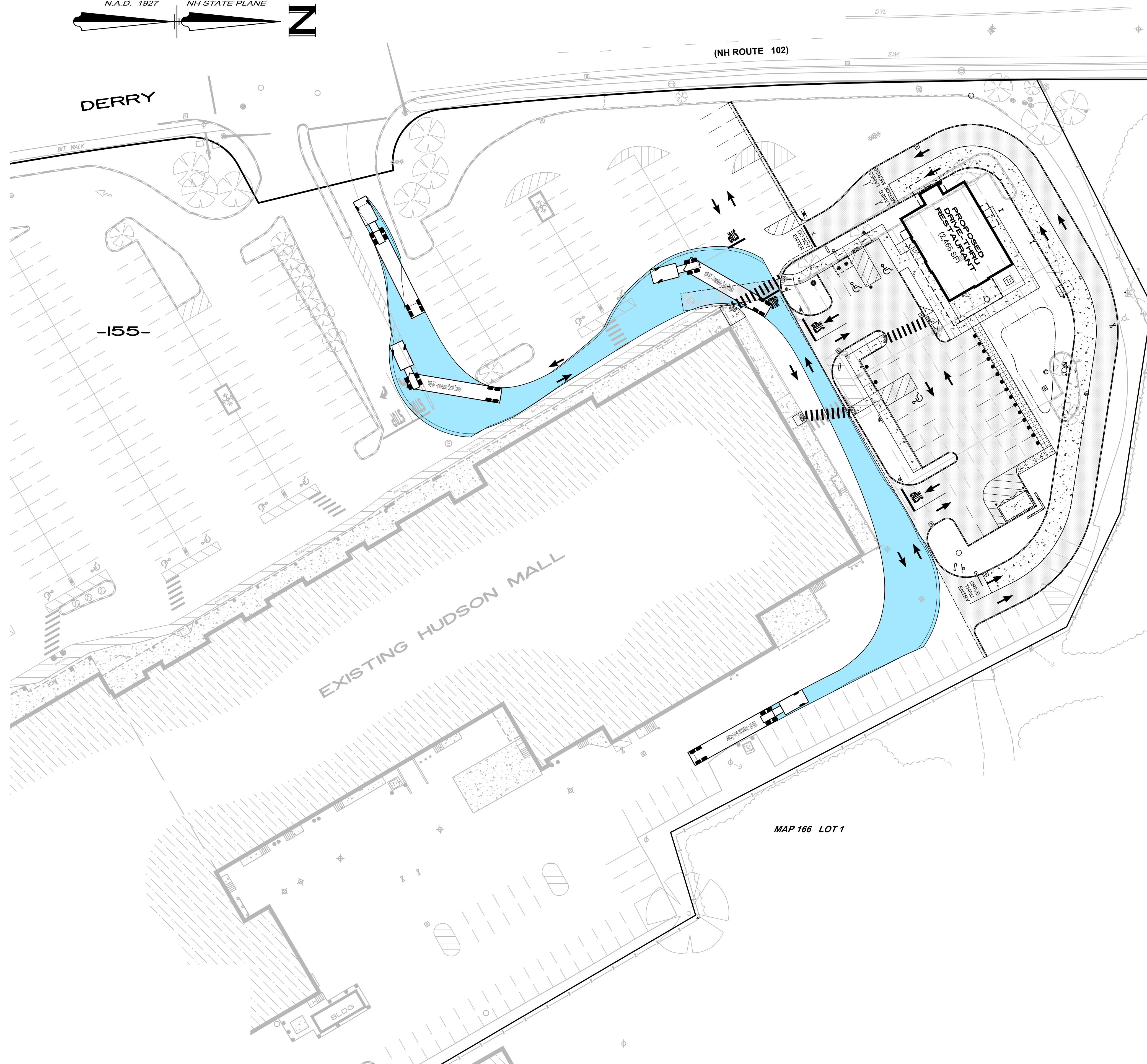
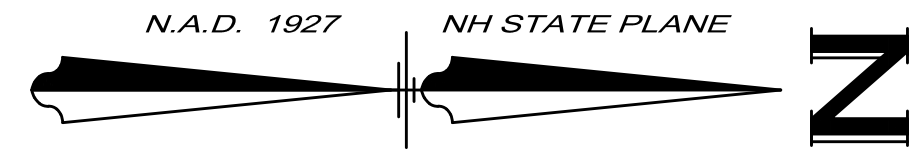
PREPARED FOR/ RECORD OWNER:  
**HUDSON-VICKERRY, LLC**  
 c/o THE MEG COMPANIES 25 ORCHARD VIEW DRIVE LONDONDERRY, NH 03053 (603) 434-6700



20 MAY 2024

**HSI** Hayner/Swanson, Inc.  
 Civil Engineers/Land Surveyors  
 3 Congress Street Nashua, NH 03062  
 131 Middlesex Turnpike Burlington, MA 01803  
 (603) 883-2057 (781) 203-1501  
[www.haynerswanson.com](http://www.haynerswanson.com)

|                                       |                              |             |        |
|---------------------------------------|------------------------------|-------------|--------|
| FIELD BOOK: 1161                      | DRAWING NAME: 1708SB-TURNING | 1708-SB     | 1 OF 1 |
| DRAWING LOC: J:\1000\1708\DWG\1708 SB |                              | File Number | Sheet  |



WB-67 - Interstate Semi-Trailer  
 Overall Length 73.501ft  
 Overall Width 8.500ft  
 Overall Body Height 13.500ft  
 Min Body Ground Clearance 1.334ft  
 Max Track Width 8.500ft  
 Lock-to-lock time 6.00s  
 Max Steering Angle (Virtual) 28.40°

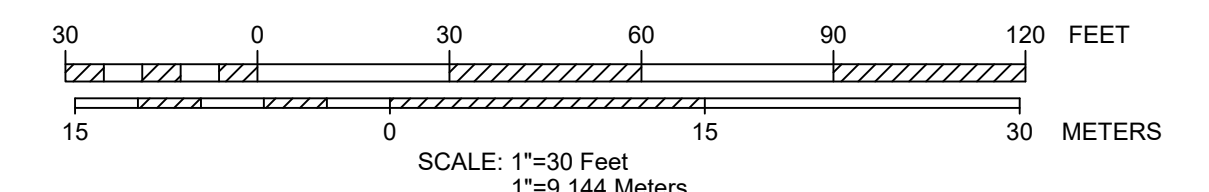
**REVIEW ONLY**

| No. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |

**TURNING MOVEMENT PLAN #2**  
 (MAP 165, LOT 155)

**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY STREET  
 HUDSON, NEW HAMPSHIRE

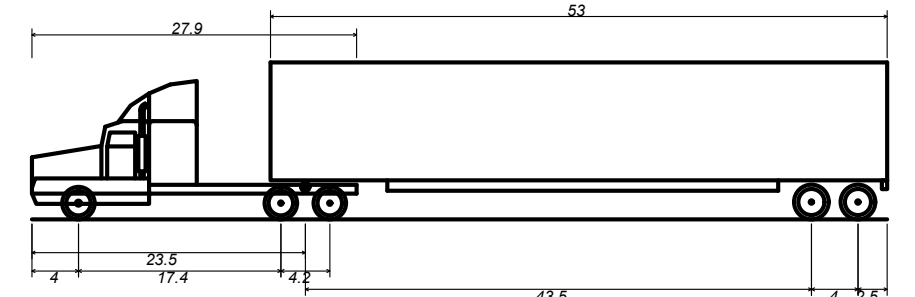
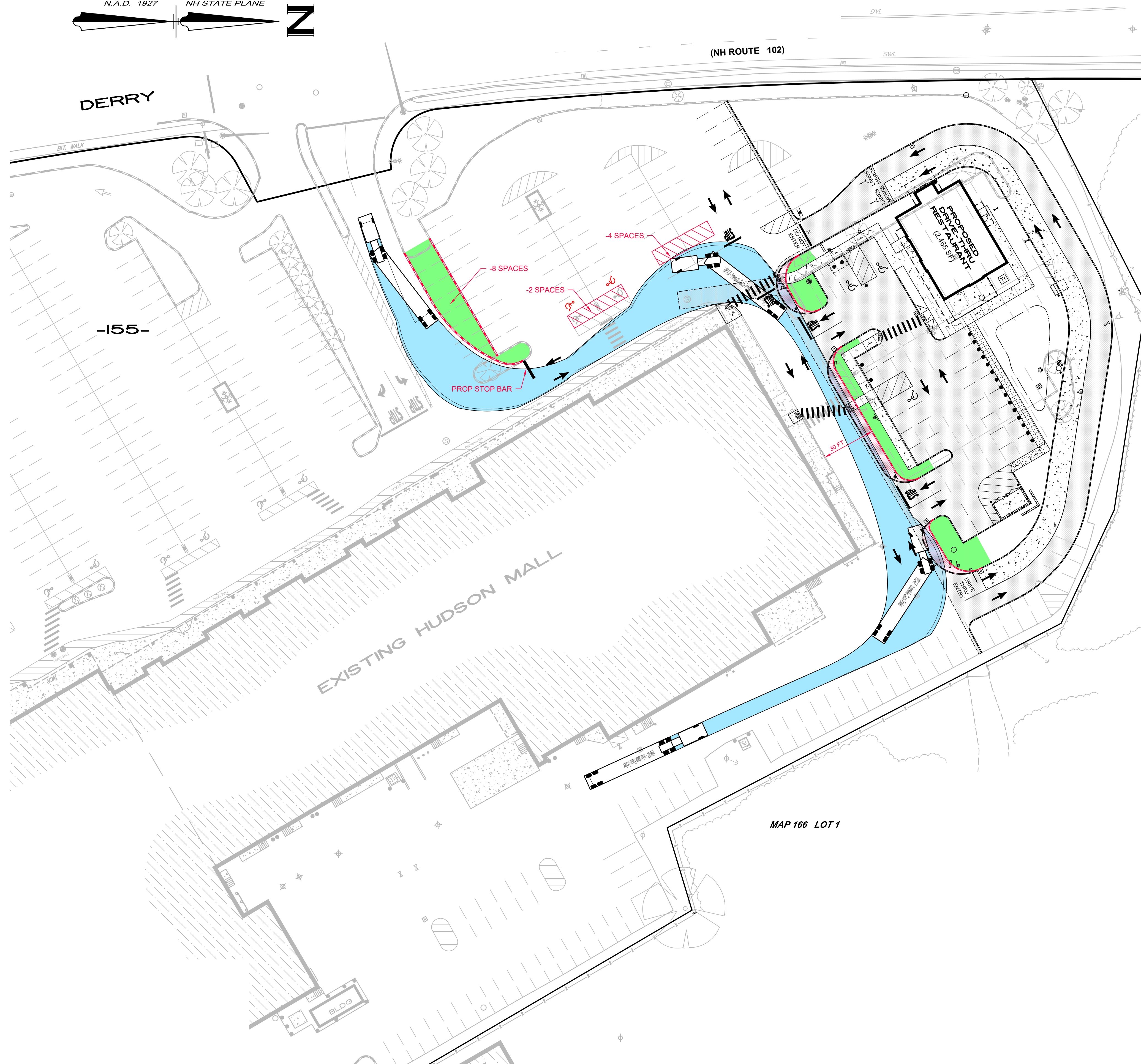
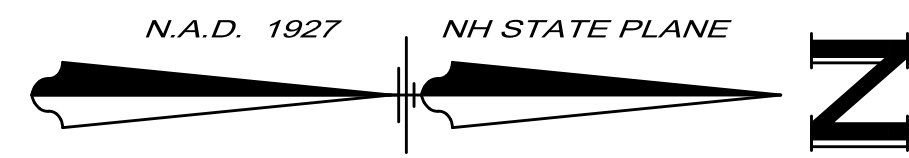
PREPARED FOR/ RECORD OWNER:  
**HUDSON-VICKERRY, LLC**  
 c/o THE MEG COMPANIES 25 ORCHARD VIEW DRIVE LONDONDERRY, NH 03053 (603) 434-6700



20 MAY 2024

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 3 Congress Street Nashua, NH 03062  
 131 Middlesex Turnpike Burlington, MA 01803  
 (603) 883-2057 (781) 203-1501  
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|                                       |                              |             |        |
|---------------------------------------|------------------------------|-------------|--------|
| FIELD BOOK: 1161                      | DRAWING NAME: 1708SB-TURNING | 1708-SB     | 1 OF 1 |
| DRAWING LOC: J:\1000\1708\DWG\1708 SB |                              | File Number | Sheet  |

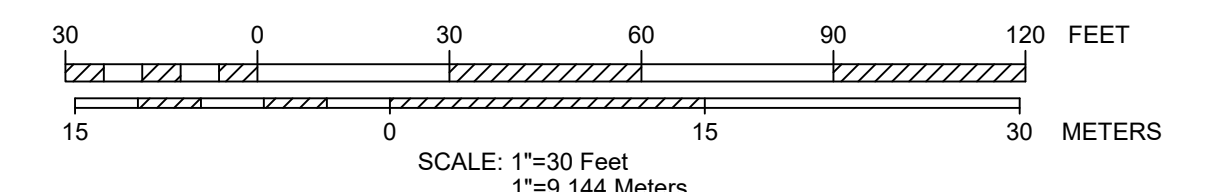


WB-67 - Interstate Semi-Trailer  
 Overall Length 73.501ft  
 Overall Width 8.500ft  
 Overall Body Height 13.500ft  
 Min Body Ground Clearance 1.334ft  
 Max Track Width 8.500ft  
 Lock-to-lock time 6.00s  
 Max Steering Angle (Virtual) 28.40°

**REVIEW ONLY**

| No. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |

**TURNING MOVEMENT PLAN #3**  
 (MAP 165, LOT 155)  
**PROPOSED DRIVE-THRU RESTAURANT**  
 77 DERRY STREET  
 HUDSON, NEW HAMPSHIRE  
 PREPARED FOR/ RECORD OWNER:  
**HUDSON-VICKERRY, LLC**  
 c/o THE MEG COMPANIES 25 ORCHARD VIEW DRIVE LONDONDERRY, NH 03053 (603) 434-6700



20 MAY 2024

**HSI** Hayner/Swanson, Inc.  
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 3 Congress Street Nashua, NH 03062 (603) 883-2057  
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|                                       |                              |             |        |
|---------------------------------------|------------------------------|-------------|--------|
| FIELD BOOK: 1161                      | DRAWING NAME: 1708SB-TURNING | 1708-SB     | 1 OF 1 |
| DRAWING LOC: J:\1000\1708\DWG\1708 SB |                              | File Number | Sheet  |





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R E A L E S T A T E M A N A G E M E N T A N D C O N S U L T I N G

May 31, 2024  
Certified Mail: 9489 0090 0027 6608 8797 85

Papa Ginos  
77 Derry Road  
Hudson, NH 03051  
Attn: Tom Belanger, Manager

Re: Deliveries

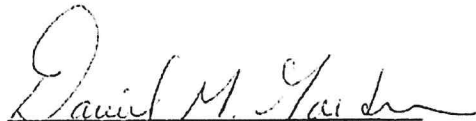
Dear Tom,

I am writing as a follow up to our conversation a couple weeks ago regarding your deliveries. Going forward, all deliveries should be made through the rear of the store and not in the fire lane. The lights in the rear hallway have been repaired as you requested.

I thank you in advance for your cooperation in this matter.

Please contact me with any questions.

Sincerely,



Daniel M. Gordon  
Property Manager  
The Meg companies

CC: Town of Hudson



# TOWN OF HUDSON

## Planning Department



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

### CAP FEE WORKSHEET - 2024

Date: 06-10-24 Zone # 1 Map/Lot: 165-155-000  
77 Derry Street

Project Name: Starbucks Drive-Thru Restaurant

Proposed ITE Use #1: Coffee/Donut Shop

Proposed Building Area (square footage): 2,465 S.F.

#### CAP FEES: (ONE CHECK NEEDED)

|    |                       |  |                     |
|----|-----------------------|--|---------------------|
| 1. | (Bank 09)<br>2070-702 | (\$18.96 x 2,465)<br>Traffic Improve<br>(Zone 2) | \$ <u>46,736.40</u> |
|    |                       | Total CAP Fee                                    | \$ <u>46,736.40</u> |

Check should be made payable to the Town of Hudson.

Thank you,

*Brooke Dubowik*

Planning Administrative Aide