

**MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: MARCH 27, 2019**

In attendance = X; Alternates Seated = S; Partial Attendance = P; Excused Absence = E

Timothy Malley Chairman <u> X </u>	Jordan Ulery Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charlie Brackett Member <u> X </u>
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Dillon Dumont Member <u> X </u>	Ed Van der Veen Member <u> X </u>	Elliott Veloso Alternate <u> X </u>
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Roger Coutu Select. Rep. <u> X </u>	David Morin Alt. Select. Rep. <u> E </u>	Brian Groth Town Rep. <u> X </u>
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- I. CALL TO ORDER BY CHAIRPERSON AT 7:01 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES
- V. MINUTES OF PREVIOUS MEETING(S)

- 13 March 19 Meeting Minutes – Decisions.

Mr. Ulery moved to approve the 13 March 19 Meeting Minutes (as written/amended).

Motion seconded by Mr. Van der Veen. All in favor - Motion carried.

- VI. CASES REQUESTED FOR DEFERRAL
- VII. CORRESPONDENCE
- VIII. PERFORMANCE SURETIES
- IX. ZBA INPUT ONLY
- X. PUBLIC HEARINGS
- XI. OLD BUSINESS/PUBLIC HEARINGS
- XII. DESIGN REVIEW PHASE
- XIII. CONCEPTUAL REVIEW ONLY

- XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Mansfield Drive Subdivision
SB# 05-18

215 Webster Street
Map 147/Lot 024

Purpose of Plan: to subdivide one lot into eight residential lots off an existing right of way on Derry Lane. Application Acceptance & Hearing.

Mr. Van der Veen moved to accept the Subdivision Plan application for Mansfield Drive Subdivision, 215 Webster Street, Hudson, NH, Tax Map 147/Lot 024.

Motion seconded by Mr. Coutu. All in favor – Motion carried.

Presenter: Richard Maynard of Maynard and Paquette

Mr. Maynard gave a brief presentation for an eight lot subdivision that is proposed to be built off Derry Lane. He explained that the project consisted of eight individual house lots for which privately owned homes would be built over a two year time frame. The homes would be serviced by underground electrical utilities, town sewerage and water. At the conclusion of Mr. Maynard's presentation Chairman Malley opened the public meeting at 7:13 p.m.

Residence from Westchester Court, Berkeley Drive and Derry Lane were in attendance for tonight's meeting.

Beverly Peck, 14 Berkeley Drive asked where the water, sewer and electricity would be coming from. Mr. Maynard pointed out that water and sewer lines would be extended from the existing easement located at the end of the Berkeley Drive cul-de-sac. He added that electricity to the development would be located along the proposed Mansfield Drive roadway.

Bill Nadeau, 12 Alvirne Drive asked if there were any plans to extend the proposed cul-de-sac roadway out to Alvirne Drive. Mr. Maynard answered that there would be no extension of Mansfield Drive and added that future development at the lot off Alvirne Drive would be serviced by a separate roadway. Mr. Nadeau also voiced his concern over whether or not the project could be built due to a high water table. He mentioned that other attempts of development of the lot under review were denied due to poor soil drainage and unacceptable septic design. Mr. Nadeau mentioned that the current Town Administrator, Steve Malizia was present during that meeting and might be able to provide some input into the matter. Mr. Nadeau asked if it was possible to check with Town Engineer in regards to a high water table on the lot. Mr. Ulery asked the Chairman to clarify which lot was currently being addressed by Mr. Nadeau, the Chairman clarified that it was the lot off Derry Lane. Mr. Ulery said he did not see anything on the Plan that would indicate high water or wetlands. Mr. Nadeau asked if it was possible to check town records to see if the site was considered for development. Chairman Malley responded that the town consulting engineering firm provides the Planning Department with all relevant documentation for review during the application process.

Christine Nadeau, 12 Alvirne Drive spoke to Mr. Nadeau's comments, she added that the controversy arose when the lot abutting Alvirne Drive was slated to be cleared but it was discovered that it was not accessible due to the high water table condition. She said at that point access to the entire lot was made from Derry Lane and added that the town granted the property owner permission to cross over the town owned easement.

Romeo Levesque, 32 Westchester Court asked if the easement between his home and the 30 Westchester Court would be used. Mr. Maynard said that there were no plans

to use that easement at this time but added that the lot behind Mr. Levesque's house was large and it was possible that the owner of that lot could possibly use the easement to bring utilities in. Mr. Levesque asked if the boundaries between the development between Westchester court and the new development would be marked. Mr. Maynard said that the corners of all the lots would be permanently marked per current land use regulations.

Bob Tabor, 26 Westchester Court asked if the large lot (reference map 147/lot24 on Mansfield Drive site plan) would be accessed from Mansfield Drive he also stated that if the lot access was from Mansfield then there would be no reason to use the second easement near 32 Westchester Court. Mr. Maynard replied that access to this lot would be from Mansfield and water, sewer and electricity to this lot would be as noted earlier. Mr. Tabor asked if there was any plans to sub divided this lot. Both the Applicant and the Chairman said it was not permissible to do so at this time.

John Cataldo, 25 Westchester Court voiced his concern over the boundaries between the Westchester Court development and the new Mansfield development. Mr. Maynard again pointed out the boundary between the two developments is a straight line and that just the corners are usually mark. Mr. Maynard stated that tall stakes would be placed along the boundaries before any land clearing takes place to at least temporarily identify the back lot line.

William Barnes, 7 Derry Lane spoken in favor of the project stating that the town needs more housing for younger families.

Alexander Solovyeva, 9 Derry Lane, asked whom would be responsible for present and future damage to his property if a tree falls onto his house or land during the construction phase. Mr. Barnes 7 Derry Lane came forward to help clarify Mr. Solovyeva's question. Mr. Barnes stated that prior road work in the area damaged tree routes along the property line and as a result a tree fell and hit the house at 9 Derry Lane. The Chairman explained that the Planning Board had no control over this type of circumstance and unfortunately the only recourse would be to contact the developer about any claims to his property.

Nancy Quinn, 29 Westchester Court voiced her concern over noise at the project site and also asked what was the expected time frame for completion. Chairman Malley told her that as part of the approval process the developer could only work during certain hours of the day set by the Planning Board. He then referred the completion question to Mr. Maynard whom answered that the entire project could take up to two years but said it could be completed sooner if the demand for housing stays high.

Beverly Peck, 14 Berkeley Drive returned to the podium and asked if there was a buffer between the developments. The response was that there are no buffers between developments and the trees were left standing to provide a privacy buffer for the adjoining property owners. Mr. Maynard said that some selective cutting might be possible prior to construction.

John Cataldo, 25 Westchester Court returned to the podium to state that he'd hope that the trees would be left in place to maintain the current buffer. He also voiced

concern over noise and asked if the Saturday hours could be reduced to 5:00 p.m. Mr. Maynard agreed to a stipulation if made by the board.

Bill Nadeau, 12 Alvirne Drive asked about the process. He wanted to know if this Site Plan would be approved. The Chairman and Town Planner explained the process of site plan applications and approval to Mr. Nadeau who seemed to except there

Barbara Taylor, 11 Alvirne Drive Stated that Mr. Maynard came off as rude. She said a more professional presentation might have gone further to appease the abutters.

Questions and comments from the abutting property owners continued on. With some being redundant. Please refer to the Planning Board meeting video dated 27March2019 on the HCTV website.

Chairman Malley closed the public hearing at 8:10 p.m.

Seeing as most questions and concerns were addressed during the public hearing board members present had no further questions or concerns and decided to debate the requested waivers being sought by the applicant. Mr. Collins asked that Mr. Maynard read aloud the reasons for his request.

WAIVER REQUESTS:

1. §276.1.B.3 Location of revision block

The applicant representative provided testimony as to why the waiver was being requested stating that he has been providing site plans with the revision block in the lower left corner for years and it has never been an issue in prior applications. Mr. Collins asked if it was costly for the applicant to move the revision block to the proper location for which the applicant's representative answered no. No other questions or comments were made.

Mr. Dumont moved to grant the requested waiver §276.1.B.3 – Location of revision block – on the testimony of the Applicant's representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Van der Veen. All in favor – Motion carried.

2. §289-18.B.1 Cul de sac roads and §289-28.B.2 Paved roadway

Discussion of narrowing the cul de sac road width from 28 feet to 24 feet took place during the Planning Board meeting held March 13, 2019. At that meeting PB members reviewed correspondences from the Highway Department Superintendent and the Town Engineer and supported their view that narrowing road width made sense.

Mr. Dumont moved to waive the provisions of §289.18B(1) - Cul-de-sac roads - and §289.28.B(2) – Requirements – Residential streets that require a 28 foot wide roadway, to instead require a 24 foot wide roadway with a 5 foot sidewalk.

Motion seconded by Mr. Van der Veen. All in favor – Motion carried.

MOTION TO APPROVE:

Mr. Collins moved to approve the subdivision /site plan entitled: Subdivision Plan, Mansfield Drive & Derry Lane, Hudson, NH, prepared by Maynard & Paquette Engineering Associates, LLC, 31 Quincy Street, Nashua, NH 0306, dated March 1, 2018, last revised March 20, 2019, received March 22, 2019, and consisting of 11 Sheets and Notes 1 – 21 subject to the following stipulations.

1. All Stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the plan.
2. A cost allocation procedure (CAP) amount of \$5,813.00 per residential lot shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
4. Approval of this plan shall be subject to final review and approval of the Town Engineer.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday. No exterior construction activities shall occur on Sunday.
6. Active and substantial development will have occurred when:
 - A: Tree clearing within the dedicated right of way
 - B: Stump removal within the dedicated right of way
 - C: Top soil removal within the dedicated right of way
 - D: Construction entrance installed
 - E: Erosion controlled installed
 - F: Rough grading of the proposed road envelope
- 7: All electrical utilities will be buried underground per Town of Hudson Land Use Regulations.

Motion seconded by Mr. Van der Veen. All in favor – Motion carried.

XV. OTHER BUSINESS

A. Capital Improvement Plan Update/ Master Plan Update

Town Planner Brian Groth gave an updated status on both the Capital Improvement Plan and Master Plan. He stated that the CIP was starting to receive input from the various town departments. And the first meeting would be taking place in early April. Mr. Groth also stated that there was still not a school board representative. Mr. Coutu said there were three new school board members elected this year and was sure that a

representative from the school board would be appointment soon. Mr. Groth went on to say that funding for the town's Master Plan update was available and that community outreach and surveys would be helpful in getting input for the update.

B. Regulation Amendment Discussion / Zoning Amendment Discussion

Town Planner Groth requested that the Planning Board form a subcommittee to review and address potential amendments to the current Zoning Ordinance and Land Use Regulations. Mr. Collins thought the formation of such a committee was a great idea and added that it should be kept to a maximum of three members. He added that he had served on the Zoning Ordinance Review committee which had 6 members and felt that a subcommittee of that size was less effective as there were always too many conflicting opinions between members which minimized its effectiveness. Mr. Brackett agreed that a smaller subcommittee might prove to be more effective. Mr. Groth said that most of the information could be taken care of through email and that regular meetings may not be needed. Chairman Malley asked if any members would be interested in serving on the subcommittee. Mr. Van der Veen, and Mr. Dumont and Mr. Veloso all volunteered.

Mr. Dumont moved to establish a three person subcommittee which will evaluate and recommend changes to the existing Town of Hudson Zoning and Land Use Regulations.

Motion by: D. Dumont **Second:** E. Van der Veen **Carried / Failed:** 6 / 0 / 1
Abstained: J. Ulery

Town Planner Groth updated the board on the issue of hiring a meeting Recorder. He said that the board currently complies with state RSA requirements but added having a recorder present for at least the first meeting of the month would provide a more thorough record of the meetings. He said it was possible that a recorder could be hired sometime in the FY2020 time frame and would work closely with the Town Administrator on this issue.

Lastly Chairman Malley discussed appointing Town Planner Groth to the Highway Safety Committee. He stated that Mr. Groth would serve in place of the Planning Board Chairman. No member had no issues with Mr. Groth representing the PB on the Highway Safety Committee.

XVI. ADJOURNMENT

Motion to adjourn by Mr. Coutu. Seconded by Mr. Dumont. All in favor – motion carried.

Meeting adjourned at 9:25 p.m.

William Collins
Secretary