

MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: JUNE 26, 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> E </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>	Marilyn McGrath Alt. Select. Rep. <u> X </u>	Brian Groth Town Rep. <u> X </u>
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- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

IV. SEATING OF ALTERNATES

Mr. Veloso seated for Mr. Brackett.

V. MINUTES OF PREVIOUS MEETING(S)

VI. CORRESPONDENCE

A. Release of Surety Bond for 24 Constitution Drive Site Plan

Reference Memo dated 06-14-19 from Gary Thomas, Northpoint Construction Management, to Brian Groth, Town Planner, requesting the release of \$38,250.00 for the purpose of completing the improvements at 24 Constitution Drive, Hudson, NH.

Mr. Van der Veen moved to release the site improvements surety for Princeton Technologies II, 24 Constitution Drive, Map 170/Lot 034 in the amount of \$38,250.00.

Motion seconded by Mr. Veloso. All in favor – motion carried.

VII. OLD BUSINESS

- A. 161 Lowell Road 2-Lot Subdivision
SB# 02-19

161 Lowell Rd
Map 209, Lot 001

Purpose of Plan: to depict the subdivision of Map 209, Lot 1, into two separate lots. Continued from the June 12, 2019 hearing.

- B. Friars Court Site Plan
SP# 03-19

161 Lowell Rd
Map 209, Lot 001

Purpose of Plan: to develop newly created Map 209, Lot 001-001 into multifamily apartments consisting of 81 units, and a clubhouse. Continued from the June 12, 2019 hearing.

The Planning Board moved to accept the Subdivision Application & Site Plan Application for 161 Lowell Road, Map 209/Lot 001, at the June 12, 2019 meeting.

APPROVED WAIVERS:

1. §276.11.1(15) – Existing Conditions

Mr. Dumont moved to grant the requested waiver of §276.11.1(15)(16) – to allow the existing conditions survey to pertain only to the portion of the parcel being developed based on the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver (Approved at the June 12, 2019 Planning Board Meeting).

Motion seconded by Mr. Veloso. All in favor – motion carried.

2. §275-8.C.2.o – Number of Parking Spaces

Mr. Van der Veen moved to grant the requested waiver of §275-8.C.2.o, to allow for 1.5 parking spaces per 1-bedroom unit and 2.0 parking spaces per 2-bedroom unit, where 2.0 is required, based on the Board’s discussion as recorded in the meeting minutes, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form.

Motion to allow for 1.5 parking spaces per 1-bedroom unit seconded by Mr. Ulery. Motion carried 3/4/0.

Motion to allow for 2.0 parking spaces per 2-bedroom unit seconded by Mr. Veloso. All in favor – motion carried.

3. §289.28 – Roadway

Mr. Dumont moved to grant the requested waiver of §289.28, to waive the roadway requirements to allow for a 24-foot wide roadway without sidewalks or granite curbing for the extension of Friars Drive from the existing as-built port of Friars Drive to Lowell Road, to be constructed by the Applicant. At such time as a subdivision or site plan application may be approved for Map 209/Lot 001-000, Friars Drive extension shall be upgraded and widened to 32 feet, together with sidewalks and granite curbing, and otherwise in full compliance with §289.28, in order to match the existing condition of the portion of Friars Drive that is currently a town-accepted road. Notwithstanding the requested waiver, the Applicant may elect to construct Friars Drive extension to its full 32 foot width, with associated improvements, at any time prior to the development of Map 209/Lot 001-000. All roadway construction to be approved by the Town Engineer.

Motion seconded by Mr. Ulery. All in favor – motion carried.

MOTION TO APPROVE:

Mr. Veloso moved to approve the subdivision & site plan applications for the Plan Set entitled: Friars Court Site Plan; prepared for Dakota Partners, 1264 Main Street, Waltham, MA 02451; prepared by The Dubay Group, Inc., 84 Range Road, Windham, NH 03087; dated April 29, 2019, last revised June 24, 2019; and consisting of 33 Sheets and Notes on Sheet 2; and as revised per, and subject to the, following stipulations:

1. Friars Drive shall be extended and constructed as a right of way from the existing as-built port of Friars Drive to Lowell Road as shown on the Plans. The portion of the right of way from the as-built port to the westerly property line of Lot 001-001 shall be dedicated to the Town as a public road (the “Public Way”). The portion of the right of way that crosses new Lot 001-001 shall remain private until after Phase II is completed, at which time it will be offered for dedication to the Town.
2. The dedication of the Public Way shall be evidenced by a deed approved by and acceptable to the Town’s attorney.
3. The entire area south of the right of way on Map 209, Lot 001-001 shall be subject to a Restrictive Easement, said Easement Deed to be approved by the Town's attorney. The Restrictive Easement shall prohibit future buildings but shall permit the construction of roads, drainage, and utility improvements along Friars Drive.
4. The site plan for Map 209 Lot 001-001 consisting of an 11.198 acre tract approved as an 81 unit multifamily residential rental complex. The complex

is approved for financing and construction in two phases: Phase I is approved for 47 residential units in Building 1, Phase II is approved for 34 residential units in Building 2. Each phase shall include the required parking for the phase. The clubhouse is approved and shall be constructed as part of Phase II. The approved development is for the entire tract 209-001-001. There can be no further development of the area except as shown on the Plans and approved.

5. The subdivision plan shall not be recorded unless and until the deed for the Public Way, the easement for the private access way across the new Lot 001-001, and a deed for the Restrictive Easement (collectively the "Instruments") are executed and available for recording. The Subdivision Plan and the Instruments shall be recorded simultaneously. The instrument establishing the private access way shall provide for future dedication of the way as a public road upon the completion of Phase II.
6. All waivers and stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
7. A traffic impact fee amount of \$1,276.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
8. A school impact fee amount of \$898.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
9. A recreation contribution amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
10. All monumentation shall be set or bonded for prior to the issuance of building permits.
11. The onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
12. Approval of this plan shall be subject to final review by the Town Engineer.
13. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

14. Active and substantial development will have occurred when:
 - A. Tree clearing within dedicated right of way
 - B. Stump removal within dedicated right of way
 - C. Top soil removal within the dedicated right of way
 - D. Construction entrance installation
 - E. Erosion control in place
 - F. Rough grading of the proposed road envelope
15. Add Note to Plan: Trash pickup limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday.
16. Install a planter on the triangular island at the Lowell Road curb-cut to improve aesthetics and to deter left turns in and out of the property. Final design to be approved by Town Engineer.

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

VIII. DESIGN REVIEW PHASE

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| A. | Boyer Site Plan
CSP# 03-19 | 156 Lowell Road & 162 Lowell Road
Map 209/Lot 1 & Map 210/Lot 009 |
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Purpose of Plan: to depict the proposed redevelopment of the site to include the removal of the existing buildings and construction of a 21,600 sf business/professional office building, a 4,000 sf gas station, covered gas pumps, and a 600 sf car wash.

NOTE: Applicant has requested to withdraw this Application.

Applicant withdrew the Application prior to the meeting.

IX. NEW BUSINESS/PUBLIC HEARING

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| A. | Chapin Street 2-Lot Subdivision
SB# 03-19 | 1 Chapin Street
Map 190/Lot 109 |
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Purpose of Plan: to depict the subdivision of Map 190, Lot 109, into two residential lots. Application Acceptance & Hearing.

The Planning Board moved to accept the Subdivision Application for Chapin Street, Map 190/Lot 109.

APPROVED WAIVERS:

4. §276.1.B.3 – Location of revision block

Mr. Dumont moved to grant the requested waiver of §276.1.B.3 – Location of revision block, based on the Board’s discussion as recorded in the meeting minutes, 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. Ulery. All in favor – Motion carried.

5. §289-26.B (5) – Existing Conditions

Mr. Collins moved to grant the requested waiver of §289-26.B (5), based on the Board’s discussion as recorded in the meeting minutes, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form.

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

6. §289-38 – Development Agreement

Mr. Collins moved to grant the requested waiver of §289-38, based on the Board’s discussion as recorded in the meeting minutes, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form.

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

MOTION TO APPROVE:

Mr. Veloso moved to approve the Subdivision Plan One Chapin Street; prepared by Maynard & Paquette Engineering Associates, LLC, 31 Quincy Street, Nashua, NH 03060; prepared for Michael Shumsky & Mary Ellen Bourassa, 16 Fulton Street, Hudson, NH 03051; consisting of 2 sheets and notes 1-12 on sheet 1 and note 1 on sheet 2, subject to the following stipulations:

1. All waivers and stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. A traffic impact fee amount of \$1,835.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).

3. A school impact fee amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
4. A recreation contribution amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
5. All monumentation shall be set or bonded prior to issuance of building permits.
6. Approval of this plan shall be subject to final review and approval by the Town Engineer.
7. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
8. Existing driveway shown as part of Map 190/Lot 109 shall be relocated to Fulton Street.
9. Plans shall be revised to show the sewer line for the newly created lot 190/Lot 109-001 located in the town right of way along Chapin Street.

Motion seconded by Ulery. All in favor – motion carried.

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| C. Highland Street Lot Line Relocation
SB# 04-19 | 10 R Highland Street & 7 Lee Way
Map 174/Lot 086, Map 174/Lot 079-005 |
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Purpose of Plan: to relocate the lot line between Map 174, Lot 086, and Map 174, Lot 079-005 to make a non-conforming lot conforming by giving it adequate frontage on Lee Way. Application Acceptance & Hearing.

The Planning Board moved to accept the Lot Line Application for Highland Street, Map 174/Lot 086, and Lee Way, Map 174/Lot 079-005.

MOTION TO APPROVE:

Mr. Veloso moved to approve the lot line relocation plan entitled: Plan Showing Lot Line Adjustment between Tax Map 174 Lot 79-5 & Lot 86; prepared by Boundreau Land Surveying, PLLC, 2 Beatrice Lane, Newmarket, NH 03857; prepared for Posey Investments, LLC, 195R Central Street, Hudson, NH 03051; consisting of 1 sheet in accordance with the following terms and conditions:

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. Easement documents shall be reviewed and favorably recommended on by Town Counsel prior to Planning Board endorsement of the Plan.
3. A cost allocation procedure (CAP) amount of \$1,835.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
4. A public school impact fee in the amount of \$3,578.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. All monumentation shall be set or bonded for prior to issuance of building permits.
7. Approval of this plan shall be subject to final engineering review.
8. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

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

X. ADJOURNMENT

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

Meeting adjourned at 9:09 p.m.

William Collins
Secretary