

April 10, 2013

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XVI. ADJOURNMENT

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.

John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 03-29-13

**PUBLIC MEETING
TOWN OF HUDSON, NH
APRIL 10, 2013
(Addendum #1)**

In addition to items already scheduled and posted for review at the April 10, 2013 Planning Board Meeting, the following item is scheduled to be heard:

VII. CORRESPONDENCE

B. Request to Expend \$2,800.00 for 2013 Tax Map Update.

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.

John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 04/04/13.



March 27, 2013

Mr. John Cashell
Town Planner
Town of Hudson
12 School Street
Hudson, NH 03051

Dear John.

The Hudson Library Board of Trustees respectfully request the release of Impact Fees collected in relation to the building of the George H. and Ella M. Rodgers Library in the amount of \$14,182.31 plus interest.

These funds will be expended to complete the landscaping of the Library property which was postponed after the completion of the actual construction. A landscape plan has been completed and RFP's have been sent out to vendors.

Please forward this request to the Planning Board as required.

Thank you for your attention to this matter.

Sincerely,

Connie Owen, Chairperson
Hudson Library Board of Trustees

CC. Steve Malizia

DRAFT MOTION:

I move to recommend for the Board of Selectmen to release the remaining Library Impact Fees, in the amount of \$14,182.31, plus interest, and for said sum to be expended by the Library Board of Trustees for the exclusive purpose of completing the landscaping at the Rodgers Memorial Library, 194 Derry St., Hudson, NH.

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

John:

Concerning the expenditure of collect library impact fees for landscaping for the new library, I would agree that landscaping would be considered part of the overall construction project and thus would be a permissible element of what would be paid for with Library Impact Fees.

Stephen C. Buckley, Esq.

99 River Road Retail ZBA Input Only

Staff Report

April 10, 2013

SITE: 99 River Road -- Map 256/Lot 001 -- ZI# 01-13

ZONING: G-1

PURPOSE OF PLAN: to allow a dual use on the property, i.e., a convenience store on the ground floor and one-bedroom residential apartment on the second floor. No external changes are proposed regarding the approved building and site plan layout.

PLAN UNDER REVIEW ENTITLED: Site Layout Plan Retail Development, 99 River Road, Hudson, NH Tax Map 256, Lot 001, prepared by TFM Engineers, 48 Constitution Drive Bedford, NH 03110, dated Nov. 5, 2010, latest revision May 1, 2011, consisting of Sheet 4 of 10 and Notes 1 – 17 and an Elevation Sheet entitled: Retail Development 99 River Road, Hudson, NH, dated December 8, 2010(said plans are attached hereto).

APPLICANT REPRESENTATIVE: Christopher Rice, P.E., TFM, Inc.

ATTACHMENTS:

- ZBA Input Only application, date stamped Mar. 12, 2013 – “A”.

OUTSTANDING ISSUES:

- 1) On May 11, 2011, the Planning Board approved the 99 River Rd. Site Plan, as follows. Please note, the attached Sheet 4 of 10 is the recorded Site Plan-of-Record for this project.

Planning Board Minutes/Decisions
May 11, 2011

I. OLD BUSINESS/PUBLIC HEARINGS

A. 99 River Road Site Plan	Map 256/Lot 001-000
SP# 11-10	99 River Road

Purpose of plan is to construct a 2,120 sq. ft. convenience store with associated access drive and parking. Existing building on-site (former landscape supply business) to be demolished. Hearing. Deferred Date Specific from the April 13, 2011 Planning Board Meeting.

Mr. Maddox moved to reconsider vote on 100 ft. setback. Motion seconded by Mr. Della-Monica. All in favor – motion carried.

Mr. Maddox moved to grant the requested waiver HTC 275-8B(12)(b) – 100 ft. Residential Buffer – because the specific terms and conditions of approval for this project shall safeguard any residential abutters who may otherwise be adversely

impacted by the activities associated with this project, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan regulations. Motion seconded by Mr. Della-Monica. All in favor – motion carried.

Mr. Maddox moved to defer further review of the 99 River Road Convenience Mart Site Plan application, Map 256/Lot 001, date specific, to the June 8, 2011 Planning Board Meeting to allow members to visit the site. Motion seconded by Mr. Della-Monica. Vote: RM, IM, GD in favor; TM, JB, GH, VR opposed. Motion failed.

Mr. Hall moved to approve the Site Plan entitled: Hudson Realty Trust Ramanbhati K. Patel Trust Retail Development, 99 River Road, Hudson, NH Tax Map 256, Lot 001, prepared by TFM Engineers, 48 Constitution Drive Bedford, NH 03110, dated Nov. 5, 2010, latest revision May 1, 2011, consisting of Sheets 1 – 10, L1, A1, E1 & 1-4 and Notes 1 – 17 on Sheet 4 of 10, in accordance with the following terms and conditions:

- 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.
- 2) Prior to the Planning Board endorsement of the Site Plan, the Development Agreement and easement document concerning the future widening of River Rd. shall be favorably reviewed and recommended on by Town Counsel.
- 3) All improvements shown on the Site Plan-of-Record, including Notes 1-17, shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 4) The calculated CAP fee of \$9,928.00, prepared in accordance with the 2010 CAP Fee Matrix, shall be submitted to the Town prior to the issuance of the Certificate of Occupancy.
- 5) After the issuance of foundation permit for the structure and prior to the issuance of framing permit, the applicant shall submit to the Hudson Community Development Department a foundation “As-Built” plan on a transparency and to the same scale as the approved site plan. The foundation “As-Built” plan shall include all structural dimensions and lot line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation “As-Built” plan shall be documented by the applicant and be part of the foundation “As-Built” submission.
- 6) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified “As Built” site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
- 7) Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 7 of 10 of the Site Plan.

- 8) Construction activities on the site shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday. No construction activities shall occur on Sundays.
- 9) This approval shall be subject to final engineering review.
- 10) The applicant or his assigns, at his/her expense, shall be responsible for repairing all construction cuts, on River Road, and this work shall be properly bonded with the Town of Hudson, and the State of New Hampshire.
- 11) The daily hours of operation shall not exceed the hours between 6:00 A.M. and 10:00 P.M.
- 12) Hours for refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M. Monday through Saturday.
- 13) Existing Plan Note 17 shall be deleted and replaced with above conditions 11 & 12 which shall then become Notes 17 & 18 on the Plan. The foregoing note amendments shall be made to said Plan prior to Planning Board endorsement of same.
- 14) Prior to issuance of Certificate of Occupancy, and at the owner's expense, two "No Parking" signs shall be placed along the southerly side of Porter Road (a private way), abutting the development parcel, and if allowed by NHDOT, two "No Parking" signs shall be installed in front of said parcel along River Road (Rte. 3A).

Motion seconded by Mr. Barnes. Vote: 4 – 3 (RM, VR & IM) opposed. Motion carried.

- 2) The present ZBA Input Only application is specific to requesting the ZBA to issue a Special Exception for a dual use of the property. The applicant is **not** asking for an accessory use to a principal use. As such, the following Sections of the Town's Zoning Ordinance apply:

§ 334-10. Mixed or dual use on a lot.

A. Multiple principal uses on a lot are permitted **only** as follows:

- (1) The lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage and not less than 100% of the minimum frontage requirement for each additional principal use, except as provided by special exception under Article VI, § 334-26.

***Staff Comment:** The subject lot has 148.75 ft. of frontage on a Class V highway, the minimum frontage for a principle use is 200 ft. and 200 ft. for each additional principal use.*

- (2) The lot is of sufficient size to satisfy the minimum lot size requirements of each use independently.

- **Staff Comment:** *The subject lot is 16,466 sf, the minimum required lot size for the zoning district it is located in – G-1 - is 87,120 sf. As such, the proposed dual use would require 174,240 sf.*

(2) Each use is in conformity with all other requirements set forth in this chapter pertaining to that use.

- **Staff Comment:** *The parking requirements for the convenience store are: 2120 sf of retail space /250 sf = 10.6 spaces - 12 are provided; §275-8(26)(o) of the Zoning Ordinance requires 2 parking spaces per residential unit. As proposed on the Plan, the site is 1 parking space short of the 13 spaces required for the 2 principal uses.*

B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.

Staff Comment: *N/A.*

C. For the purposes of this Article, the addition of accessory uses to a principal use does not result in a dual or mixed use of property.

Staff Comment: *As stated above, this application is exclusive to the proposal of adding a second principal use. Thus, constituting a dual or mixed use of the subject property.*

3) Since this property is located in two different municipalities and two different states, approval of the proposed dual/mixed uses will most likely require both municipalities to agree and approve this proposal in accordance with the bylaws of each jurisdiction.

NO OTHER ISSUES REMAIN OUTSTANDING.

APPLICATION TRACKING:

- 03/12/13 - ZBA Input Only application submitted.
- 04/10/13 ZBA Input Only Initial Public Hearing schedule before the Planning Board.

RECOMMENDATION:

DRAFT MOTIONS:

I move to accept the ZBA Input Only application for 99 River Road, which calls for the dual use on the property, i.e., a convenience store on the ground floor and one-bedroom residential apartment on the second floor.

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

I move to defer further review of the 99 River Road Convenience Mart Site Plan application, Map 256/Lot 001, date specific, to the May 8, 2013 Planning Board meeting .

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

DRAFT MOTION:

I move to forward correspondence to the ZBA, citing that the Planning Board has the following concerns with the 99 River Road ZBA Input Only application, relative to the proposed dual/mixed use of the subject property:

This ZBA Input Only application specifically requests the ZBA to issue a Special Exception for a dual/mixed use of 99 River Road, Map 256/Lot 001. As such, the following Sections of the Town's Zoning Ordinance apply:

§ 334-10. Mixed or dual use on a lot.

A. Multiple principal uses on a lot are permitted **only** as follows:

- (1) The lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage and not less than 100% of the minimum frontage requirement for each additional principal use, except as provided by special exception under Article VI, § 334-26.
 - ***Planning Board Concerns:*** *The subject lot has 148.75 ft. of frontage on a Class V highway; the minimum frontage for a principle use is 200 ft. and 200 ft. for each additional principal use.*
- (2) The lot is of sufficient size to satisfy the minimum lot size requirements of each use independently.
 - ***Planning Board Concerns:*** *The subject lot is 16,466 sf, the minimum required lot size for the zoning district it is located in – G-1 - is 87,120 sf. As such, the proposed dual/mixed uses would require 174,240 sf.*
- (3) Each use is in conformity with all other requirements set forth in this chapter pertaining to that use.
 - ***Planning Board Concerns:*** *The parking requirements, as set forth in the Planning Board's Site Plan Review Regulations for a convenience store are: 1 space for every 250 sf of retail use, at 2,120 sf of retail use / 250 sf = 10.6 spaces; 12 parking spaces are provided on the property; §275-8(26)(o) of said regulations require 2 parking spaces per residential unit. As such, the site is 1 parking space short of the 13 spaces required for the two proposed principal/mixed uses.*

- B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.

Planning Board Concerns: N/A.

- C. For the purposes of this Article, the addition of accessory uses to a principal use does not result in a dual or mixed use of property.

Planning Board Concerns: As stated above, this application specifically calls for adding a second principal use to the property, therefore, constituting a dual/mixed use of the subject property, as prescribed in § 334-10. Mixed or dual use on a lot.

NOTE: since this property is located in two different municipalities and in two different states, approval of the proposed dual/mixed uses will most likely require both municipalities to agree and approve this proposal in accordance with the bylaws of each jurisdiction, including amending the approved Site Plan.

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

Review/Discussion on Impact Fees

Staff Report

April 10, 2013

This item is on the agenda, relative to Atty. Steve Buckley's legal opinion on the subject of Corridor Impact Fees (said legal opinion forwarded separately, except for the hardcopy edition of this staff report). For the meeting, staff recommends for the board to consider taking to following DRAFT MOTIONS action:

DRAFT MOTIONS:

I move for staff to request a cost estimate from VHB, Inc., relative to having this firm complete a CAP Fee Assessment Update for the three major corridors in Hudson (i.e., NH Routes 102 & 111, and Route 3A), and for said assessment to include a section recommending the most appropriate manner for Hudson to continue collecting Corridor Impact Fees.

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

I move to defer further review of this matter date specific to the May 22, 2013 Planning Board meeting, and at which time staff shall report on the cost estimate by VHB. Inc. to complete the CAP Fee Assessment Update on the three major corridors in Hudson.

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

NOTE: for Wednesday nights' meeting, staff will present the boundaries of the compact sections of said three major corridors.

Discussion on the Industrial (I) Zoning District

Staff Report

April 10, 2013

At Wednesday night's meeting, the board can determine if the below matter warrants an open discussion and/or action.

To begin, this item is on the agenda, relative to a conversation staff had with the proponent for the recent 185 Lowell Rd. (the property at the corner of Executive Dr. and Lowell Rd.) rezoning proposal. As board members will recall, said rezoning proposal eventually included, by board action, the Tire Warehouse and PMA properties, and involved rezoning the two former properties from Industrial (I) to Business (B) and the latter property from R-2 to B.

The above conversation involved staff asking said proponent why he wanted to change the zoning district designation for his property from I to B, when, except for the multi-family use, all of the uses allowed in the I district are allowed in the B district?

The proponent said that he was aware that there were no use issues involving the rezoning. Rather, he said that he could not sell the property with the I designation. He expressed to staff, that once prospective buyers of his property became aware that it was zoned I, they were no longer interested in purchasing the property. He concluded, by saying that the I zoning designation makes many properties unsalable, because many real estate investors don't want to be locked into such a district, and the limits, perceived or otherwise, such a designation casts upon a property (e.g., loud, malodorous and dingy properties and associated landscapes).

Taking the content of the above conversation into account, together with the fact that many buildings in the Sagamore Industrial Park, in particular, are vacant, under-utilized or existing tenants are moving out of town from, leads staff to believe that, perhaps, the Town of Hudson could do a great deal of good for itself, and its future economic development potential, by doing something quite simple.

That is, rid itself of the Industrial (I) zoning district designation throughout town, and replace it with the designation of Commercial (C) or exclusive to the Sagamore Industrial Park – Commercial Highway (CH) or Interchange (IC) Overlay District.

Note: to implement the aforementioned zoning district re-designations would involve only changing the I to the preferred designation in the Principal, Accessory Uses and Dimensional Tables, as well as any references of the I district throughout the Zoning Ordinance. Since the Zoning Ordinance is completely digitized, said changes would be relatively easy to implement. Please note further, none of the uses within the use tables would have to be changed. Thus, leaving the most noticeable use difference between the B and CH/IC districts, being that multi-family would remain exclusive to the B district.

Please note, the Town's Zoning Map can be viewed on the Town's website as follows: from the homepage, under the "**Departments**" tab, scroll-down to "**Community Development**" and then on the left column click "**Zoning Ordinance**" and on the next page you'll find the current **Zoning Map, Zoning Map with Streets and the Zoning Ordinance**. The Zoning Maps have not yet been amended to include the March 2013 Town Meeting rezoning results.

In closing, the above matter has been established for this meeting by staff for initial review/discussion purposes only. Any discussion on same that may occur at the meeting, and any possible action taken by the board on same can be decided on at the meeting. Please note, if the zoning change is moved for action, the appropriate public hearing would be held, followed by a Warrant Article included on same for the March 2014 Town Meeting.

CORRESPONDENCE RECEIVED

Annual Tax Map Update – 2013 Tax Year

Staff Report

April 10, 2013

In accordance with the attached memo from the Assistant Assessor, Jim Michaud, dated March 28, 2013, staff prepared the following DRAFT motion for the board's consideration. Note: the present balance in the Tax Map Update Acct. is \$26,201.50.

DRAFT MOTION:

I move to favorably recommend to the Board of Selectmen the expenditure of up to \$2,800.00 from the Town's Tax Map Updating Account, for the purpose of updating the Town's Assessing Maps and Digital Data for 2013.

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