## **CENTRAL GAS SITE PLAN**

## SP# 08-23

#### STAFF REPORT

#### June 26, 2024

(See January 24, 2024, February 28, 2024, and May 29, 2024 Meeting Materials)

SITE: 77 Central Street, Map 182 / Lot 217

**ZONING:** Business (B)

**PURPOSE OF PLAN:** To depict the proposed layout for a gas station and convenience store with drive-through window and all associated site improvements.

#### **PLAN UNDER REVIEW:**

Central Gas Site Plan, Non-Residential Site Plan, Map 182 Lot 217, 77 Central Street, Hudson, NH; prepared by: Keach-Nordstrom Associates, Inc. 10 Commerce Park North, Suite 3, Bedford, NH 03110; prepared for: Nottingham Square Corporation, 46 Lowell Road, Hudson, NH, 03051; consisting of 20 sheets and general notes 1-39 on Sheet 1; dated July 10, 2023; last revised May 9, 2024.

#### **ATTACHMENTS:**

- 1) Project Application and Associated Waiver Requests, prepared by Fuss & O'Neill, November 1, 2023 Attachment "A"
- 2) Legal Correspondence, prepared by Town Attorney, dated June 7, 2024. Attachment "B"

#### **APPLICATION TRACKING:**

- August 16, 2022 Conceptual plan received.
- September 14, 2022 Design Review meeting held.
- July 10, 2023 Site plan application received.
- November 29, 2023 Hearing continued to December 27.
- December 27, 2023 Public hearing scheduled, Deferred to January 24.
- January 24, 2024 Public hearing scheduled, continued to February 28, 2024.
- February 28, 2024 Public hearing scheduled, continued to May 8, 2024.
- May 8, 2024 Public hearing scheduled, deferred to May 29, 2024.
- May 29, 2024 Public hearing scheduled, continued to June 26, 2024.
- June 26, 2024 Public hearing scheduled.

#### **COMMENTS & RECOMMENDATIONS:**

#### BACKGROUND

The site is approximately 2.9 acres and is located in the Business zone. The proposed site is currently five parcels. Map 182 Lots: 216, 217, 218-1, 218-2, and 219, which the applicant wishes to consolidate. Five buildings totaling 6,321 SF were on the site that were previously used as single-family residential homes, but have since been razed. The site is served by municipal water

SP# 08-23 Staff Report Page 1 of 3 and sewer. A small section on the southern end of the site is within the "A" or 100-year flood zone. There is a wetland on the southeast and southern edges of the site, along Map 190 Lots 185 and 186.

The applicant proposes building a 10-pump gas station with a 4,560 SF convenience store with drive-thru window. The Applicant has been granted a waiver request from the 100-foot buffer between commercial and residential uses required under §276-11.1(12)(c). The site is proposed be accessed by two drives, a 20' wide one-way entrance driveway to be constructed on Lowell road approximately 210' from the intersection of Lowell Road and Central Street, and a 24.1' wide two-way entrance on Central Street, approximately 600' from the intersection of Central Street and Lowell Road. The proposal of two driveways requires a waiver from §193-10.G, which has been granted. Both motions to grant waivers may be found in the May 29, 2024 meeting minutes.

The Applicant previously presented this plan to the Planning Board under Design Review Phase in September 2022. In response to the feedback heard during that phase, the Applicant has included architectural renderings with this application.

#### **RECOMMENDATIONS**

Town Attorney has provided two responses related to questions posed by Planning Board member Victor Oates on matters related to HTC 275-6, H. Questions posed and answered by Town Attorney may be found in attachment " $\mathbf{B}$ ".

#### **RECOMMENDATIONS**

Staff recommends discussion and consideration of approval. The board has already granted both waivers that the applicant has requested, and has not required via motion any additional information of the applicant. Staff believe that the applicant has provided more than adequate information for the board to make an informed decision on the project.

#### DRAFT MOTIONS: MOTION TO CONTINUE:

I move to continue the site plan application for Central Gas Site Plan SP# 08-23, 77 Central Street, Hudson, NH / Non-Residential Site Plan, Map 182 / Lot 217, to date certain, \_\_\_\_\_, 2024.

Motion by: \_\_\_\_\_\_Second: \_\_\_\_\_Carried/Failed: \_\_\_\_\_

#### **MOTION TO APPROVE:**

I move to approve the site plan application for the Site Plan entitled: Central Gas Site Plan, Non-Residential Site Plan, Map 182 Lot 217, 77 Central Street, Hudson, NH; prepared by: Keach-Nordstrom Associates, Inc. 10 Commerce Park North, Suite 3, Bedford, NH 03110; prepared for: Nottingham Square Corporation, 46 Lowell Road, Hudson, NH, 03051; consisting of 20 sheets and general notes 1-39 on Sheet 1; dated July 10, 2023; last revised May 9, 2024; and:

That the Planning Board finds that this application complies with the Zoning Ordinances, and with the Land Use Regulations with consideration of the waivers granted; and for the reasons set forth

SP# 08-23 Staff Report Page 2 of 3 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 Site Plan-of-Record and all agreed upon easement deeds, which shall be favorable reviewed by Town Counsel prior to Planning Board endorsement of the Plan.
- 2. A cost allocation procedure (CAP) amount of \$51,488.00 shall be paid prior to the issuance of a Certificate of Occupancy.
- 3. 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 Department, confirming that the site conforms to the Planning Board approved Site Plan.
- 4. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
- 5. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
- 6. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
- 7. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday and between 8am and 4pm on Saturday. 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.
- 9. Hours of operation shall be exclusive to the hours between 5:00 A.M. and 11:00 P.M. for retail sale and food service operations, with no restriction on hours of gas sale.
- 10. Prior to the issuance of a final certificate of occupancy, a Spill Prevention Plan shall be provided to, and approved by, the Fire Marshall.
- 11. The Planning Board's preference for 15-gallon spill containment areas whereas 5 gallons is required shall be noted on the plan.
- 12. A spill prevention kit and general spill prevention plan will be available at the pumps and inside the convenience store.

	Motion by:	Second:	Carried/Failed:
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#### LOT MERGER APPLICATION FOR TAX ASSESSMENT AND LAND USE PURPOSES

#### TOWN OF HUDSON, NEW HAMPSHIRE

The undersigned, <u>Manuel Sousa - Nottingham Square Corporation</u> (type or print name here) is / are the owner(s) of lots or parcels shown on the Town Tax Maps as follows:

Tax Map	182	Lot	216	Tax Map	182	Lot	218-2
Tax Map	182	Lot	217	Tax Map			
Tax Map	182	Lot	218-1	-			

The undersigned requests that the Town of Hudson Planning Board combine the above described parcels or lots into one parcel or one lot to be known as, Tax Map <u>182</u>, Lot <u>217</u> for tax assessment, and land use purposes.

The undersigned acknowledges and agrees that the merged lots or parcels shall be shown as a single lot or single parcel on the Town Tax map and shall be one lot or one parcel for land use purposes. The Town of Hudson will assess the merged lots or merged parcels as a single lot or a single parcel.

If at any time the undersigned, or its heirs, legatees, successors and assigns of the undersigned wish to subdivide the merged lot or merged parcel, subdivision approval must be obtained from the Town of Hudson Planning Board under the Town of Hudson Subdivision of Land Regulations.

The undersigned agrees that the approval of this application shall be filed at the expense of the undersigned in the Hillsborough County Registry of Deeds.

Dated this day of	July, 20 <u>23</u> .	
LANDOWNER (SIGN HERE)	LANDOWNER	(SIGN HERE)
(TYPE OR PRINT NAME)	(TYPE OR PRINT NAME)	

This application for the merger of lots for tax assessment and land use purposes is approved by action of the Town of Hudson Planning Board. This application shall be recorded in the Hillsborough County Registry of Deeds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_.

(SIGN HERE)

CHAIRPERSON HUDSON PLANNING BOARD

(TYPE OR PRINT NAME)



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

**SITE PLAN APPLICATION** 

Revised May 19, 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 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: July 10, 2023	Tax Map #: <u>182</u> Lot #: <u>217</u>
Site Address: Lowell Road & Central Street	
Name of Project: Central Gas	
Zoning District: Business (B)	General SP#:
Z.B.A. Action:	(For Town Use Only)
PROPERTY OWNER:	DEVELOPER:
Name: Nottingham Square Corporation	3
Address: 46 Lowell Road	1
Address: Hudson, NH 03051	
Telephone # 603-880-7799	
Email: msousa@sousarealtynh.com	
PROJECT ENGINEER:	SURVEYOR:
Name: Paul Chisholm, PE - KNA	Anthony Basso, LLS - KNA
Address: 10 Commerce Park North, Suite 3	10 Commerce Park North, Suite 3
Address: Bedford, NH 03110	Bedford, NH 03110
Telephone # 603-627-2881	603-627-2881
Email: pchisholm@keachnordstrom.com	abasso@keachnordstrom.com

#### PURPOSE OF PLAN:

The purpose of the plan is to depict the proposed layout for a gas station and convenience store

with drive thru window and all associated site improvements.

	(For Town Us	e Only)	
Routing Date:	Deadline Date:	Meeting Date:	
I have no	comments I have co	omments (attach to form)	
(Initials)		Date:	
Department:			
Zoning: Engineer	ing: Assessor: Police:	Fire: DPW: Consultant:	

PLAN NAME: Central Gas	
PLAN TYPE: <u>SITE PLAN</u>	
LEGAL DESCRIPTION: MAP	182 LOT 217
DATE: July 10, 2023	
Location by Street:	Lowell Road & Central Street
Zoning:	Business (B)
Proposed Land Use:	Gas Station/Convenience Store with Drive Thru
Existing Use:	Residential
Surrounding Land Use(s):	Commercial & Residential
Number of Lots Occupied:	One (1) - Following Lot Merger
Existing Area Covered by Building:	6,321 SF
Existing Buildings to be removed:	Five (5)
Proposed Area Covered by Building:	4,560 SF
Open Space Proposed:	62%
Open Space Required:	40%
Total Area:	S.F.: <u>126,607</u> Acres: <u>2.90</u>
Area in Wetland:	_2,881 SF_ Area Steep Slopes: _10,899 SF
Required Lot Size:	30,000 SF
Existing Frontage:	982.2 FT
Required Frontage:	150 FT
Building Setbacks:	Required* Proposed
Front: Side: Rear:	50 FT         72.7 FT           15 FT         N/A           15 FT         331.6 FT

#### SITE DATA SHEET

	SITE DATA SHEET (Continued)
Flood Zone Reference:	33011C0518D
Width of Driveways:	24 FT
Number of Curb Cuts:	Two (2)
Proposed Parking Spaces:	41 Spaces
Required Parking Spaces:	41 Spaces
Basis of Required Parking (Use):	Gas Pumps, Convenience Store, Drive Thru
Dates/Case #/Description/Stipulations of ZBA, Conservation Commission, NH Wetlands Board Actions: (Attach stipulations on separate sheet)	
Waiver Requests	
Town Code Reference: Reg	ulation Description:
276-11.1(12)(c) Drive Aisl	es within 100-ft Abutting Residential Property

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

#### 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: Manual Decen	Date: 7/6	23
Print Name of Owner: Manuel Sousa	/ /	

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

Signature of Developer:	Date:
Print Name of Developer:	

The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.

#### WAIVER REQUEST FORM

Name of Subdivision/S	Site Plan:	entral Gas				
Street Address: Lowe	ll Road & C	Central Street				
I Manuel Sousa				hereby requ	est that the Plann	ing Board
waive the requirements	of item	276-11.1	(12)(c)	of the H	ludson Land Use R	egulations
in reference to a plan p	resented by	Keach-N	ordstrom A	ssociates, Inc.		
		(name of surv	veyor and en	gineer) dated	July 10, 2023	for
property tax map(s)	182	and lot(s)	217	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

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

Signed:

Applicant or Authorized Agent

Page 6 of 8 Site Plan Application - Hudson NH 051923

#### **SCHEDULE OF FEES**

#### A. <u>REVIEW FEES:</u>

#### 1. Site Plan Use Project Size/Fee

Multi-Family	\$105.00/unit for 3-50 units \$78.50/unit for each additional unit over 50	\$ 
Commercial/Semi Public/	Civic or Recreational \$157.00/1,000 sq. ft. for first 100,000 sq.ft.	\$ 715.92
4,560 SF	(bldg. area): \$78.50/1,000 sq.ft. thereafter.	
Industrial	\$150.00/1,000 sq.ft for first 100,000 sq.ft. (bldg. area); \$78.50/1,000 sq.ft thereafter.	\$ -
No Buildings	\$30.00 per 1,000 sq.ft. of proposed developed area	\$ -
NICITE TO A NUE DESCRIPTION D		

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

Total	2.90	_ acres @ \$600.00 per acre, or \$1,250.00,	\$ 1,740.00
whicher	ver is grea	ater.	

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:**

С.

17 Direct Abutters Applicant, Professionals, etc. as required by RSA 676:4.1.d @\$4.78 (or Current Certified Mail Rate)	\$81.26
8 Indirect Abutters (property owners within 200 feet) @\$0.63 (or Current First Class Rate)	\$5.04
TAX MAP UPDATING FEE: (FLAT FEE)	\$275.00
TOTAL	\$2,817.22

Check #1: \$1,077.22 (Town) Check #2: \$1,740.00 (Review)

Page 7 of 8 Site Plan Application - Hudson NH 051923

#### SCHEDULE OF FEES (Continued)

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

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

#### D. <u>RECORDING:</u>

\*\*\*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. <u>COST ALLOCATION PROCEDURE AMOUNT CONTRIBUTION AND OTHER</u> <u>IMPACT FEE PAYMENTS:</u>

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.\*\*\*



July 10, 2023

Town of Hudson Planning Department 12 School Street Hudson, New Hampshire 03051

Subject: Non-Residential Site Plan – Central Gas Tax Map 182; Lot 217 Lowell Road & Central Street – Hudson, New Hampshire KNA Project No. 18-0612-3

#### **Project Narrative**

The subject property, located at the corner of Lowell Road and Central Street, is referenced on Hudson Tax Map 182 as Lots 216, 217, 218-1, 218-2, and 219. These five (5) lots will be consolidated into a single parcel referenced as Tax Map 182 Lot 217 with a combined area of approximately 2.90 acres. The parcel is located entirely within the Business (B) Zoning District. It was developed with single family residential homes at the time of survey, but those have since been removed. The surrounding land uses include commercial, single family residential, and multifamily residential.

The applicant is proposing to construct a 10-pump gas station, a 4,560 square foot convenience store with drive thru window, and all associated site improvements. Access to the site will be provided via two (2) new 24-foot-wide driveways, one (1) on Lowell Road and one (1) on Central Street. The lot will be serviced by municipal water and sewer. Other site improvements include stormwater management provisions, paved parking areas, utility connections, landscaping, and lighting. No impacts to the wetlands or 50-ft wetland buffer are proposed.

Civil Engineering	Land Surveying	Landscape Architecture		
10 Commerce Park North, Suite 3B	Bedford, NH 03110	Phone (603) 627-2881	Fax (603) 627-2915	



July 10, 2023

Town of Hudson Planning Department 12 School Street Hudson, New Hampshire 03051

Subject: Waiver Request – Central Gas Tax Map 182; Lot 217 Lowell Road & Central Street – Hudson, New Hampshire KNA Project No. 18-0612-3

The Applicant is requesting a waiver from the following section of the Town of Hudson Site Plan Regulations: Section 276-11.1(12)(c) 100-ft Buffer Between Commercial and Residential Uses

Hardship reason(s) for granting this waiver:

Based on the location of the abutting residential uses, accessing the site would require a driveway to be located within the 100-ft buffer zone. By not allowing the Applicant to construct driveways, access to the property would be severely restricted making it virtually undevelopable for any non-residential use.

<u>Reason(s)</u> for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations:

The spirit and intent of this regulation is to provide a 100-ft buffer between residential and nonresidential uses. The majority of the developed areas fall outside this buffer zone, however, the entrance driveways to the site are located within the buffer which extends the full width of the Central Street frontage and a significant portion of the Lowell Road frontage. Based on the location of the abutting residential uses, any access driveway would be located within this buffer zone. The remainder of the site improvements do not need to be located within this buffer and are not proposed to be. Therefore, granting this waiver would not be contrary to the spirit and intent of the Town of Hudson Site Plan Regulations.

Civil Engineering	Land Planning	Landscape Architecture		
10 Commerce Park North, Suite 3B	Bedford, NH 03110	Phone (603) 627-2881	Fax (603) 627-2915	



September 18, 2023

Town of Hudson Planning Department 12 School Street Hudson, New Hampshire 03051

Subject: Waiver Request – Central Gas Tax Map 182; Lot 217 Lowell Road & Central Street – Hudson, New Hampshire KNA Project No. 18-0612-3

The Applicant is requesting a waiver from the following section of the Town of Hudson Site Plan Regulations: Section 193.10.G. Driveway Design Criteria – Single Driveway Per Parcel

#### Hardship reason(s) for granting this waiver:

The subject parcel is situated at a busy intersection on Lowell Road and Central Street. The project proposes two driveways to support the development, including a one-way entrance driveway on Lowell Road and a two-way driveway on Central Street. Allowing both driveways in this orientation will provide relief to the intersection by allowing vehicles turning right into the site from Lowell Road to avoid the intersection altogether. Granting this waiver will enhance site access and reduce traffic at the intersection. A denial would result in hardship because it would cause the site to be less desirable for future customers, suppliers and vendors while also forcing traffic from Lowell Road through an already busy intersection to access the site and limiting access for responding emergency vehicles.

# Reason(s) for granting this waiver, relative to not being contrary to the spirit and intent of the Land Use Regulations:

The spirit and intent of the Land Use Regulations will not be opposed by granting this waiver. The intent of the driveway regulations is provide criteria for safe and adequate access to properties. The project proposes to consolidate multiple parcels. Three of the parcels at one time were occupied by houses and each had its own driveway access. As consolidated lots, the property would have adequate lot frontage on both Lowell Road and on Central Street. A turn in only driveway from Lowell Road would increase safety by allowing emergency vehicles a second means of access and quicker response time by not having to go through the busy intersection. One reason for limiting the amount of driveways per property helps reduce congestion to public streets. In this case, however, there will be less congestion by allowing a restricted turn in driveway from Lowell Road by allowing some travelers visiting the site from Lowell Road to avoid an intersection. Therefore, the spirit and intent of the regulation will be upheld by approving this waiver.

Civil Engineering	Land Planning	Landscape Architecture		
10 Commerce Park North, Suite 3B	Bedford, NH 03110	Phone (603) 627-2881	Fax (603) 627-2915	

From:	David LeFevre
То:	<u>Minkarah, Jay</u>
Cc:	<u>Malley, Tim</u>
Subject:	RE: Attourney Review - 275-6H
Date:	Friday, June 7, 2024 12:16:48 PM

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

Jay:

It is my understanding that this evidence was presented to the Planning Board, and having reviewed this evidence, the Board voted 5-2 not to require monitoring system referenced by Mr. Oates (below).

The question I answered was whether this Planning Board's decision was contrary to HTC 275-6, H, and in light of the NH Supreme Court's decision in *Mojalaki Holding, LLC v. City of Franklin*, I cannot conclude that the Planning Board made an "error of law." Legally, it does appear that the Planning Board's decision was consistent with *Mojalaki*.

The question now appears to be whether or not the decision of the Planning Board was "unsupported by the evidence." As the Court noted in the *Mojalaki* case, "the factual findings of the planning board as prima facie lawful and reasonable and cannot set aside its decision absent unreasonableness or an identified error of law." Given the standard of review, which is limited, and the deference afforded by the courts, I cannot say with any degree of certainty that the Planning Board's decision was unsupported by the evidence. I would have to review the entirety of the record and all the evidence. I cannot view one piece of evidence and conclude that the Planning Board's decision was unsupported by the evidence.

Please keep in mind, my role as the Town's attorney is to represent the Town generally, and in this instance, the Town acting through its Planning Board. Thus, my role is to support the decision of the Planning Board, which in this case is the 5-2 decision not to require the monitoring system. That is true irrespective of whether or not I would have personally reached the same or a different decision based on the same evidence. It is not my role to represent any party, either in support of, or in opposition to, any particular project. Thus, it would be inappropriate for me to act as an advocate in opposition to the decision of the Planning Board.

Now, if the Planning Board would like me to review all the evidence and provide a legal opinion regarding whether or not I believe the decision is supported by the evidence, I am glad to do so, but I think that assignment would require approval from the Planning Board.

From: Minkarah, Jay <jminkarah@hudsonnh.gov>
Sent: Friday, June 7, 2024 10:26 AM
To: David LeFevre <dlefevre@tarbellbrodich.com>
Cc: Malley, Tim <tmalley@hudsonnh.gov>
Subject: RE: Attourney Review - 275-6H

Dave,

Mr. Oates would like you to be aware of the attached report to see if it would impact your

conclusions. This report was included in the Planning Board's agenda package for the May 29, 2024 Planning Board meeting, but Mr. Oates' motion to require the installation of hoods and ongoing monitoring for Benzene failed on a 5-2 vote. Note that author appears to lack any scientific credentials. Happy to discuss further.

Jay

Jay Minkarah Town of Hudson Interim Town Planner/NRPC Circuit Rider <u>iminkarah@hudsonnh.gov</u>

From: David LeFevre <<u>dlefevre@tarbellbrodich.com</u>>
Sent: Thursday, May 30, 2024 4:21 PM
To: Minkarah, Jay <<u>jminkarah@hudsonnh.gov</u>>
Cc: Malley, Tim <<u>tmalley@hudsonnh.gov</u>>
Subject: RE: Attourney Review - 275-6H

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

Jay:

I'm heading out for the day, and I am in mediation all day tomorrow, but I am glad to followup with you next week. In the meantime, there is a new case which may be dispositive of this inquiry.

Hudson Site Plan Regulation 275-6, H, is a "general requirement," which mirrors RSA 674:44, II (a)(3), that provides, "[t]he site plan review regulations which the planning board adopts may . . . [p]rovide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of . . . [u]ndesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties."

The NH Supreme Court recently ruled in *Mojalaki Holding, LLC v. City of Franklin*, 2024 N.H. 17 (neutral citation), that these general provisions "do not detail specific requirements that an applicant must meet." *Id.* Rather, "the purpose provisions outline the purposes for the specific regulations that follow." *Id.* "Without specific requirements, the applicant is left without objective standards to guide the application and the proposed project is left to be judged by the subjective views of the Board through <u>ad hoc</u> decision making." *Id* (emphasis in original). The Planning Board "cannot supersede the specific regulations and ordinances that control the site plan review process with their own personal feelings and then justify their reasoning through the application of general considerations." *Id.* (citation omitted).

Restated, the site plan regulations both "define the purpose of site plan review" and "specify the general standard and requirements with which the proposed development must comply." *Id* 

(citation omitted). The "general purpose" provisions "outline the goals of site plan review regulations" whereas the "other provisions detail the specific technical requirements that applications must meet to achieve the goals of the purpose provisions." *Id.* "When an application complies with zoning and the specific technical requirements of the site plan regulations, <u>ad hoc</u> decision making without evidentiary support cannot justify denial on the basis of a purposes provision." *Id.* (emphasis in original).

Based on the NH Supreme Court's decision in *Mojalaki*, I think it is reasonable to conclude that the Planning Board cannot rely on the "general provisions" as an independent basis for imposing specific technical requirements.

Now, to be fair, I am not familiar with the details of the specific application, and if there was a sufficient evidentiary record to support the need for a monitoring system such as is being suggested by Mr. Oates, I am not prepared to rule out the possibility all together that the Planning Board could impose such a requirement. However, it does appear to be clear in light of this new decision that these general provisions do not, standing along, provide a basis for the Planning Board to impose specific technical requirements that are not otherwise included in the site plan regulations.

From: Minkarah, Jay <<u>jminkarah@hudsonnh.gov</u>>
Sent: Thursday, May 30, 2024 3:32 PM
To: David LeFevre <<u>dlefevre@tarbellbrodich.com</u>>
Subject: FW: Attourney Review - 275-6H

Dave,

See below and attached – I am happy to fill you in on the background. Thank you,

Jay

Jay Minkarah Town of Hudson Interim Town Planner/NRPC Circuit Rider <u>iminkarah@hudsonnh.gov</u>

From: Victor Oates <<u>voates@hudsonnh.gov</u>>
Sent: Thursday, May 30, 2024 10:30 AM
To: Minkarah, Jay <<u>jminkarah@hudsonnh.gov</u>>; Malley, Tim <<u>tmalley@hudsonnh.gov</u>>; Crowley,
James <<u>jcrowley@hudsonnh.gov</u>>
Subject: Attourney Review - 275-6H

The planning board's decision on 5/29 to reject the monitoring system for benzene gas and other pollutants significantly impacts our town's ability to comply with Section 275-6H.

Without adequate monitoring, it is challenging to eliminate harmful pollution, leading to serious health, legal, and environmental repercussions. (Look at the PFAS issue)

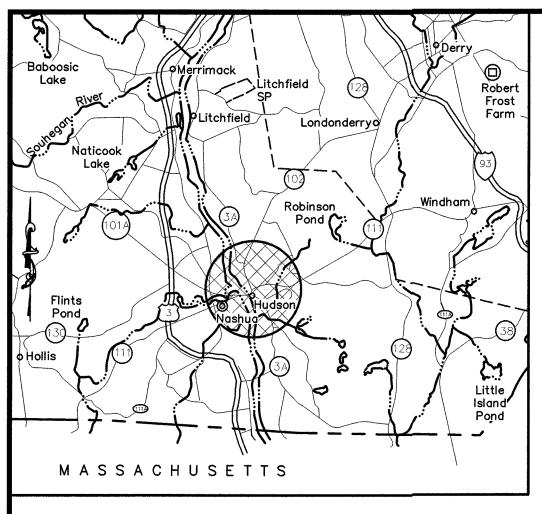
Reassessing the need for a monitoring system or exploring alternative mitigation measures is essential to address these concerns and maintain regulatory compliance.

I request that the town attorney review this matter to provide guidance on our legal obligations to the community and potential risks should we ignore them.

Thank you for your attention to this issue.

Best regards,

Victor J. Oates



VICINITY PLAN NOT TO SCALE

<u>OWNER / APPLICANT:</u> NOTTINGHAM SQUARE CORPORATION 46 LOWELL ROAD HUDSON, NH 03051

PREPARED BY: KEACH-NORDSTROM ASSOCIATES, INC. 10 COMMERCE PARK NORTH, SUITE 3 BEDFORD, NEW HAMPSHIRE 03110 (603) 627–2881

SITE REVIEW	APPROVED BY THE HUDSON, NH PLANNING BOARD DATE OF MEETING:
REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN	SIGNATURE DATE:
APPROVAL GRANTED HEREIN	SIGNATURE DATE:
EXPIRES TWO YEARS FROM DATE OF APPROVAL	SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

# NON-RESIDENTIAL SITE PLAN CENTRAL GAS MAP 182 LOT 217 LOWELL ROAD & CENTRAL STREET HUDSON, NEW HAMPSHIRE



PAUL CHISHOLM No, 15076

Civil Engineering Land Surveying Landscape Architectur

JULY 10, 2023 LAST REVISED: MAY 9, 2024 PROJECT NO. 18-0612-3

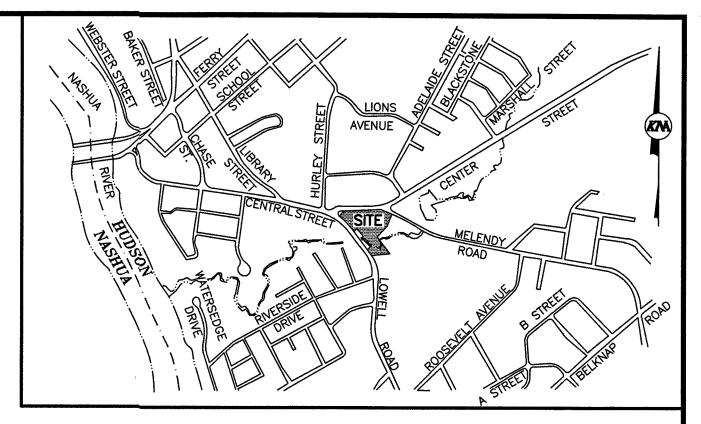
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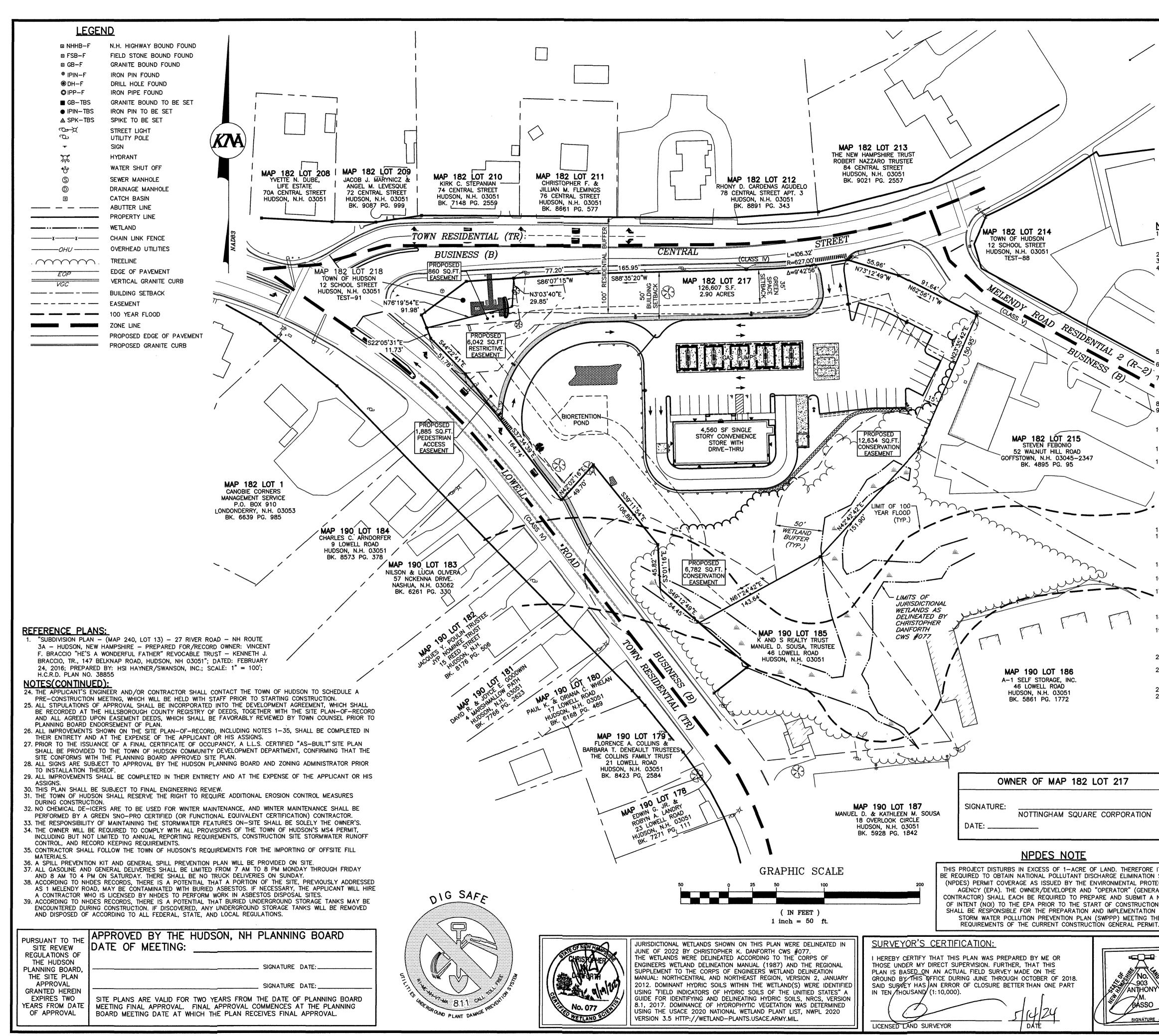
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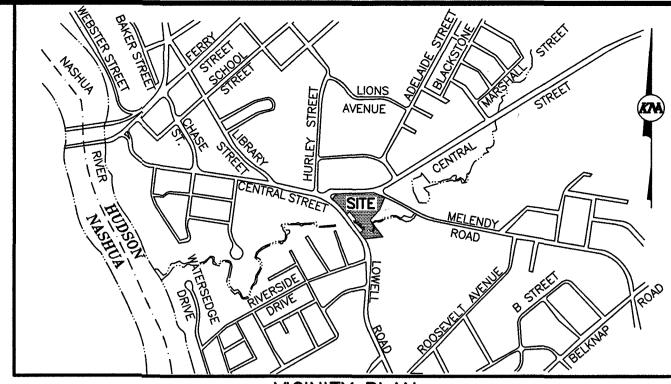
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DETAILS	16 - 20
DRAWINGS TREET ARCHITECTS)	A111 - A202

SCALF:  $1" = 1.000 \pm$ 







#### VICINITY PLAN SCALE: $1'' = 1.000 \pm$

THE PURPOSE OF THIS PLAN IS TO SHOW THE LAYOUT OF A PROPOSED GAS STATION AND ACCOMPANYING 4,560 SQUARE FOOT CONVENIENCE STORE WITH A BREAKFAST SANDWICH/DONUT SHOP AND COFFEE DRIVE-THRU WINDOW ON MAP 182 LOT 217 IN HUDSON, NEW HAMPSHIRE AND NO OTHER PURPOSE. MAP 182 LOT 217 INDICATES TOWN OF HUDSON, NEW HAMPSHIRE TAX ASSESSOR'S MAP AND LOT NUMBER.

AREA OF PARCEL = 126,607 SF OR 2.90 ACRES 4. THE SUBJECT PARCEL IS LOCATED WITHIN THE BUSINESS (B) ZONING DISTRICT AND IS SUBJECT TO THE FOLLOWING DIMENSIONAL REQUIREMENTS:

TABLE OF ZONING REQUIREMENTS				
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	
MINIMUM LOT SIZE	30,000 SF	126,607 SF	126,607 SF	
MINIMUM LOT FRONTAGE	150 FT	982.2 FT*	982.2 FT*	*INDIVIDUAL STREET FRONTAGE
FRONT YARD SETBACK	50 FT	N/A	72.7 FT	] LOWELL ROAD = 485.11 FT
SIDE YARD SETBACK	15 FT	N/A	N/A	CENTRAL STREET = $349.47$ FT
REAR YARD SETBACK	15 FT	N/A	331.6 FT	MELENDY ROAD = 147.60 FT
MAXIMUM BUILDING HEIGHT	38 FT	N/A	37.5 FT	]

BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY THIS OFFICE DURING JUNE THROUGH OCTOBER OF 2018. HORIZONTAL DATUM IS NAD83, VERTICAL DATUM IS NAVD88 FROM GPS SURVEY METHODS POST PROCESSED THROUGH NOAA-OPUS.

EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, MAP NUMBER 33011C0518D, PANEL NUMBER 518 OF 701, EFFECTIVE DATE SEPTEMBER 25, 2009, INDICATES THAT A PORTION OF THE SUBJECT PARCEL IS LOCATED IN A ZONE A, AREA OF 1% ANNUAL CHANCE OF FLOOD WITH NO BASE FLOOD ELEVATIONS DETERMINED THE LOT IS SERVICED BY MUNICIPAL WATER AND SEWER.

THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG SAFE AT 811. 10. EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE. 11. OPEN SPACE REQUIRED = 40%

OPEN SPACE PROPOSED = 62%

12. PARKING CALCULATIONS: REQUIRED PARKING

GAS PUMPS @ 1 SPACE/PUMP X 10 PUMPS = 10 SPACES

CONVENIENCE STORE: 1 SPACE/EMPLOYEE ON THE LARGEST SHIFT X 4 EMPLOYEES = 4 SPACES

1 SPACE/200 SF OF GROSS LEASABLE AREA X 3,760 SF = 19 SPACES

DRIVE-THRU @ 1 SPACE/100 SF OF GROSS LEASABLE AREA X 800 SF = 8 SPACES

TOTAL REQUIRED PARKING SPACES = 10 SPACES + 4 SPACES + 19 SPACES + 8 SPACES = 41 SPACES PROVIDED PARKING 10 PUMP SPACES + 31 SPACES = 41 PROPOSED SPACES (INCLUDES 2 HANDICAP SPACES)

13. ONE LOADING SPACE IS REQUIRED FOR NON-RESIDENTIAL BUILDINGS UNDER 5,000 SF AND HAS BEEN PROVIDED. 14. PERMITS REQUIRED: <u>STATUS</u> PERMIT NUMBER APPROVED ON 5/13/24 D2024-0309

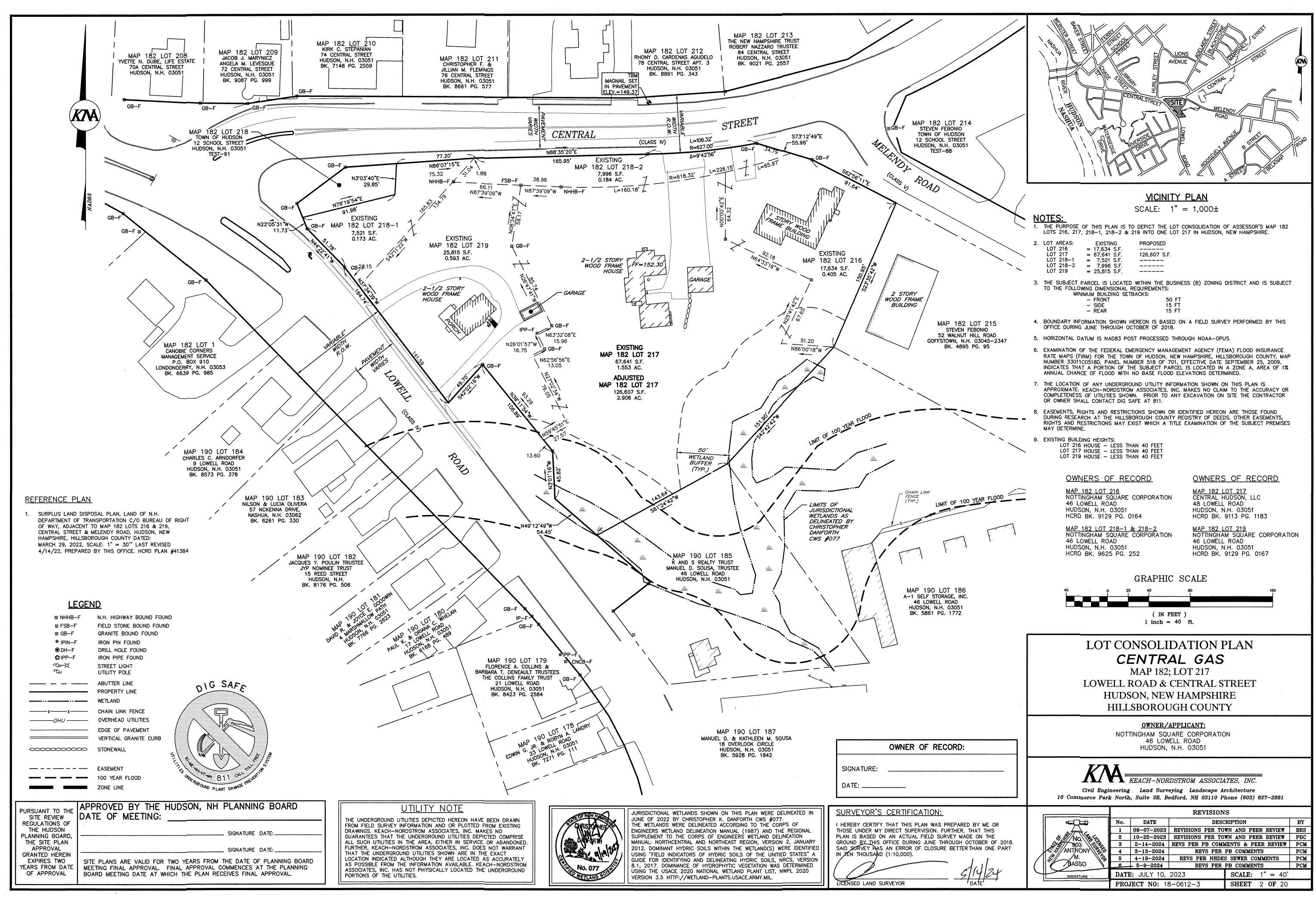
-NHDES SEWER CONNECTION PERMIT -NPDES NOTICE OF INTENT

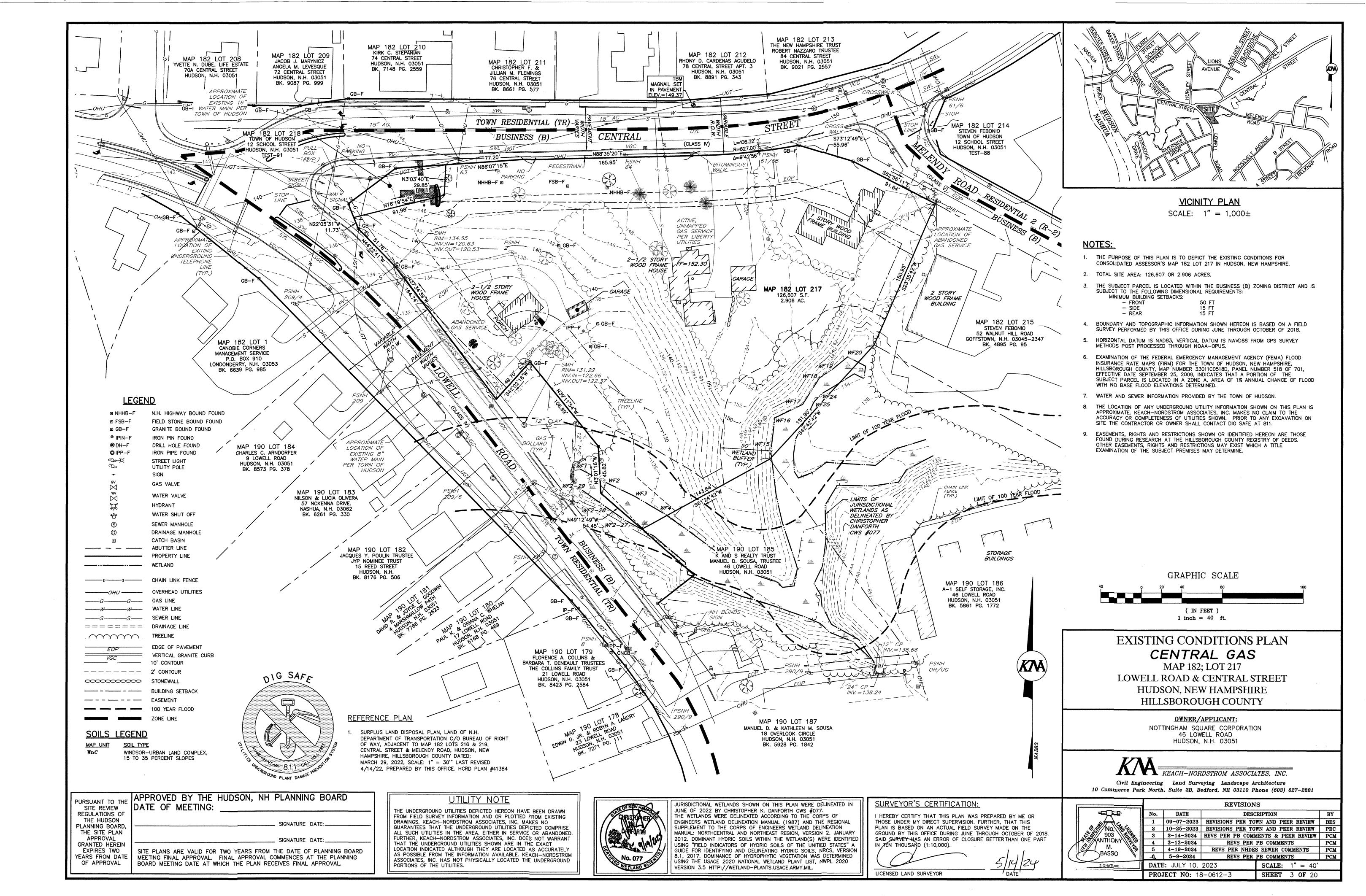
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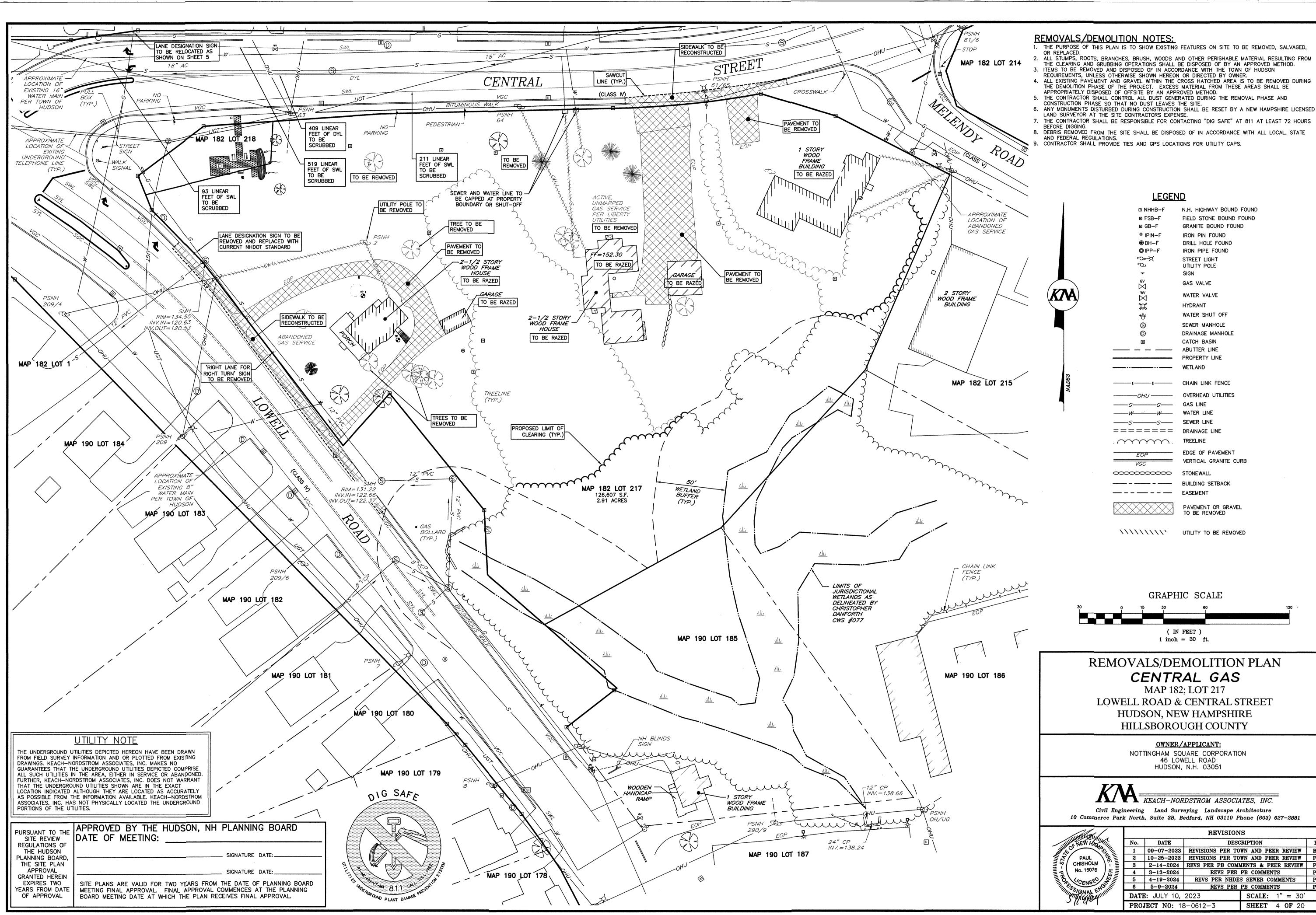
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- 15. A WAIVER IS REQUIRED FROM SECTION 276-11.1.B.(12)(c) TO ALLOW A PROPOSED DRIVEWAY, DRIVE AISLE AND PARKING WITHIN 100' OF THE ABUTTING RESIDENTIAL PROPERTIES. AND 193.10.G TO ALLOW FOR SECOND DRIVEWAY 16. SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH 2010 TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
- IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE TOWN OF HUDSON PLANNING BOARD
- 18. CONSTRUCTION ACTIVITIES ON THE SITE SHALL BE LIMITED TO BETWEEN 7:00 AM AND 7:00 PM MONDAY THROUGH SATURDAY. NO CONSTRUCTION ACTIVITIES SHALL BE ALLOWED ON SUNDAYS. 19. IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM MONDAY THROUGH FRIDAY ONLY. SAID BLASTING/RAMMING ACTIVITIES SHALL BE PROHIBITED ON WEEKENDS. BLASTING WILL MEET HUDSON ORDINANCE 202
- REQUIREMENTS. 20. SITE LIGHTING SHALL BE AS SHOWN ON THE PLAN, DIRECTED ONTO SITE, AND SHALL CONFORM WITH ALL
- APPLICABLE TOWN OF HUDSON ZONING REGULATIONS. 21. HOURS FOR REFUSE REMOVAL AND DELIVERIES OF SUPPLIES SHALL BE NO EARLIER THAN 7:00 AM AND NO LATER THAN 7:00 PM, MONDAY THROUGH FRIDAY ONLY. SAID ACTIVITIES SHALL BE PROHIBITED ON SATURDAY AND SUNDAY.
- 22. THE GAS STATION AND CONVENIENCE STORE WILL BE OPEN 24/7. 23. PLOWED SNOW FROM THE FACILITIES, DRIVEWAY, PARKING LOTS AND SIDEWALK SHALL BE STORED IN THE DESIGNATED AREAS SHOWN IN THIS PLAN SET. NO SNOW MAY BE PLOWED OR STORED ON THE ABUTTING PARCELS. WHEN THE SNOW STORAGE AREAS ARE AT CAPACITY. SUBSEQUENT SNOW SHALL BE HAULED OFF-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SOUND FASHION AND IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

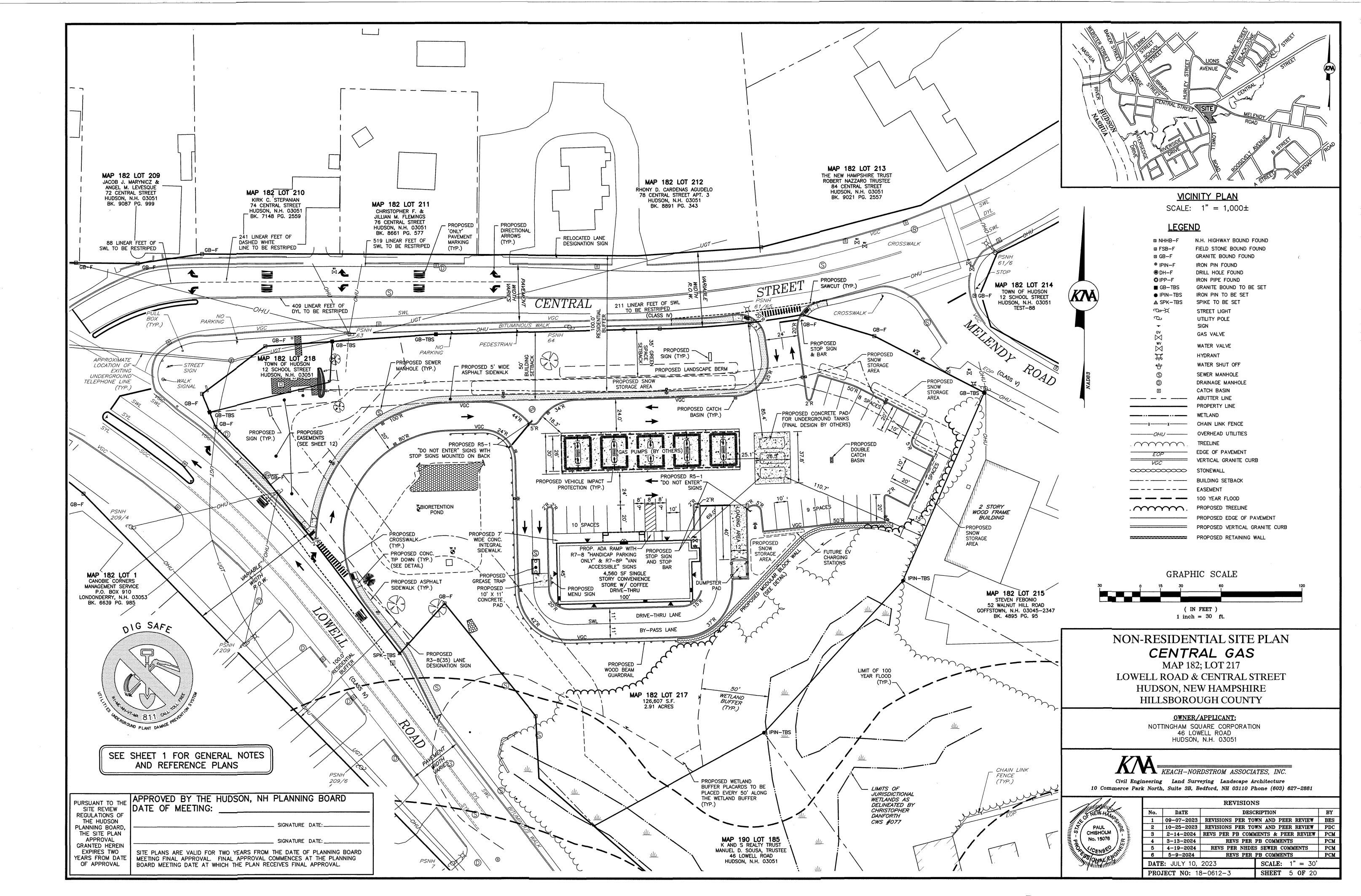
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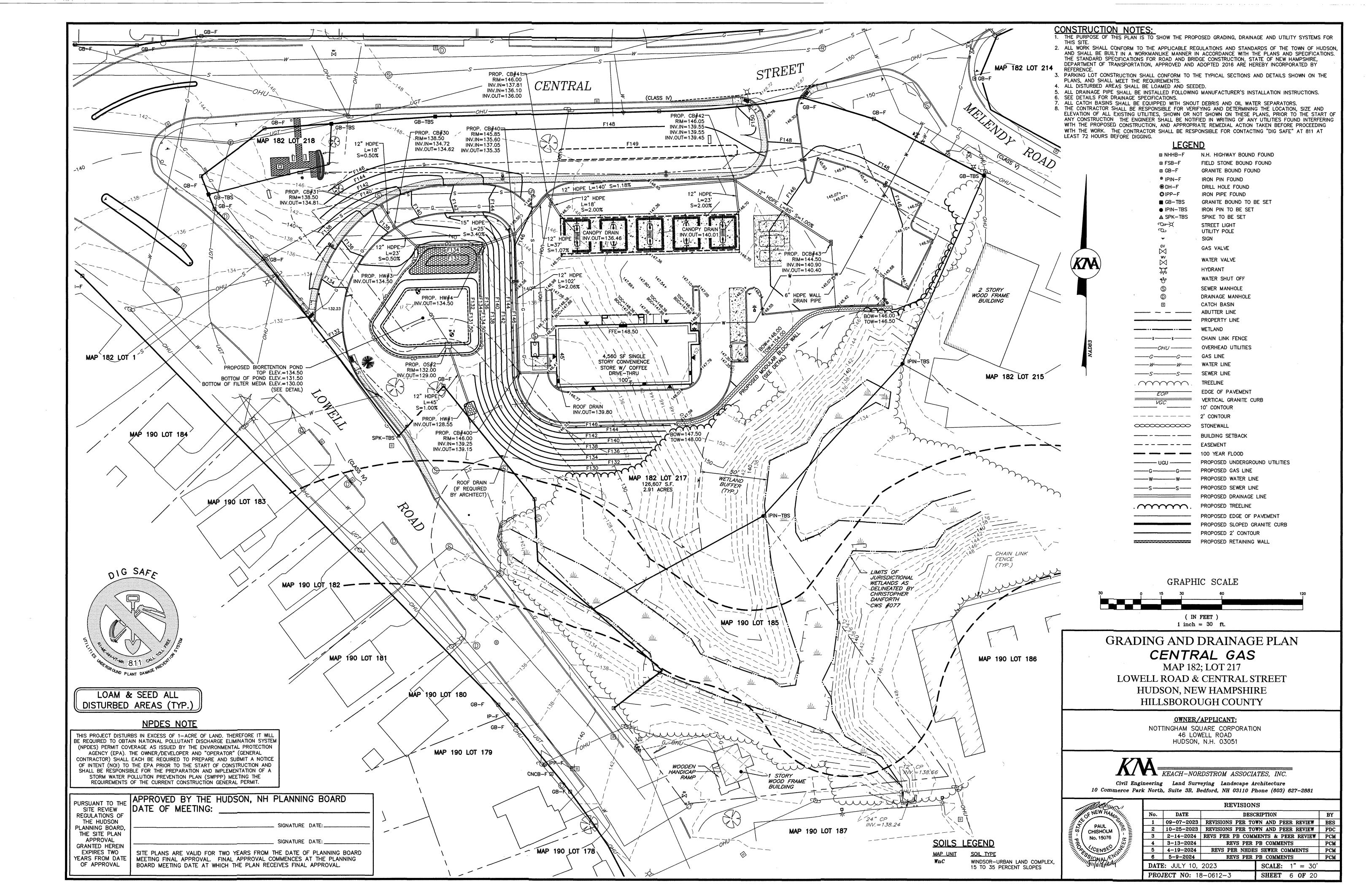


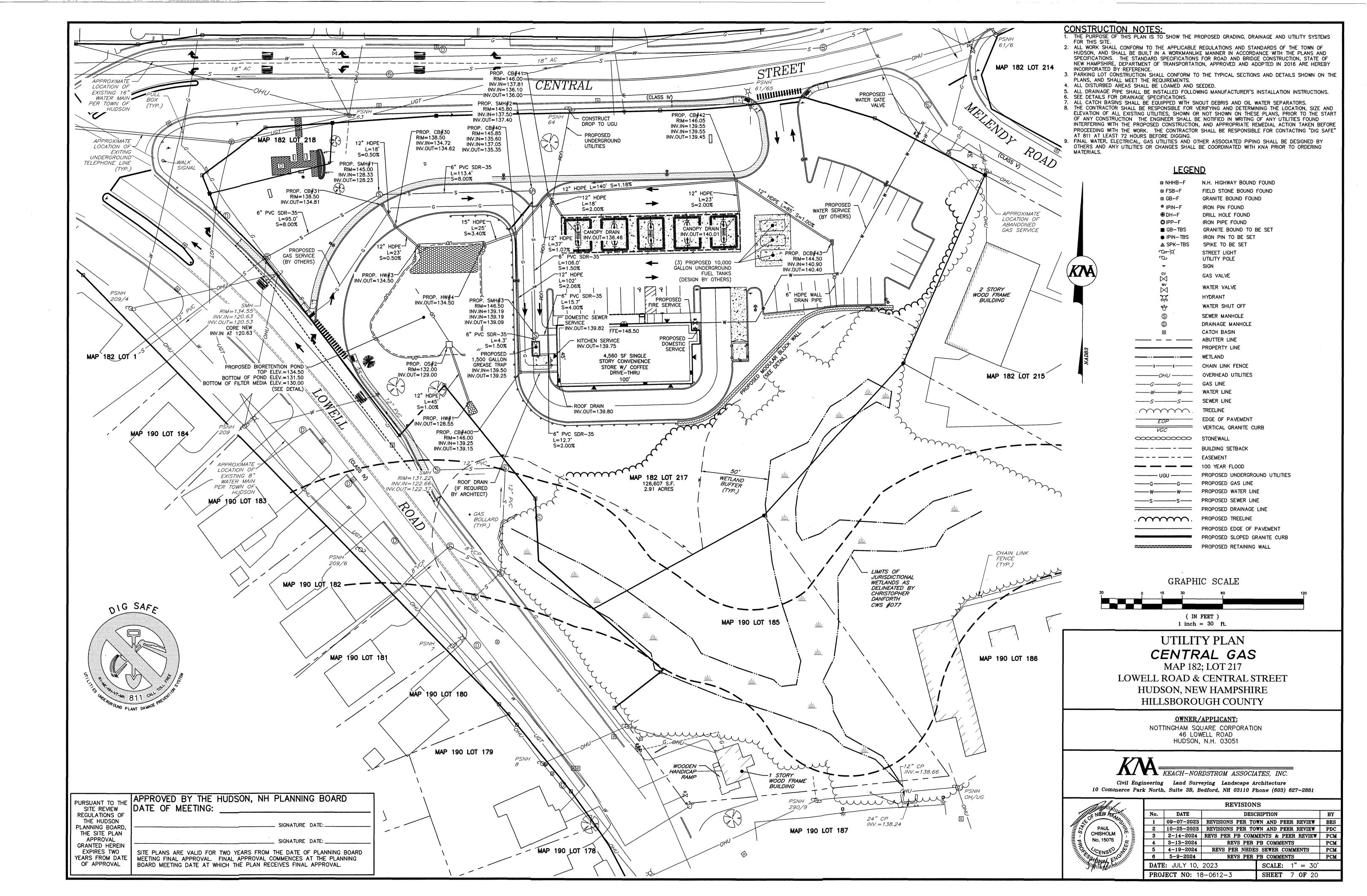


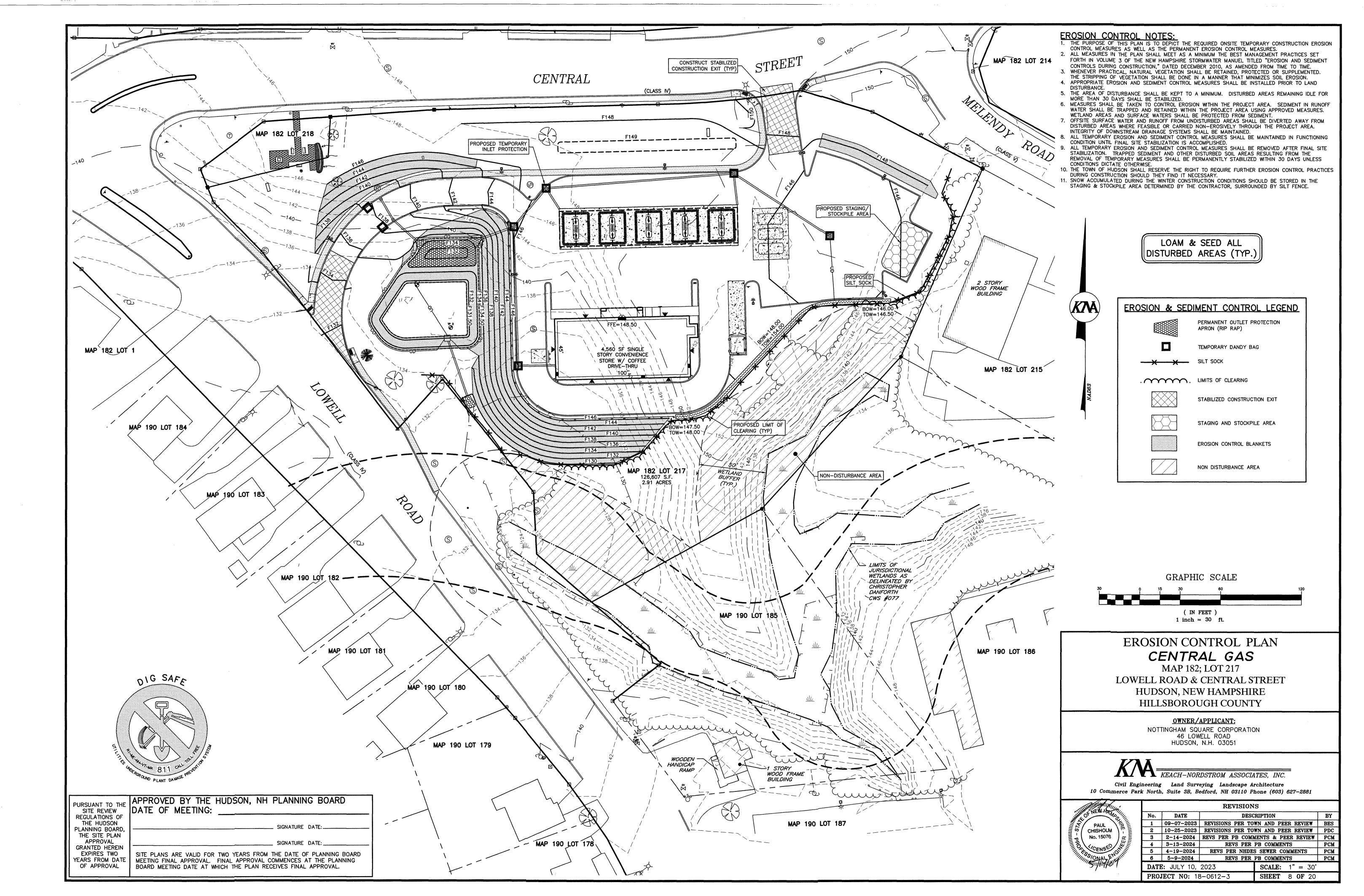


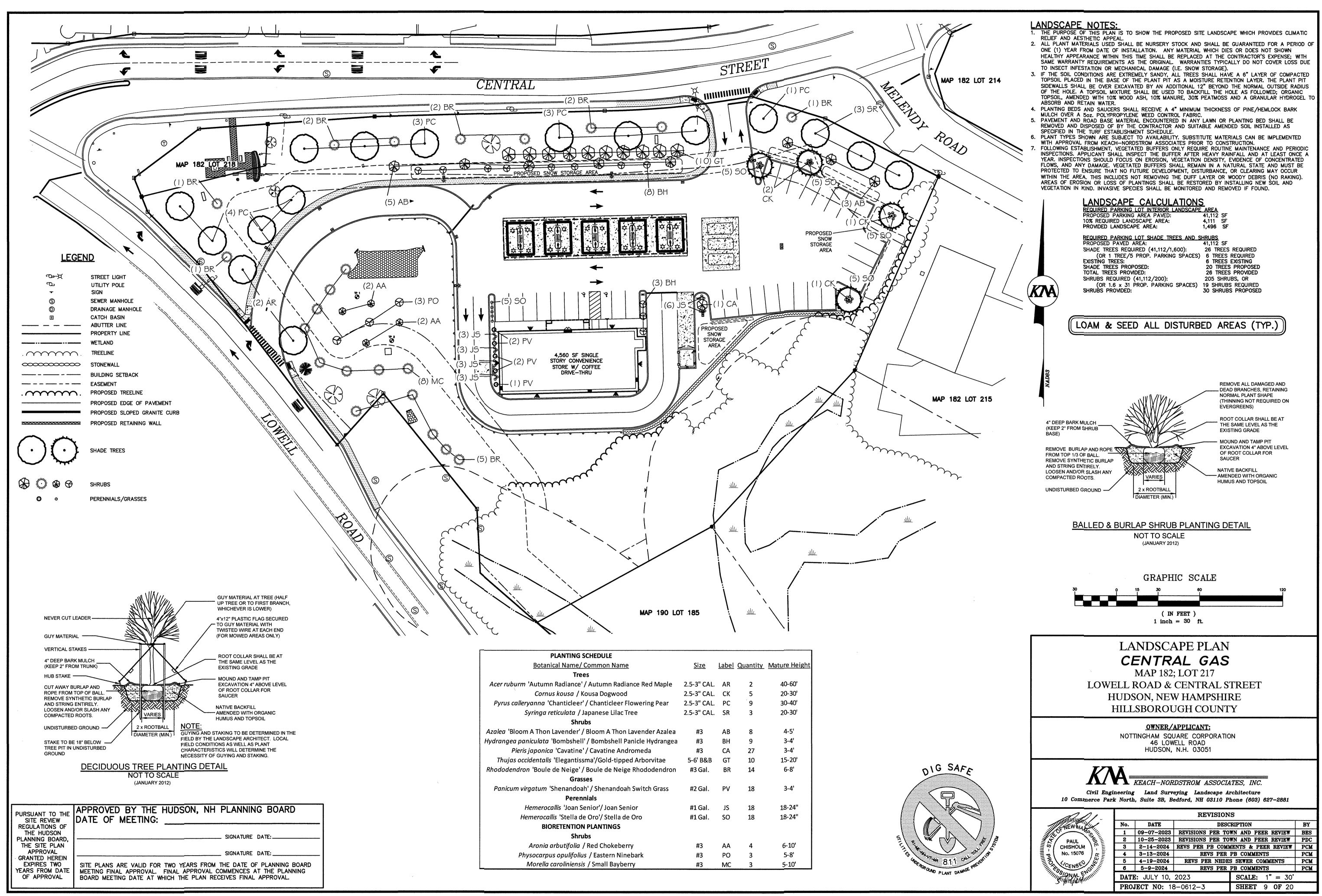
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REMOVALS/DEMOLITION PLAN <i>CENTRAL GAS</i> MAP 182; LOT 217 LOWELL ROAD & CENTRAL STREET HUDSON, NEW HAMPSHIRE HILLSBOROUGH COUNTY						
	OWNER/APPLICANT: NOTTINGHAM SQUARE CORPORATION 46 LOWELL ROAD HUDSON, N.H. 03051					
	KAA KEACH-NORDSTROM ASSOCIATES, INC. Civil Engineering Land Surveying Landscape Architecture 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881					
PAUL PAUL CHISHOLM No. 15076 PAUL CHISHOLM No. 15076 CENSED NUMININ	No.         DATE           1         09-07-2023           2         10-25-2023           3         2-14-2024           4         3-13-2024           5         4-19-2024           6         5-9-2024           DATE:         JULY 10,           PROJECT NO: 18	REVISIONS PER TO REVISIONS PER TO REVS PER PB COM REVS PER REVS PER NHDE REVS PER 2023	IS CRIPTION WN AND PEER REVIEW WN AND PEER REVIEW MENTS & PEER REVIEW PB COMMENTS S SEWER COMMENTS PB COMMENTS PB COMMENTS SCALE: 1" = 30' SHEET 4 OF 20	BY BES PDC PCM PCM PCM PCM		



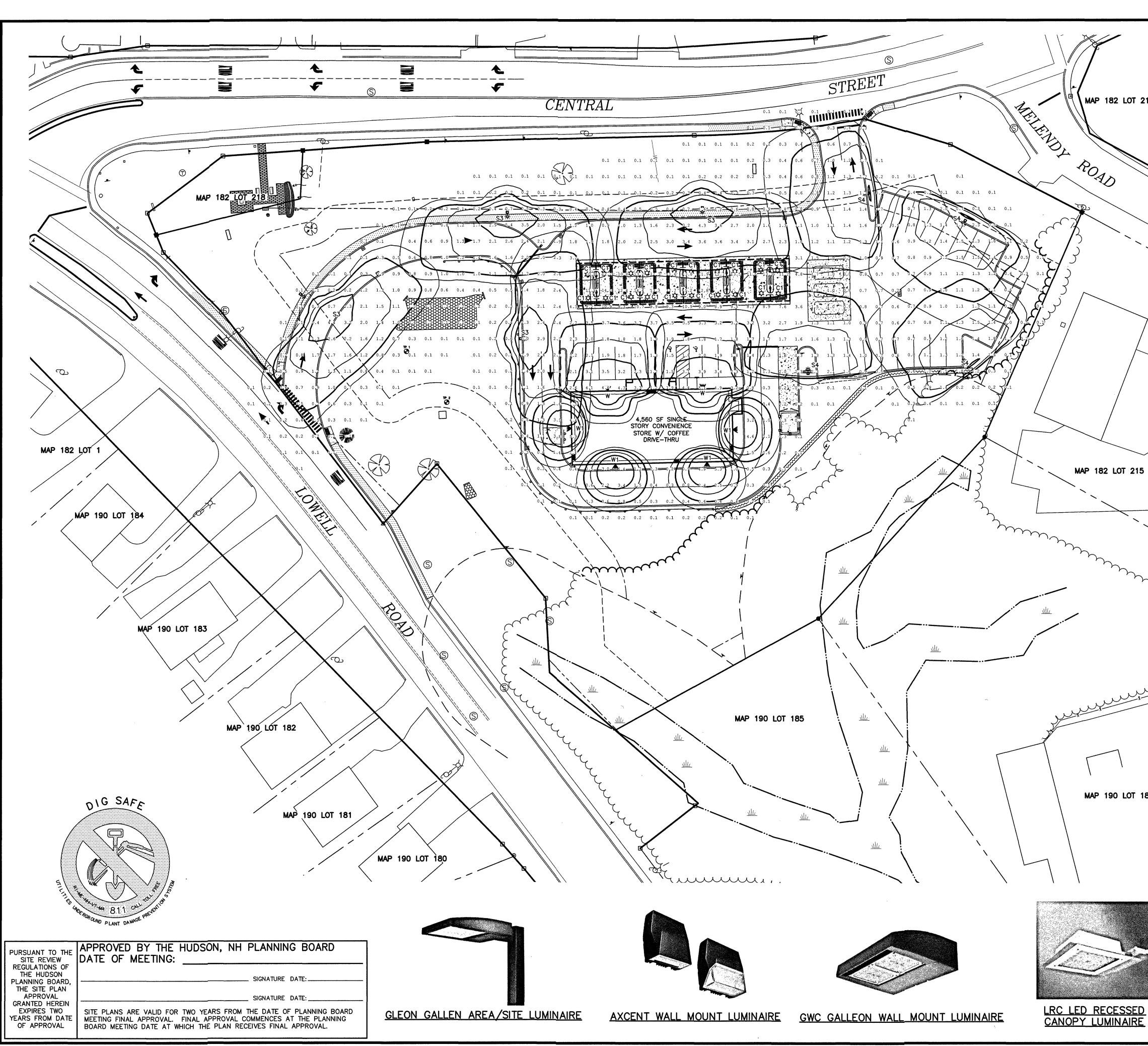








PLANTING SCHEDULE				
Botanical Name/ Common Name	<u>Size</u>	Label	<u>Quantity</u>	<u>Mature Height</u>
Trees				
Acer ruburm 'Autumn Radiance' / Autumn Radiance Red Maple	2.5-3" CAL.	AR	2	40-60'
Cornus kousa / Kousa Dogwood	2.5-3" CAL.	СК	5	20-30'
Pyrus calleryanna 'Chanticleer' / Chanticleer Flowering Pear	2.5-3" CAL.	PC	9	30-40'
<i>Syringa reticulata /</i> Japanese Lilac Tree	2.5-3" CAL.	SR	3	20-30'
Shrubs				
Azalea 'Bloom A Thon Lavender' / Bloom A Thon Lavender Azalea	#3	AB	8	4-5'
Hydrangea paniculata 'Bombshell' / Bombshell Panicle Hydrangea	#3	BH	9	3-4'
Pieris japonica 'Cavatine' / Cavatine Andromeda	#3	CA	27	3-4'
Thujas occidentalis 'Elegantissma'/Gold-tipped Arborvitae	5-6' B&B	GT	10	15-20'
Rhododendron 'Boule de Neige' / Boule de Neige Rhododendron	#3 Gal.	BR	14	6-8'
Grasses				
Panicum virgatum 'Shenandoah' / Shenandoah Switch Grass	#2 Gal.	PV	18	3-4'
Perennials				
Hemerocallis 'Joan Senior'/ Joan Senior	#1 Gal.	JS	18	18-24"
Hemerocallis 'Stella de Oro'/ Stella de Oro	#1 Gal.	SO	18	18-24"
BIORETENTION PLANTINGS				
Shrubs				
Aronia arbutifolia / Red Chokeberry	#3	AA	4	6-10'
Physocarpus opulifolius / Eastern Ninebark	#3	РО	3	5-8'
Morella caroliniensis / Small Bayberry	#3	MC	3	5-10'

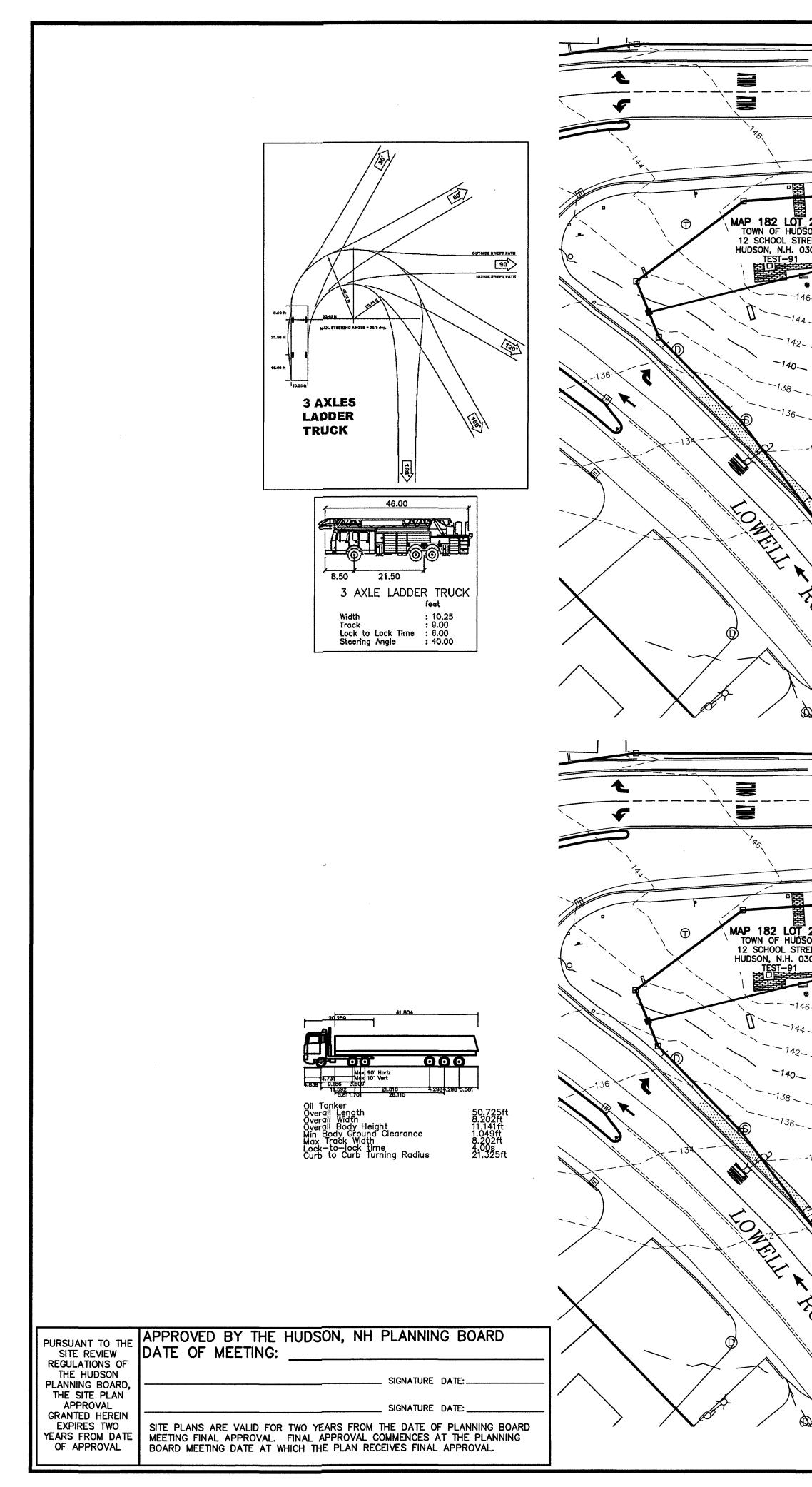


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	÷≯⊡	4	S4	SINGLE	GLEON-SA1C-740-U-T4FT-HSS / SSS4A20SFN1 (20' AFG)
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				●DH-F	DRILL HOLE FOUND
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86				LIGHTI CENTR MAP 182	FAX (603) 624-9764 SALES@CHARRONINC.COM BRIGHTER. NG PLAN AL GAS 2; LOT 217
186		LO	WEL	LIGHTI CENTR MAP 182 L ROAD &	FAX (603) 624-9764 SALES@CHARRONINC.COM BRIGHTER. NG PLAN PLAN CENTRAL STREET
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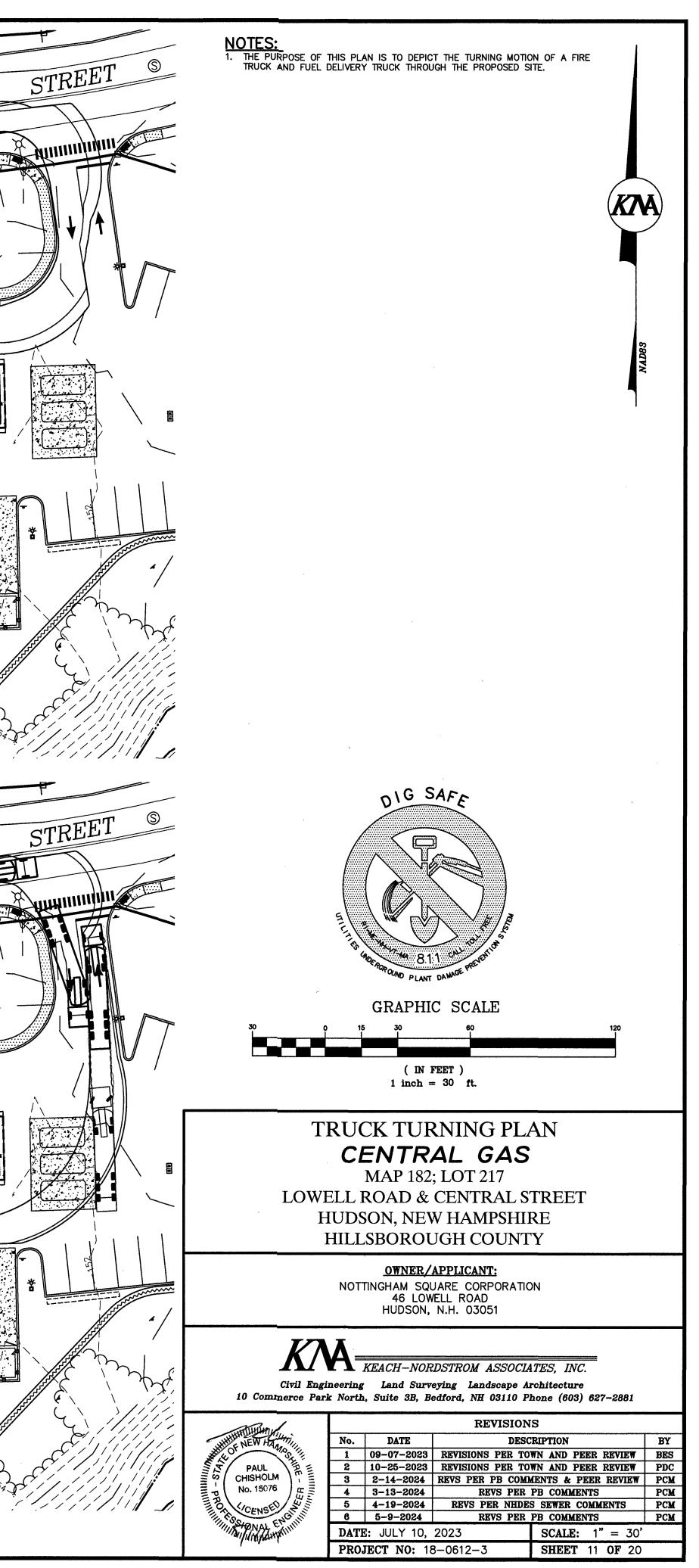
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	2	10-25-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	PDC			
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113 THINK BIRNIN	<b>DATE:</b> JULY 10, 2023 <b>SCALE:</b> 1" = 30'							
•		<b>JECT NO:</b> 18	8-0612-3	SHEET 10 OF 20				

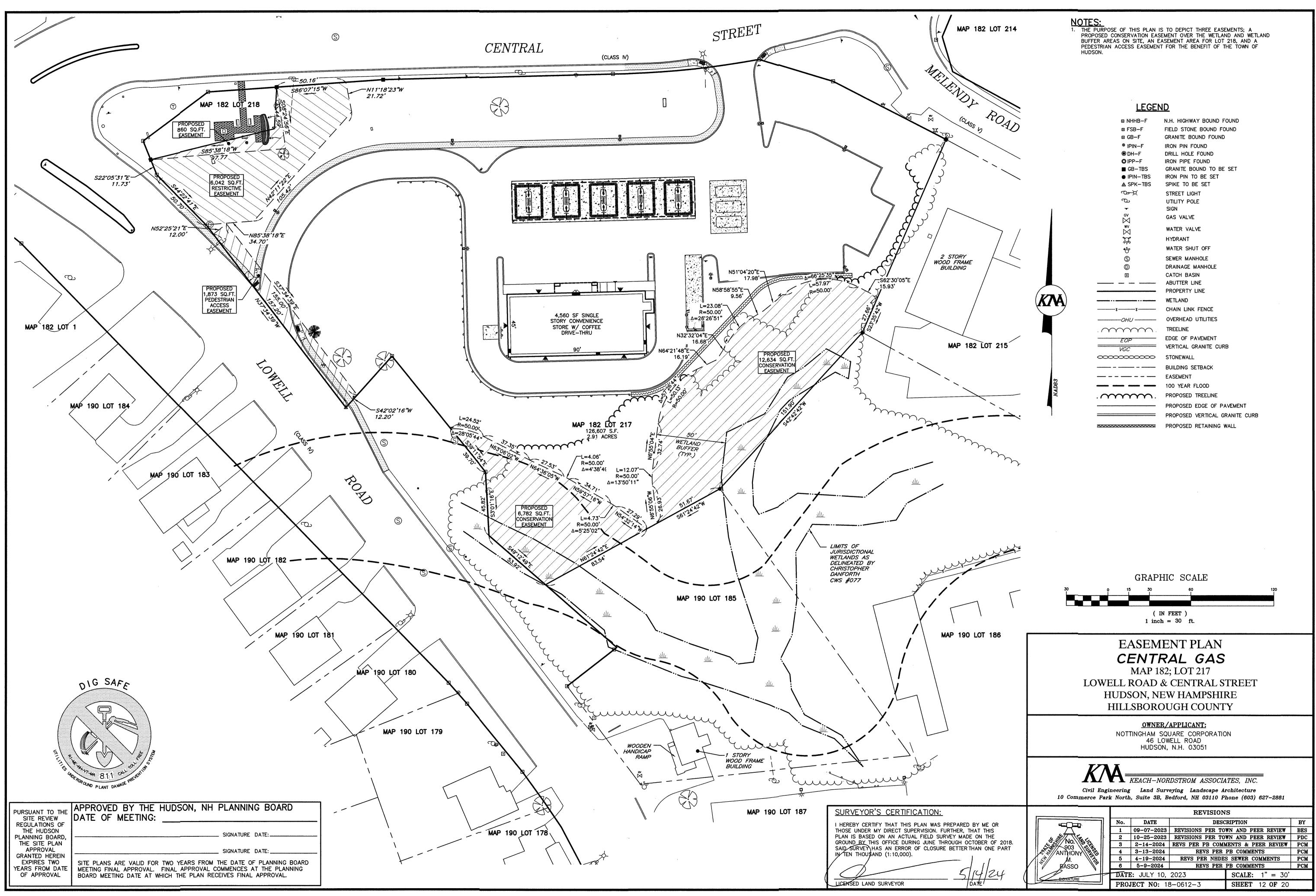
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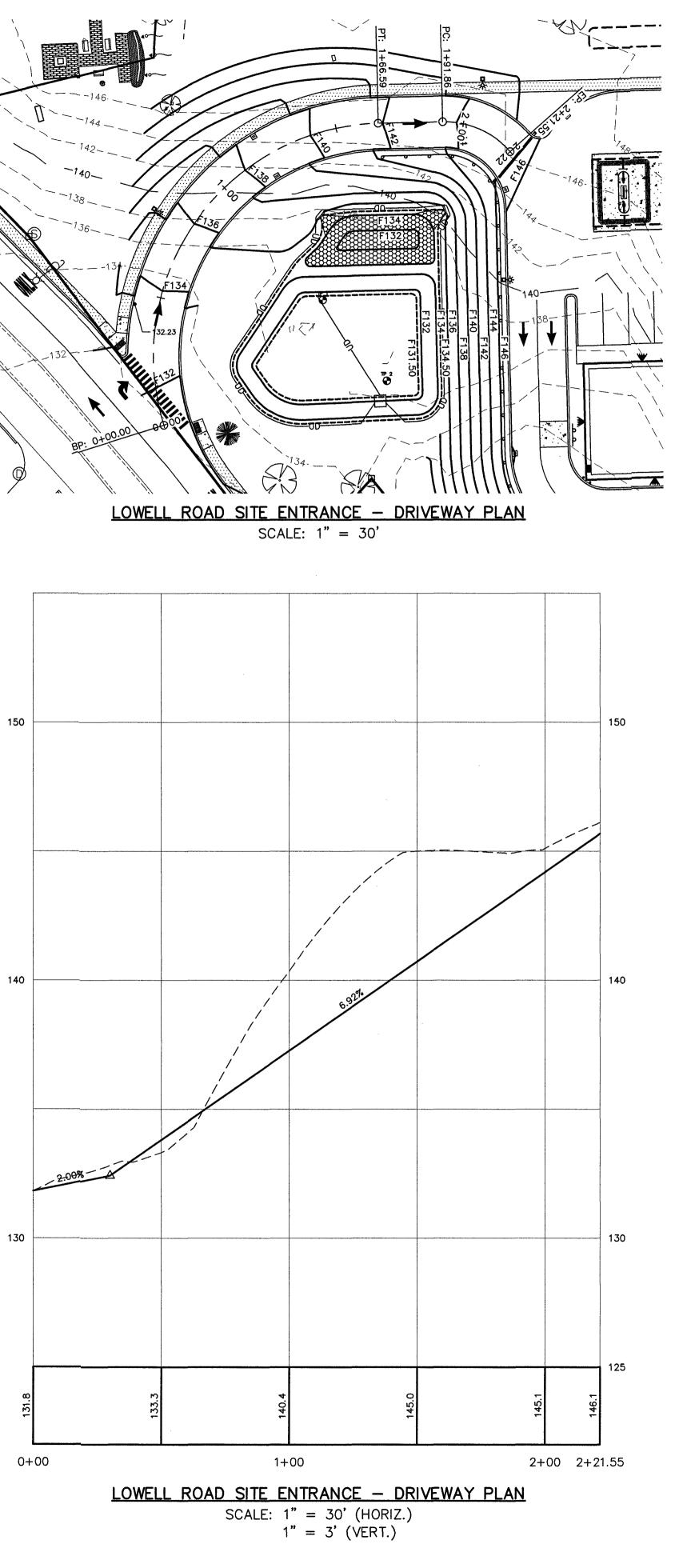




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# APPROVED BY THE HUDSON, NH PLANNING BOARD DATE OF MEETING: PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL SIGNATURE DATE:\_\_\_

SIGNATURE DATE: \_\_\_\_\_ SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



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© NHHB−F	N.H. HIGHWAY BOUND FOUND
■ FSB-F	FIELD STONE BOUND FOUND
⊡ GB-F	GRANITE BOUND FOUND
<sup>◎</sup> IPIN-F	IRON PIN FOUND
● DH-F	DRILL HOLE FOUND
OIPP-F	IRON PIPE FOUND
Ğ−X	STREET LIGHT
ب م	UTILITY POLE
GV	SIGN
Ň	GAS VALVE
₩V ⊠	WATER VALVE
ж Х	HYDRANT
*50	WATER SHUT OFF
Ś	SEWER MANHOLE
Ō	DRAINAGE MANHOLE
Ĩ	CATCH BASIN
	ABUTTER LINE
	PROPERTY LINE
OHU	OVERHEAD UTILITIES
	TREELINE
EOP	EDGE OF PAVEMENT
VGC	VERTICAL GRANITE CURB
	10' CONTOUR
	2' CONTOUR
	PROPOSED EDGE OF PAVEMENT
	PROPOSED SLOPED GRANITE CURE
	PROPOSED 2' CONTOUR



GRAPHIC SCALE

( IN FEET ) 1 inch = 30 ft.

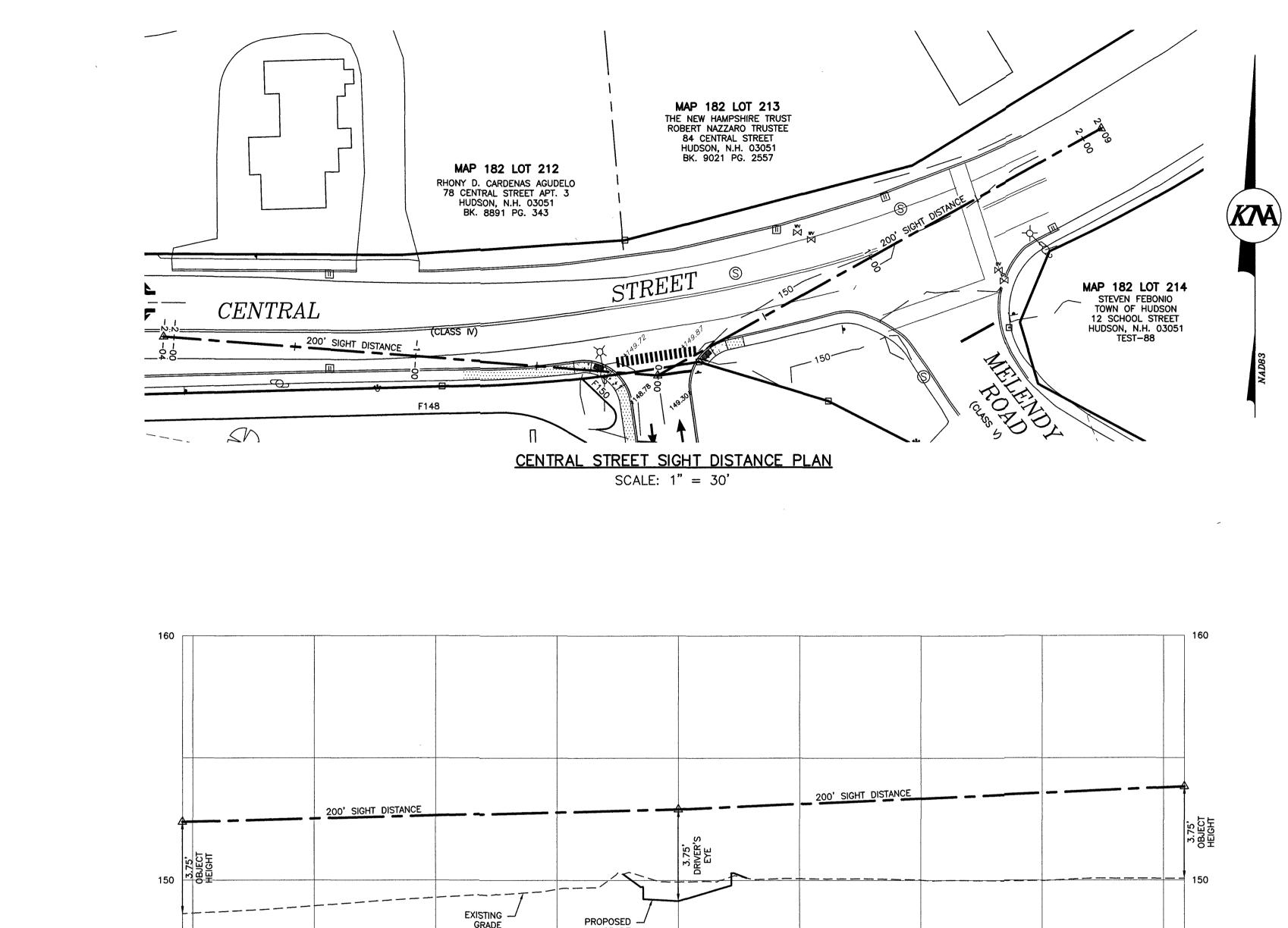
LOWELL ROAD ENTRANCE - DRIVEWAY PROFILE CENTRAL GAS MAP 182; LOT 217 LOWELL ROAD & CENTRAL STREET HUDSON, NEW HAMPSHIRE HILLSBOROUGH COUNTY

> OWNER/APPLICANT: NOTTINGHAM SQUARE CORPORATION 46 LOWELL ROAD HUDSON, N.H. 03051

KEACH-NORDSTROM ASSOCIATES, INC.

Civil Engineering Land Surveying Landscape Architecture 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627–2881

ashah.	REVISIONS					
PAUL CHISHOLM No. 15076 HOT SOLONAY ENGININ	No.	DATE	DESCRIPTION	BY		
	1	09-07-2023	<b>REVISIONS PER TOWN AND PEER REVIEW</b>	BES		
	2	10-25-2023	REVISIONS PER TOWN AND PEER REVIEW	PDC		
	3	2-14-2024	<b>REVS PER PB COMMENTS &amp; PEER REVIEW</b>	PCM		
三字(No. 15076) 広三	4	3-13-2024	<b>REVS PER PB COMMENTS</b>	PCM		
CENSED W	5	4-19-2024	<b>REVS PER NHDES SEWER COMMENTS</b>	РСМ		
THE SOCIAL ENGINE	6	5-9-2024	REVS PER PB COMMENTS	PCM		
No. 15076	DATI	3: JULY 10,	2023 <b>SCALE:</b> 1" = 30"			
- / (/0 )	PROJECT NO: 18-0612-3 SHEET 13 OF 20					

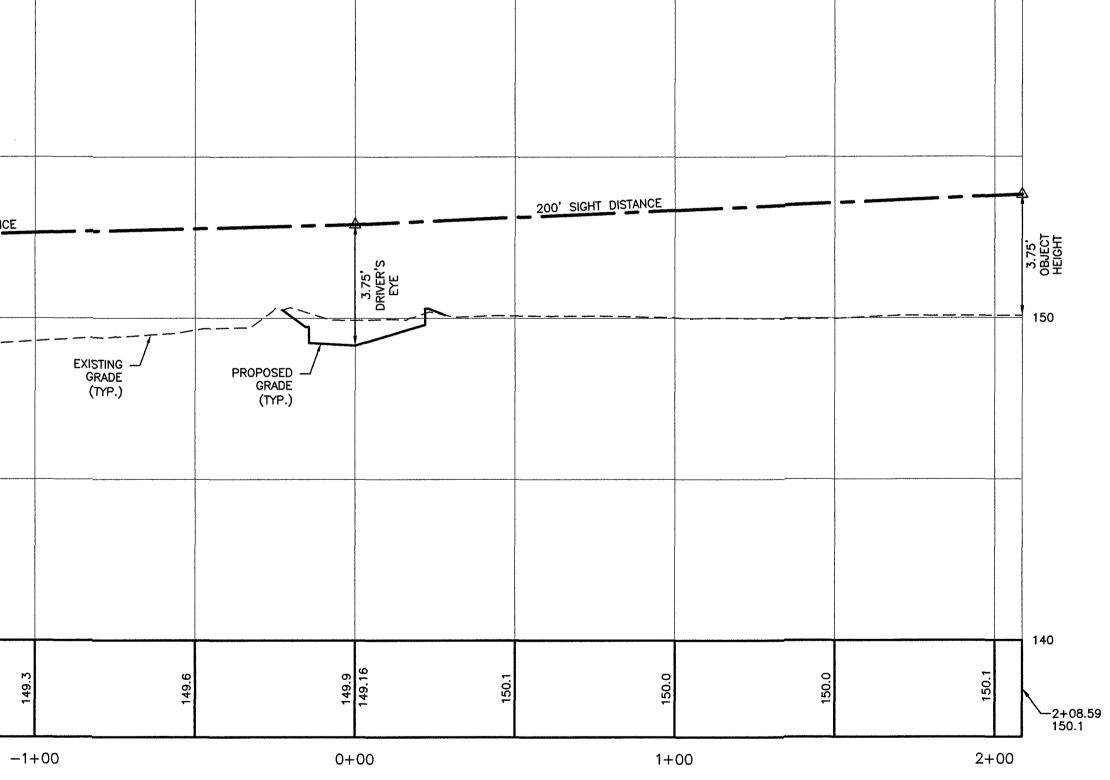


PURSUANT SITE RI		APPROVED BY THE HUDSON, NH PLANNING BOARD DATE OF MEETING:
REGULATI THE HU PLANNING	DSON	
THE SITE APPRO	E PLAN VAL	SIGNATURE DATE:
GRANTED EXPIRES YEARS FR OF APP	S TWO DM DATE	SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

--2+00

148.6

-2+04.29



CENTRAL STREET SIGHT DISTANCE PROFILE SCALE: 1" = 30' (HORIZ.) 1" = 3' (VERT.)

NHHB—F	N.H. HIGHWAY BOUND FOUND
▣ FSB-F	FIELD STONE BOUND FOUND
□ GBF	GRANITE BOUND FOUND
● IPIN-F	IRON PIN FOUND
	DRILL HOLE FOUND IRON PIPE FOUND
کب ۱ – ۱ = ۵	STREET LIGHT
ن ص	UTILITY POLE
-	SIGN
GV	GAS VALVE
** M	WATER VALVE
ж Х	HYDRANT
*20	WATER SHUT OFF
S	SEWER MANHOLE
Ø	DRAINAGE MANHOLE
Ξ	CATCH BASIN
) 	ABUTTER LINE
OHU	PROPERTY LINE OVERHEAD UTILITIES
	TREELINE
	EDGE OF PAVEMENT
EOP	VERTICAL GRANITE CURB
VGC	10' CONTOUR
	2' CONTOUR
	PROPOSED EDGE OF PAVEMENT
	PROPOSED SLOPED GRANITE CURB
	PROPOSED 2' CONTOUR



GRAPHIC SCALE

( IN FEET ) 1 inch = 30 ft.

## SIGHT DISTANCE PLAN & PROFILE CENTRAL GAS MAP 182; LOT 217 LOWELL ROAD & CENTRAL STREET HUDSON, NEW HAMPSHIRE

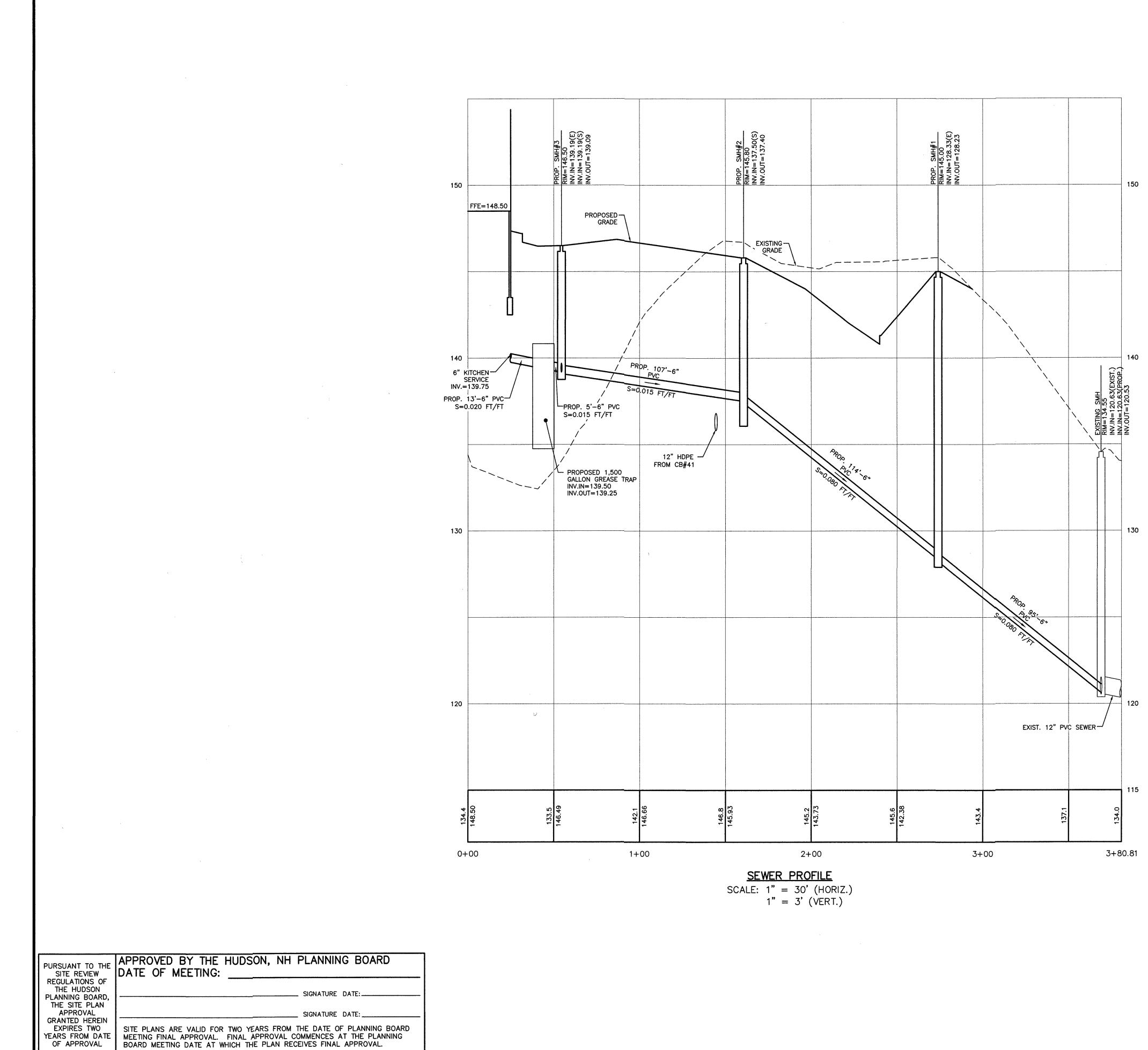
HILLSBOROUGH COUNTY

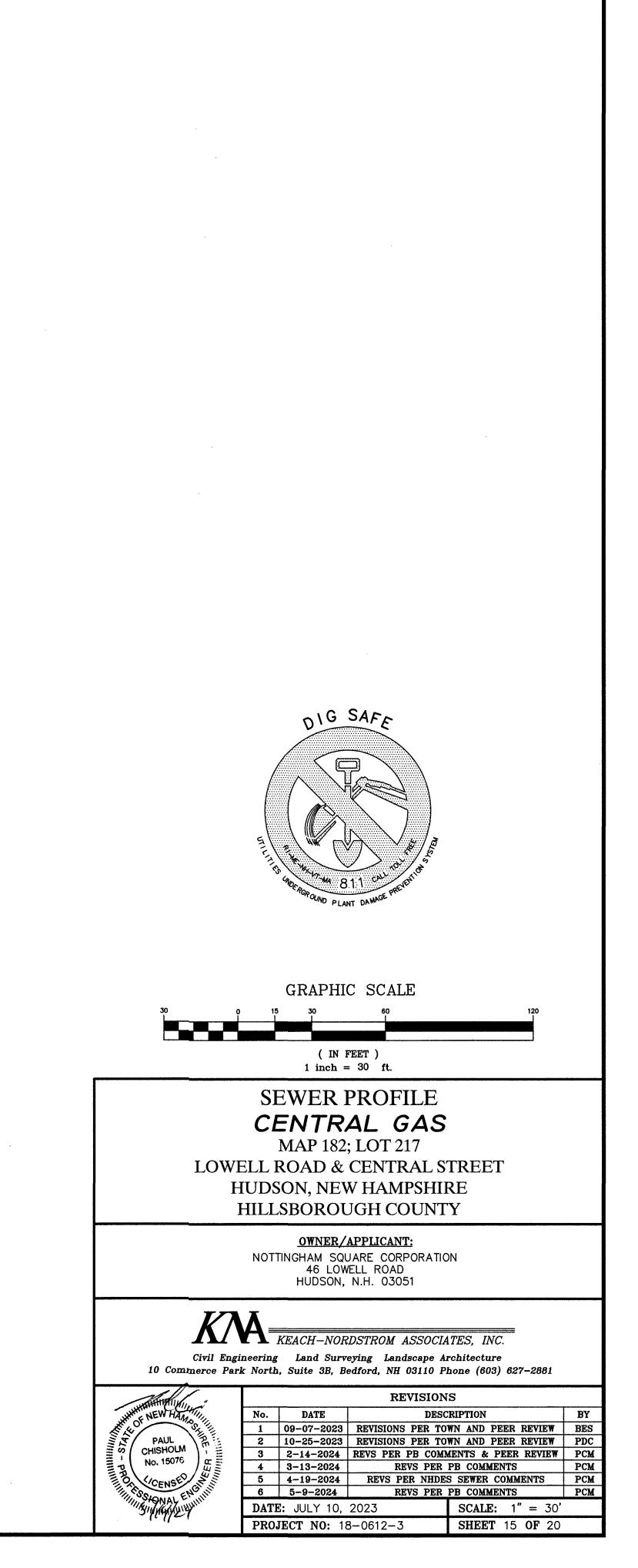
OWNER/APPLICANT: NOTTINGHAM SQUARE CORPORATION 46 LOWELL ROAD HUDSON, N.H. 03051

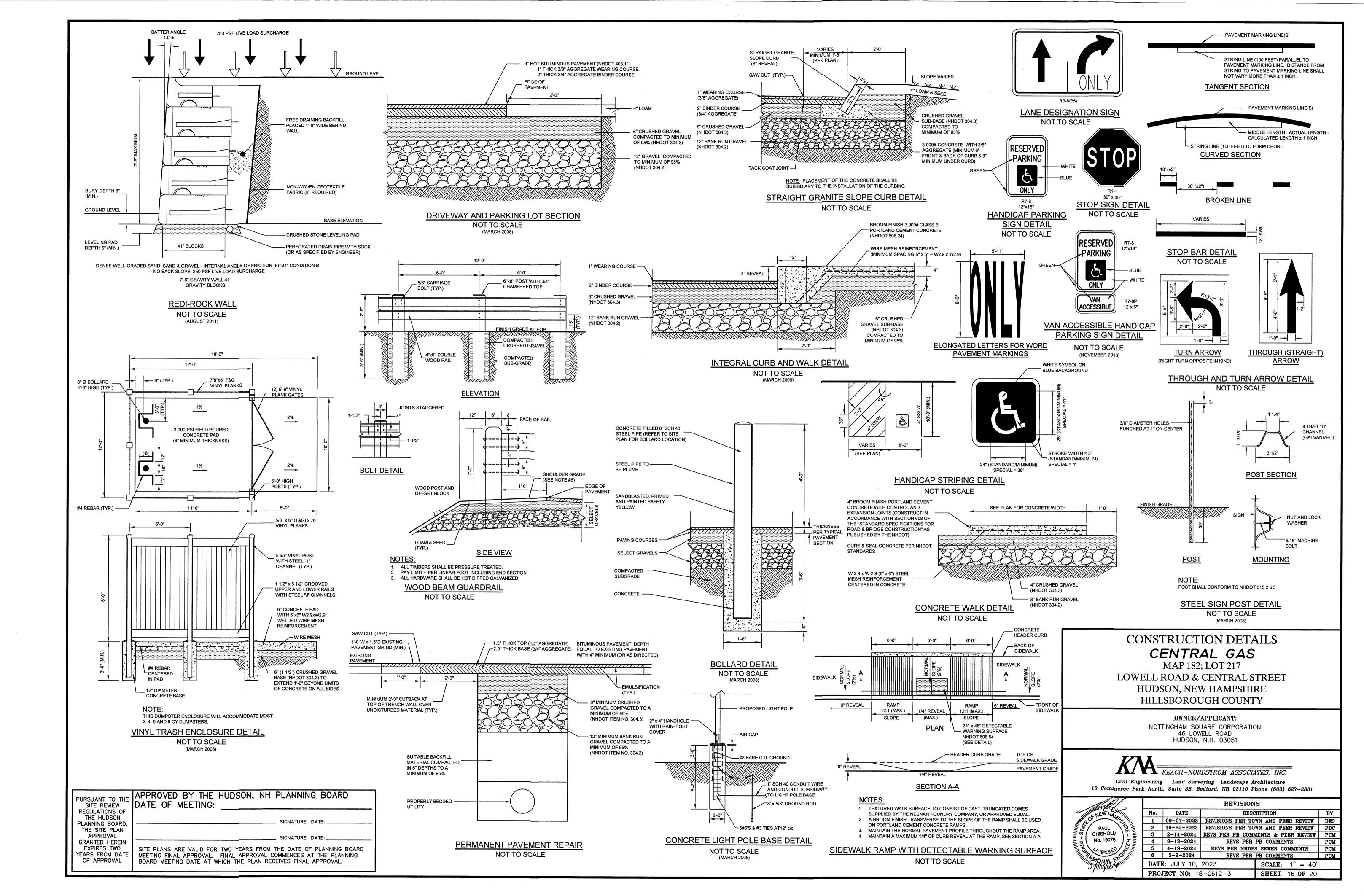
KEACH-NORDSTROM ASSOCIATES, INC.

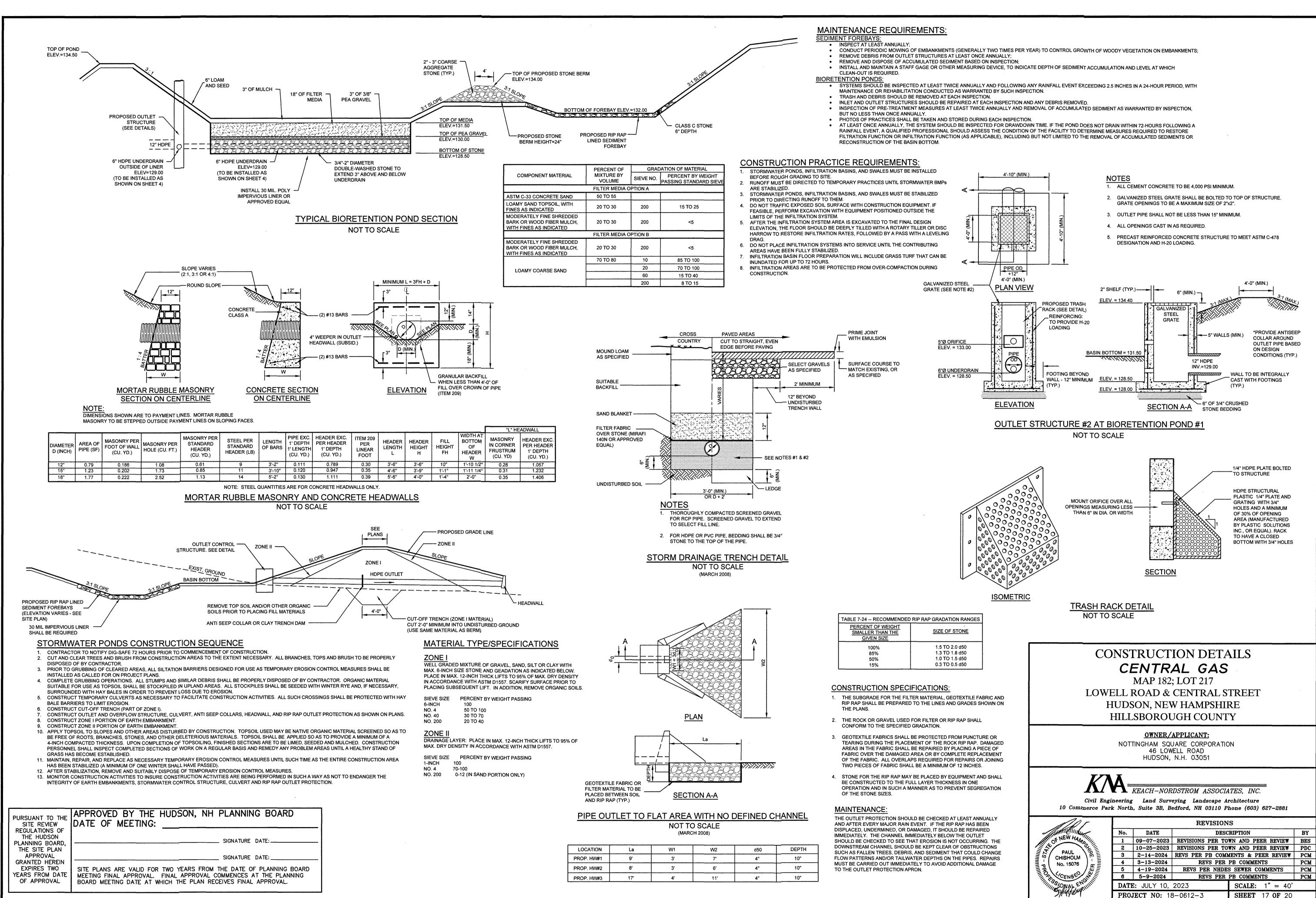
Civil Engineering Land Surveying Landscape Architecture 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627–2881

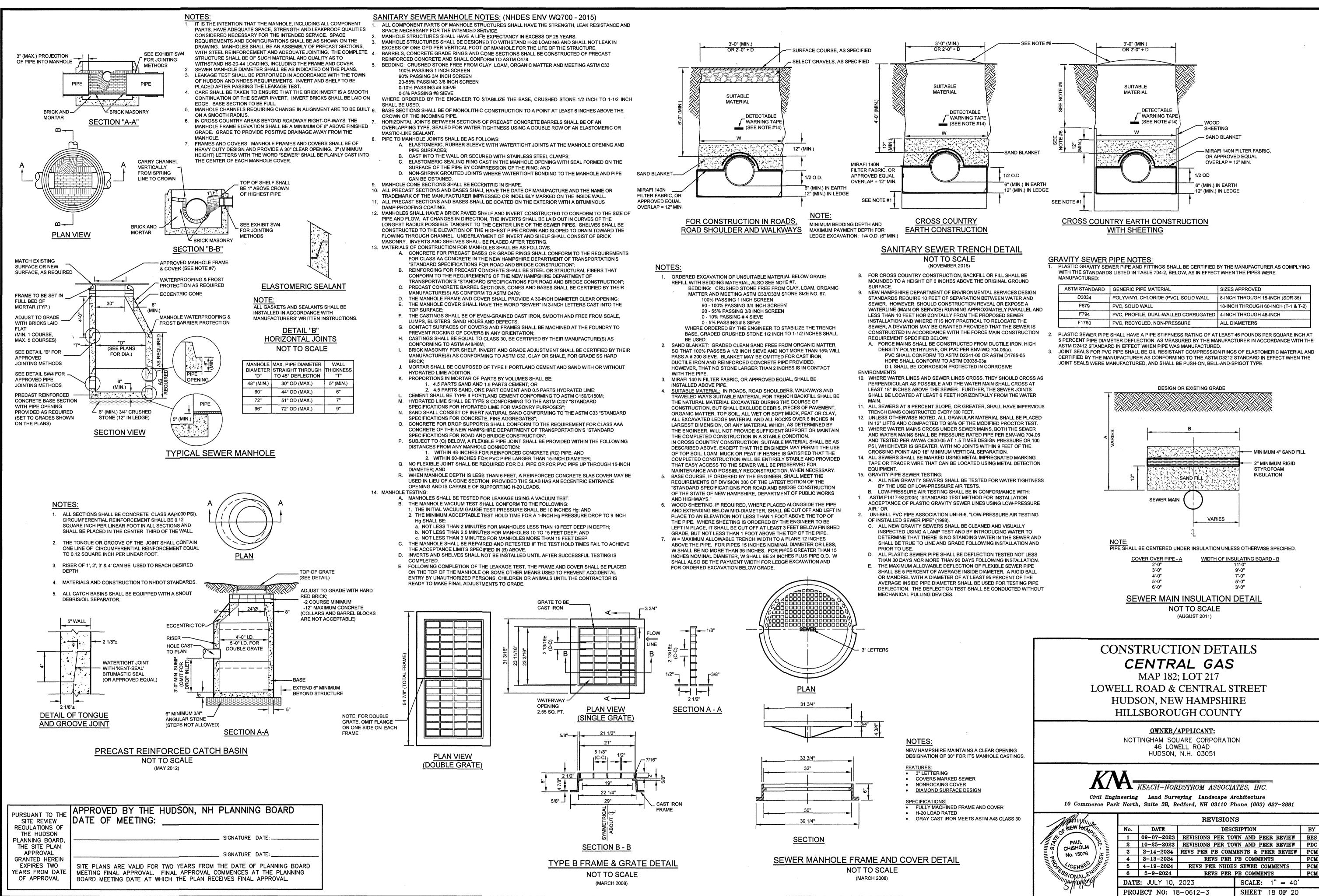
Baller -		REVISIONS							
E OF NEW HAMAS	No.	DATE	DESC	RIPTION	BY				
PAUL CHISHOLM	1	09-07-2023	REVISIONS PER TO	WN AND PEER REVIEW	BES				
PAUL THE	2	10-25-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	PDC				
	3	2-14-2024	REVS PER PB COMM	ENTS & PEER REVIEW	PCM				
No. 15076	4	3-13-2024	REVS PER	PB COMMENTS	PCM				
CENSED W	5	4-19-2024	REVS PER NHDES	S SEWER COMMENTS	PCM				
CENSE OF MIL	6	5-9-2024	REVS PER	PB COMMENTS	PCM				
No. 15076	DATI	<b>DATE:</b> JULY 10, 2023 <b>SCALE:</b> 1" = 30'							
		JECT NO: 18	8-0612-3	SHEET 14 OF 20					





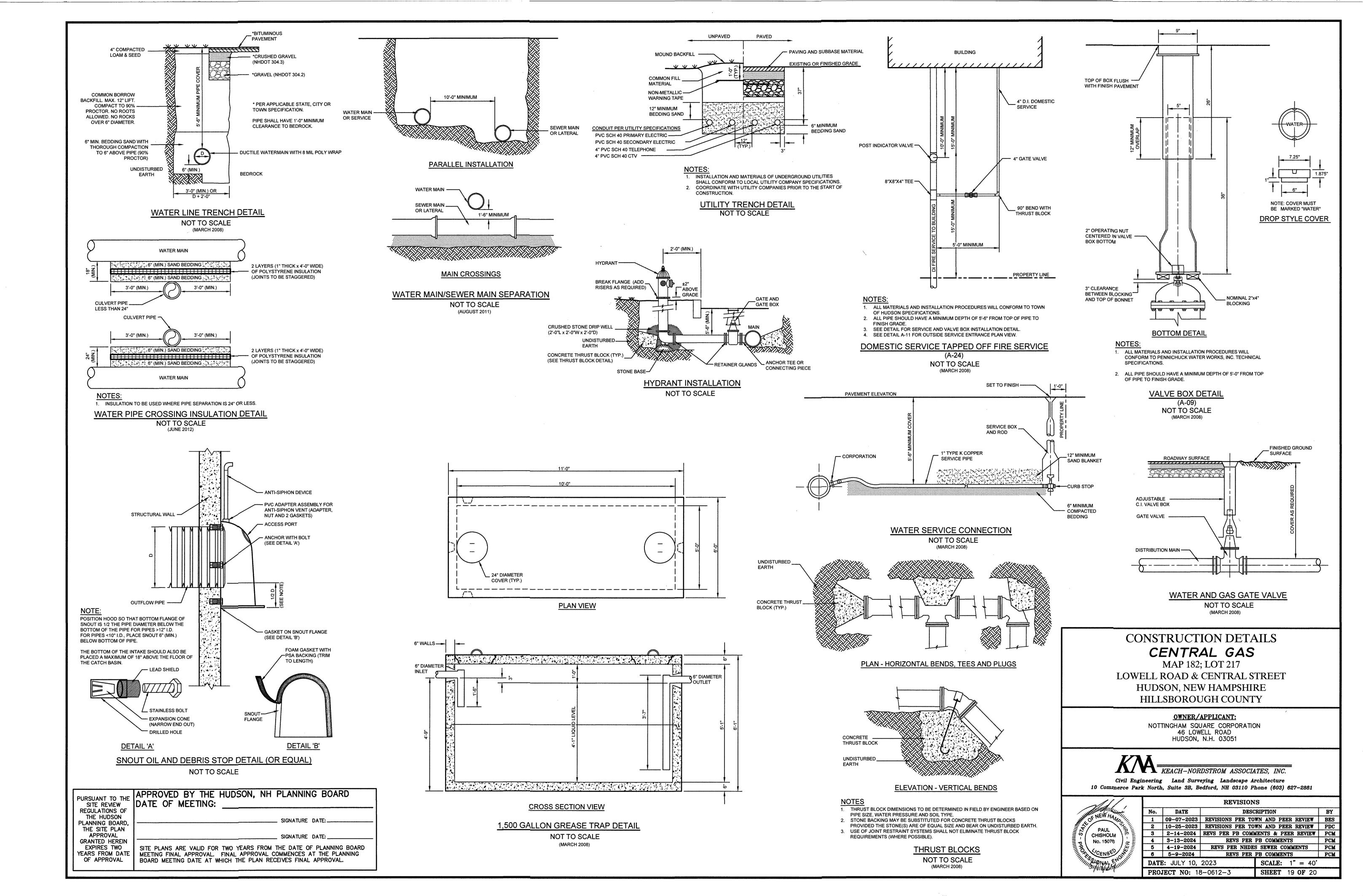


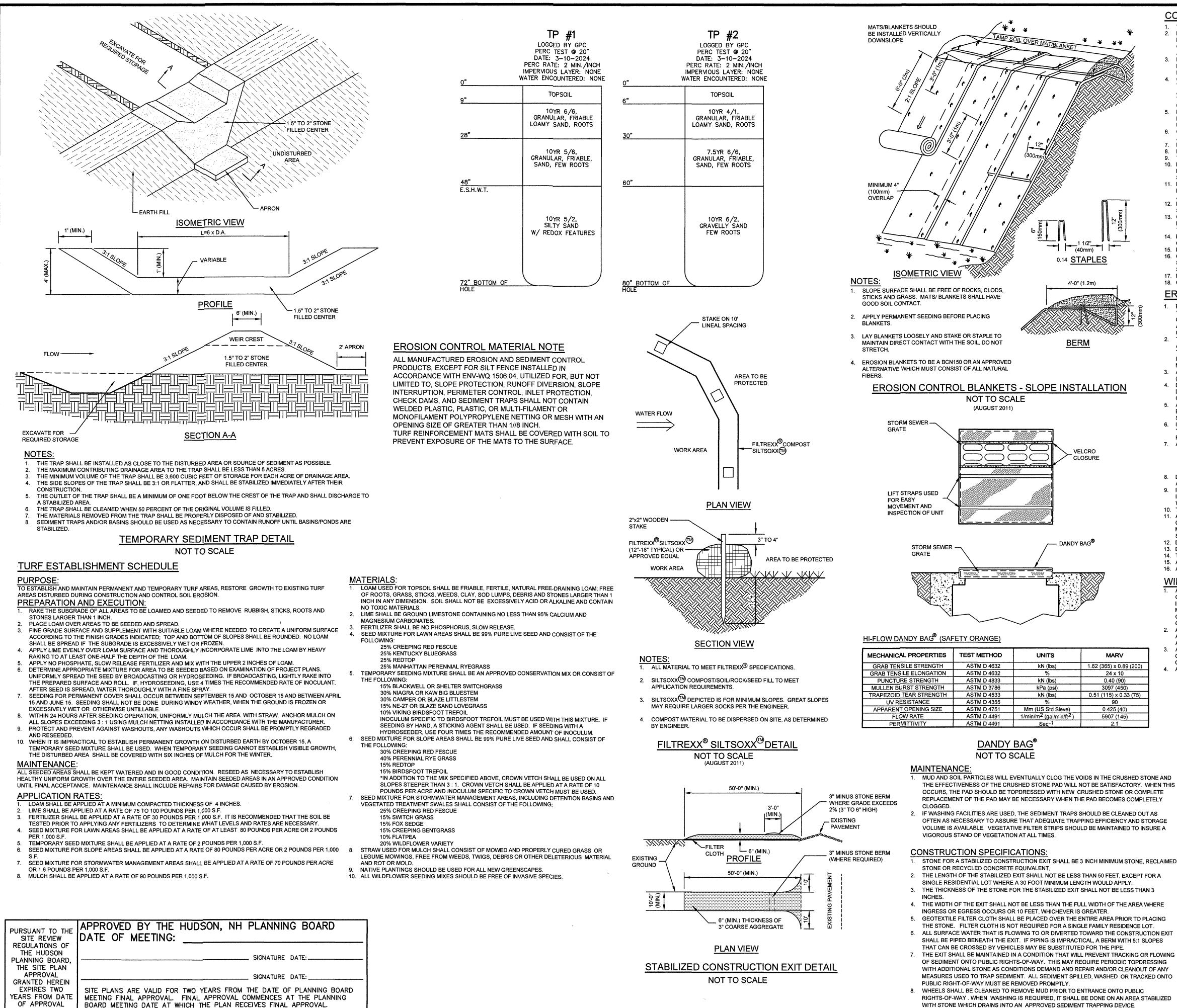




ASTM STANDARD		
ASTWISTANDARD	GENERIC PIPE MATERIAL	SIZES APPROVED
D3034	POLYVINYL CHLORIDE (PVC), SOLID WALL	8-INCH THROUGH 15-INCH (SDR 35)
F679	PVC, SOLID WALL	18-INCH THROUGH 60-INCH (T-1 & T-2)
F794	PVC, PROFILE, DUAL-WALLED CORRUGATED	4-INCH THROUGH 48-INCH
F1760	PVC, RECYCLED, NON-PRESSURE	ALL DIAMETERS

A MANUNINA MANUNA		REVISIONS								
NEW HATAS	No.	DATE	DESC	RIPTION	BY					
	1	09-07-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	BES					
	2	10-25-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	PDC					
No. 15076	3	2-14-2024	REVS PER PB COMM	MENTS & PEER REVIEW	PCM					
	4	3-13-2024	REVS PER	PB COMMENTS	PCM					
CENSE	5	4-19-2024	REVS PER NHDE	S SEWER COMMENTS	PCM					
No. 15076	6	5-9-2024	REVS PER	PB COMMENTS	PCM					
SSIONAL ENGININ	<b>DATE:</b> JULY 10, 2023 <b>SCALE:</b> 1" = 40'									
	PRO	JECT NO: 18	8-0612-3	SHEET 18 OF 20						





WITH STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

9. THE MOUNTABLE BERM IS REQUIRED FOR 50' LONG EXITS.

#### CONSTRUCTION SEQUENCE

- THE CONTRACTOR WILL ENSURE THAT NO MORE THAN 5 ACRES IS DISTURBED AT ANY ONE TIME.
- FIRST CUT AND CLEAR TREES AND BRUSH ONLY WITHIN DESIGNATED LIMITS OF CLEARING AS NECESSARY TO FACILITATE PROPOSED CONSTRUCTION. ALL TREES, BRANCHES AND OTHER VEGETATIVE MATERIALS SHALL BE PROPERLY DISPOSED OF OFF SITE BY THE CONTRACTOR. THIS PROJECT IS MANAGED TO MEET THE REQUIREMENTS AND INTENT OF RSA 430:53 AND AGR 3800 RELATIVE TO INVASIVE SPECIES.
- PRIOR TO COMMENCEMENT OF ANY EARTHMOVING OPERATIONS, ALL APPLICABLE TEMPORARY EROSION CONTROL MEASURES, INCLUDING SPECIFIED PERIMETER SILTATION FENCING AND STABILIZED CONSTRUCTION EXIT SHALL BE IN PLACE AS SHOWN ON THE PROJECT PLANS
- COMPLETE GRUBBING OPERATIONS. ALL STUMPS AND SIMILAR ORGANIC DEBRIS SHALL BE PROPERLY DISPOSED OF BY THE CONTRACTOR. NATIVE ORGANIC SOIL MATERIALS SUITABLE FOR USE AS TOPSOIL SHALL BE STOCKPILED WITHIN AREAS OUT OF THE WAY OF OTHER CONSTRUCTIONS ACTIVITIES AND DRAINAGE FLOW. STOCKPILES SHALL BE TEMPORARILY SEEDED WITH WINTER RYE AND BE SURROUNDED WITH STRAW BALES AND/OR FABRIC SILTATION FENCE IN ORDER TO PREVENT LOSS DUE TO EROSION.
- 5. BEGIN EARTHMOVING OPERATIONS, COMMENCING WITH WORK NEEDED TO BALANCE SITE AND FACILITATE BUILDING FOUNDATION AND RETAINING WALL CONSTRUCTION. PERMANENT DOWNSLOPE WORK SHALL BE PROTECTED FROM UPGRADIENT STORMWATER FLOW BY THE CONSTRUCTION OF TEMPORARY EARTHEN DIKES OR EXCAVATED SWALES. ONCE BUILDING FOUNDATION WORK IS UNDERWAY, CONTINUE EARTHMOVING OPERATIONS UNTIL DESIGN SUBGRADE IS ACHIEVED.
- DETENTION BASINS/SWALES SHALL BE INSTALLED BEFORE ROUGH GRADING THE SITE DITCHES/SWALES/BASINS \$HALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM
- 9. TEMPORARY WATER DIVERSION (SWALES, BASINS, ETC.) MUST BE USED AS NECESSARY UNTIL SOILS ARE STABILIZED. 10. INSTALL DRAINAGE SWALE SYSTEMS AND OTHER UTILITIES WORKING FROM LOW TO HIGH. INCOMPLETE WORK SHALL BE PROTECTED FROM SILTATION BY THE USE OF SILTATION BARRIERS AROUND SWALES UNTIL THE SITE HAS BECOME FULLY STABILIZED
- 11. DEEPLY TILL THE BASE OF THE INFILTRATION BASIN TO RESTORE INFILTRATION RATES FOLLOWED BY A PASS WITH A LEVELING DRAG. STORMWATER FLOWS ARE NOT TO BE DIRECTED TO THE INFILTRATION AREA UNTIL CONTRIBUTING AREAS HAVE BEEN FULLY STABILIZED.
- 12. PLACE GRAVEL AND CRUSHED GRAVEL OVER PROPOSED DRIVEWAY, WALKS AND PARKING AREAS AND COMPACT IN SPECIFIED LIFT THICKNESS
- 13. COMPLETE EXCAVATION/STABILIZATION GRADING ACTIVITIES. WHEN COMPLETE, IMMEDIATELY BEGIN TOPSOILING PROPOSED TURF AREAS USING STOCKPILED LOAM SUPPLEMENTED WITH BORROW LOAM, IF NECESSARY, TO LEAVE A THICKNESS OF 4 INCHES OF FRIABLE LOAM.
- 14. FINE GRADE ALL FUTURE TURF AREAS AND HYDROSEED WITH THE SPECIFIED SEED MIXTURE IMMEDIATELY AFTER FINE GRADING IS COMPLETED. ALL AREAS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISH GRADE. 15. INSTALL THE BINDER COURSE OF PAVEMENT OVER ALL DESIGNATED AREAS.
- 16. CONTINUE TO MONITOR AND RECTIFY MINOR SITE AND SLOPE EROSION UNTIL ENTIRE SITE APPEARS TO BE COMPLETELY STABILIZED AND VEGETATED WITH A HEALTHY STAND OF TURF OR GROUND COVER. MAINTAIN SPECIFIED SILTATION/EROSION CONTROL MEASURES THROUGH ONE WINTER.
- 17. INSTALL THE SPECIFIED WEARING COURSE OF PAVEMENT OVER THE BINDER COURSE 18. COMPLETE INSTALLATION OF LANDSCAPING, SIGNAGE AND OTHER SITE AMENITIES.

#### EROSION CONTROL NOTES

- EXPOSED EARTHWORK SHALL BE CONFINED TO AS LIMITED AN AREA AS IS PRACTICAL AT ANY GIVEN TIME THROUGHOUT THE CONSTRUCTION SEQUENCE. AT NO TIME SHALL MORE THAN FIVE (5) ACRES OF SITE AREA BE IN AN UNSTABLE CONDITION UNLESS AN ENVIRONMENTAL MONITOR IS EMPLOYED THROUGH THE DURATION OF CONSTRUCTION. NO GIVEN AREA OF THE SITE SHALL BE LEFT IN AN UNSTABILIZED CONDITION FOR A PERIOD OF TIME EXCEEDING FORTY-FIVE (45) CALENDAR DAYS.
- TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTALLED IN STRICT ACCORDANCE WITH PROJECT PLANS. IN ADDITION, SIMILAR MEASURES SHALL BE INSTALLED WHERE AND WHEN THE FIELD CONDITION, OR FIELD OPERATION OF THE INDIVIDUAL SITE CONTRACTOR, MAY WARRANT. ALL TEMPORARY EROSION CONTROL MEASURES USED SHALL BE INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER 0.25" OF RAINFALL OR MORE. THEY SHALL BE CLEANED AND MAINTAINED AND OTHERWISE KEPT IN AN EFFECTIVE OPERATING MANNER THROUGHOUT THE CONSTRUCTION PERIOD.
- 3. ALL DISTURBED AREAS DESIGNATED TO BE TURF, SHALL RECEIVE A MINIMUM APPLICATION OF 4 INCHES OF LOAM (COMPACTED THICKNESS), PRIOR TO FINAL SEEDING AND MULCHING. 4. EROSION CONTROL AND STABILIZATION SHALL BE IN ACCORDANCE WITH HILLSBOROUGH COUNTY CONSERVATION
- DISTRICT-VEGETATIVE STANDARD AND SPECIFICATIONS FOR SEEDING GRASSES AND LEGUMES FOR LONG-TERM COVER **ON EXCAVATED AREAS** 5. ALL SWALES AND DITCHLINES SHALL BE PERIODICALLY CLEANED OF DEPOSITED SEDIMENT SO AS TO MAINTAIN AN
- EFFECTIVE GRADE AND CROSS SECTION. ALL SWALES AND DITCHLINES SHALL BE FULLY STABILIZED PRIOR TO HAVING STORMWATER DIRECTED TOWARDS THEM. 6. IN THE EVENT THAT, DURING CONSTRUCTION OF ANY PORTION OF THIS PROJECT, A WINTER SHUTDOWN IS NECESSARY,
- THE CONTRACTOR SHALL STABILIZE ALL INCOMPLETE WORK AND PROVIDE FOR SUITABLE METHODS OF DIVERTING RUNOFF IN ORDER TO ELIMINATE SHEET FLOW ACROSS FROZEN SURFACES.
- 7. AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED
  - A. BASE COURSE GRAVELS ARE INSTALLED IN AREAS TO BE PAVED; B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
  - C. A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED; OR
- D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED. 8. DUST SHALL BE CONTROLLED BY THE USE OF WATER AS NECESSARY THROUGHOUT THE CONSTRUCTION PERIOD, IN ACCORDANCE WITH ENV-A 1000.
- 9. IN NO WAY ARE THOSE TEMPORARY EROSION CONTROL MEASURES INDICATED ON THESE PLANS TO BE CONSIDERED ALL INCLUSIVE. THE CONTRACTOR SHALL USE JUDGEMENT IN INSTALLING SUPPLEMENTARY EROSION CONTROL MEASURES WHERE AND WHEN SPECIFIC SITE CONDITIONS AND/OR CONSTRUCTION METHODOLOGIES MAY WARRANT
- 10. THE TOWN RESERVES THE RIGHT TO REQUIRE ADDITIONAL EROSION CONTROL MEASURES DURING CONSTRUCTION 11. AREAS HAVING FINISH GRADE SLOPES OF 3 : 1 OR STEEPER, SHALL BE STABILIZED WITH JUTE MATTING WHEN AND IF FIELD CONDITIONS WARRANT, OR IF SO ORDERED. JUTE MATTING INSTALLED TO CONFORM WITH THE RECOMMENDED BEST MANAGEMENT PRACTICE OUTLINED IN VOLUME 3 OF THE NEW HAMPSHIRE STORMWATER MANUAL "EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION."
- 12. DETENTION BASINS/SWALES SHALL BE INSTALLED BEFORE ROUGH GRADING THE SITE 13. DITCHES/SWALES/BASINS \$HALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM
- 14. TEMPORARY WATER DIVERSION (SWALES, BASINS, ETC.) MUST BE USED AS NECESSARY UNTIL SOILS ARE STABILIZED.
- 15. ALL ROADWAYS AND PARKING AREAS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE. 16. ALL CUT AND FILL SLOPES SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.

#### WINTER CONSTRUCTION NOTES:

- . ALL PROPOSED POST-DEVELOPMENT VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 4:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE. THE PLACEMENT OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS.
- 2. ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS
- AFTER OCTOBER 15TH, INCOMPLETE ROAD OR PARKING SURFACES SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHOOT ITEM 304.3 OR, IF CONSTRUCTION IS TO CONTINUE THROUGH THE WINTER SEASON, BE CLEARED OF ANY ACCUMULATED SNOW AFTER EACH STORM EVENT.
- AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
- A. BASE COURSE GRAVELS ARE INSTALLED IN AREAS TO BE PAVED; B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
- C. A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED: OR D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
- 3097 (450) 0.51 (115) x 0.33 (75 0.425 (40) 5907 (145)

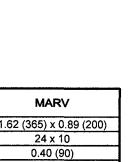
CENTRAL GAS MAP 182; LOT 217 LOWELL ROAD & CENTRAL STREET HUDSON, NEW HAMPSHIRE HILLSBOROUGH COUNTY

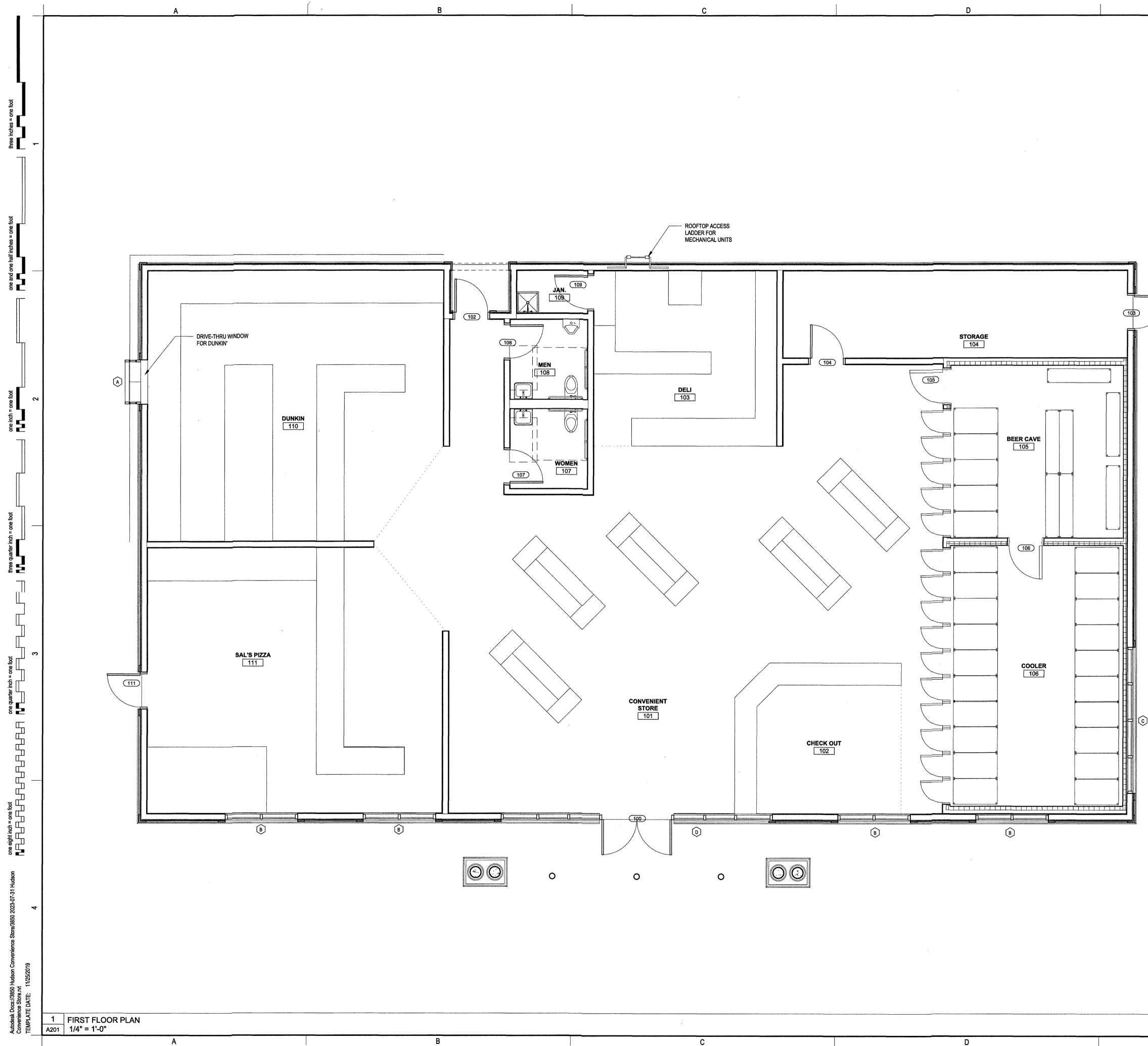
**CONSTRUCTION DETAILS** 

**OWNER/APPLICANT:** NOTTINGHAM SQUARE CORPORATION 46 LOWELL ROAD HUDSON, N.H. 03051

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

		REVISIONS					
THE NEW HATTE	No.	DATE	DESC	CRIPTION	BY		
PAUL CHISHOLM	1	09-07-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	BES		
	2	10-25-2023	<b>REVISIONS PER TO</b>	WN AND PEER REVIEW	PDC		
	3	2-14-2024	REVS PER PB COM	MENTS & PEER REVIEW	PCM		
■ P No. 15076 ) 缶 三	4	3-13-2024	REVS PER	PB COMMENTS	PCM		
CENSED W	5	4-19-2024	REVS PER NHDE	S SEWER COMMENTS	PCM		
TS CENSENGIUM	6	5-9-2024	REVS PER	PB COMMENTS	PCM		
SUITER	DATE: JULY 10, 2023			<b>SCALE:</b> $1'' = 40'$			
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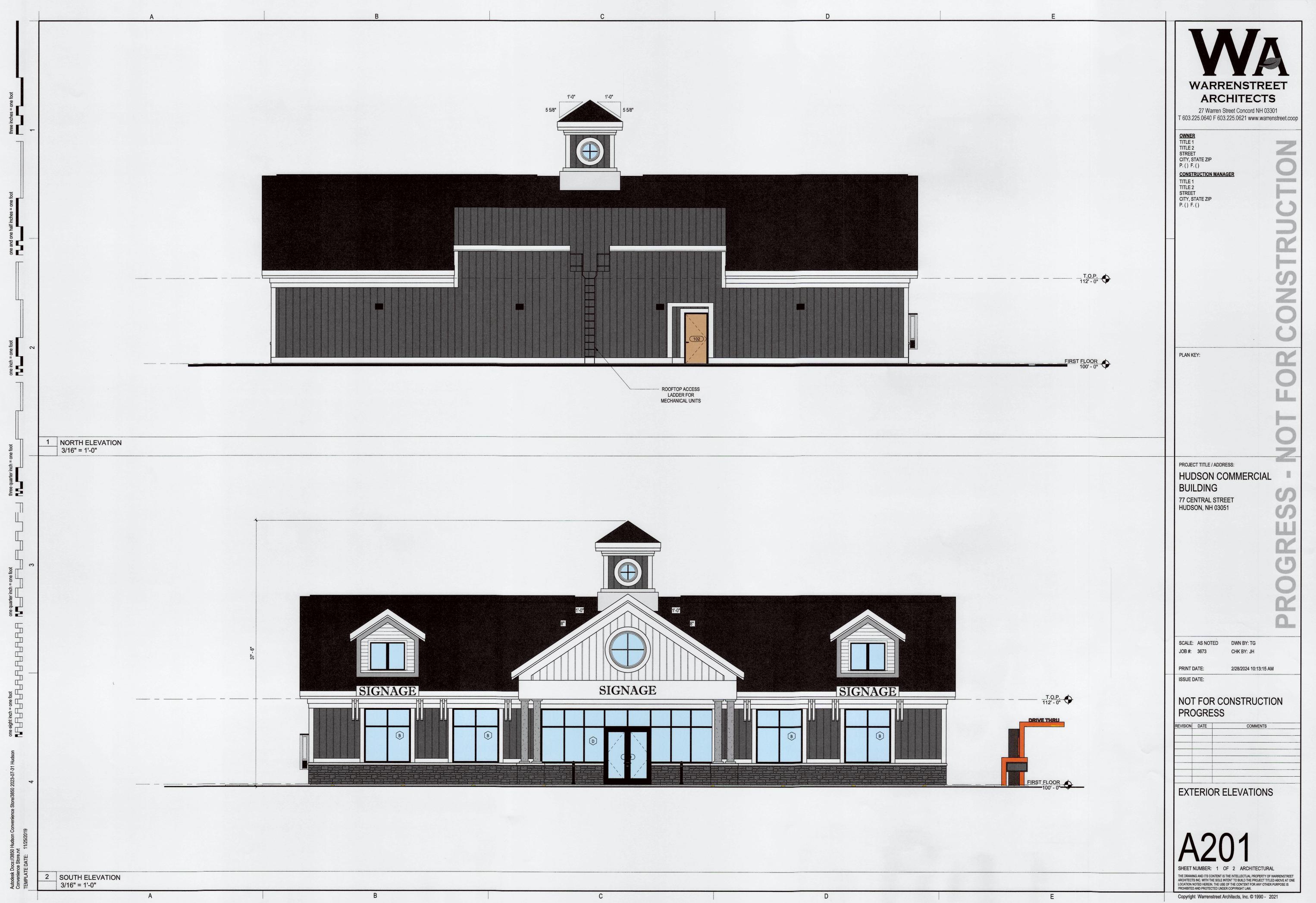


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	<ol> <li>GENERAL PLAN NOTES</li> <li>ARCHITECTURAL DATUM = 100'-0". THE ARCHITECTURAL DATUM IS INDEPENDENT OF ELEVATIONS SHOWN ON THE CIVIL DRAWINGS. SEE CIVIL DRAWINGS FOR CORRESPONDING DATUM IN HEIGHT ABOVE SEA LEVEL.</li> <li>ALL DIMENSIONS AT NEW WALLS ARE TO OUTSIDE FACE OF STUD, FACE OF CONCRETE, FACE OF MASONRY, OR CENTER OF OPENING, U.N.O. AT EXISTING WALLS DIMENSIONS ARE TO FINISH FACE OF WALL.</li> <li>DO NOT SCALE DRAWINGS. CONTACT ARCHITECT FOR ANY DISCREPANCY PRIOR TO COMMENCING WITH ANY WORK.</li> <li>REFER TO DIMENSION PLANS FOR GENERAL PARTITION NOTES &amp; PARTITION TYPES.</li> <li>VERIFY FIELD CONDITIONS PRIOR TO COMMENCEMENT OF EACH PORTION OF THE</li> </ol>		WARRENSTRE ARCHITECTS 27 Warren Street Concord NH 0330 T 603.225.0640 F 603.225.0621 www.warren	)1
	<ul> <li>WORK. NOTIFY ARCHITECT OF DISCREPANCIES.</li> <li>ALL LUMBER IN DIRECT CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED INCLUDING ALL \$ILL PLATES FOR WOOD STUD WALLS.</li> <li>REVIEW PRIOR TO INSTALLATION, ANY CONFLICT OF ENGINEERING TRADE DEVICES (I.E. FIRE ALARM STROBES) WITH ARCHITECTURAL DETAILS AND BRING THOSE DISCREPANCIES TO THE ARCHITECT FOR REVIEW.</li> <li>PROVIDE BLOCKING FOR MILLWORK, MECHANICAL FIXTURES, PLUMBING FIXTURES AND OTHER ITEMS IDENTIFIED IN THE CONSTRUCTION DOCUMENTS.</li> <li>COORDINATE MISC. STEEL REQUIREMENTS FOR MOUNTING / HANGING OWNER SUPPLIED EQUIPMENT.</li> </ul>		OWNER TITLE 1 TITLE 2 STREET CITY, STATE ZIP P. () F. () CONSTRUCTION MANAGER TITLE 1 TITLE 2 STREET CITY, STATE ZIP P. () F. ()	STRUGTION
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			FIRST FLOOR PLAN A111 SHEET NUMBER: OF 2 ARCHITECTURAL	
$\bigcirc$			THE DRAWING AND ITS CONTENT IS THE INTELLECTUAL PROPERTY OF W ARCHITECTS INC, WITH THE SOLE INTENT TO BUILD THE PROJECT TITLED LOCATION NOTED HEREIN. THE USE OF THE CONTENT FOR ANY OTHER F	ARRENSTREET
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	OWNER         TITLE 1         TITLE 2         STREET         CITY, STATE ZIP         P. () F. ()         CONSTRUCTION MANAGER         TITLE 1         TITLE 2         STREET         CITY, STATE ZIP         P. () F. ()	<b>UCTION</b>
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