

MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: AUGUST 14, 2019

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| In attendance = X | Alternate Seated = S | Partial Attendance = P | Excused Absence = E |
| Tim Malley Chair <u> X </u> | Jordan Ulery Vice-Chair <u> E </u> | William Collins Secretary <u> X </u> | Charlie Bracket Member <u> X </u> |
| Dillon Dumont Member <u> X </u> | Ed Van der Veen Member <u> X </u> | Elliott Veloso Alternate <u> E </u> | Roger Coutu Select. Rep <u> E </u> |
| Marilyn McGrath Alt. Select. Rep. <u> X </u> | Brian Groth Town Rep. <u> X </u> | | |



- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

IV. SEATING OF ALTERNATES

Ms. McGrath seated for Mr. Coutu.

V. MINUTES OF PREVIOUS MEETING(S)

- 24 JULY 19 Meeting Minutes – Decisions
- Mr. Dumont moved to approve the 24 JULY 19 Meeting Minutes.
- Motion seconded by Mr. Brackett. Motion carried 6/0/0.

VI. CORRESPONDENCE

- A. Request to Release School Impact Fees by Karen Burnell, Hudson School District Business Administrator (Letter dated 07-22-19)
- Mr. Collins moved to recommend to the Board of Selectmen the release of \$250,000.00 from the Hudson School Impact Fee Account #09-2000-2080-000-051, in accordance with the written request for the same from the Hudson School Board from Hudson School District Business Administrator, Karen Burnell, dated July 22, 2019.
- Motion seconded by Ms. McGrath. Motion carried 6/0/0.

- B. Palmer CTE Building Addition (Alvirne High School) Update
Mr. Groth briefed the Board on updates that have been made to the plan for the Alvirne High School Palmer CTE project, via correspondence from Ethan Beals of Hayner Swanson, Inc. Changes included the expansion of the rear parking lot, and replacement of tennis courts.
Ms. McGrath noted concern over the possibility of a conflict of interest since Ethan Beals is the son of Alvirne HS Principal Steve Beals.

VII. OLD BUSINESS

- A. Granite Subaru Amended Site Plan 193 Lowell Road
SP# 05-19 Map 216/Lot 011

Applicant Representation: Jim Angotti, Owner; Doug MacGuire, the Dubay Group
Mr. MacGuire explained that since the first meeting, they had made the revisions requested by town staff.

Chairman Malley opened and closed the public hearing at 7:11pm, as no one present wished to speak.

Ms. McGrath implored Mr. Angotti to enhance the landscaping along Lowell Road.

Mr. Brackett did not find the architecture or landscaping to be satisfactory.

The other Board members indicated that they were satisfied with the architecture and landscaping, considering it is a car dealership.

Motion to Approve:

Mr. Dumont moved to approve the site plan amendment for 193 Lowell Road, Map 216 Lot 11 entitled: Granite Subaru Amended Site Plan; prepared by The Dubay Group, Inc., 84 Range Rd., Windham, NH 03087; prepared for AMR Real Estate Holdings – Hudson LLC, 425 Providence HWY, Westwood, MA 02090; consisting of 11 sheets and notes 1-20 on sheet 5; and Elevations, sheet A-201, prepared by Claris Construction/Ballina Group, LLC; last revised on August 8, 2018.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 \$87,085.05 shall be paid prior to the issuance of a Certificate of Occupancy.
3. Approval of this plan shall be subject to final review and approval by the Town Engineer.
4. 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.
5. Active and substantial development will have occurred when:
 - A. The existing building designated for demolition has been demolished.
 - B. The site grading has been completed.

Mr. Van der Veen seconded the motion. The motion carried 4/2/0 (Brackett and McGrath voted to deny).

B. Roosevelt Ave Self-Storage Site Plan
SP# 06-19

23 & 27 Roosevelt Ave
Map 191/Lots 116 & 115

Applicant Representation: Jim Allard, Owner; Paul Chisolm, Keach-Nordstrom Associates.

Mr. Chisolm discussed the revisions made to the plan in response to comments from the previous meeting and staff comments. These included changes requested by Fire, Engineering and Planning. He also presented cross sections to demonstrate the visual impact of the proposed building on abutting residential structures, in support of the waiver requests from the residential-to-nonresidential buffering requirements. The cross-sections demonstrated adequate screening of the project benefited by grade change and existing wooded areas.

Chairman Malley open and closed the public hearing at 7:42pm as no one in attendance wished to speak. Mr. Malley noted that several neighbors who had already spoken in favor of the project were in attendance.

Ms. McGrath requested the applicant revise Note #23 on Sheet 1 to accurately reflect that the site will not have dumpsters. The applicant agreed to work with town staff to appropriately revise the note.

Waiver Motions

1. §276.11.1(23)(c) – 100-foot Residential Buffer.

Mr. Collins moved to grant the requested waiver of §277.11.1(23)(c) – Residential Buffer, to allow for 24 feet where 100 feet is required, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Ms. McGrath seconded the motion. The motion carried 6/0/0.

2. §275.8.C(2) – Parking Requirements

Mr. Collins moved to grant the requested waiver of §275.8.C(2) – Parking Requirements, to allow for 19 spaces, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Mr. Dumont seconded the motion. The motion carried 6/0/0.

3. §275.8.C(6) – Loading Requirements

Mr. Collins moved to grant the requested waiver of §275.8.C(6) – Loading Requirements, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Mr. Dumont seconded the motion. The motion carried 6/0/0.

Mr. Collins moved to approve the application to merge lots by James Allard for Tax Map 191, Lots 115 and 116.

Ms. McGrath seconded the motion. The motion carried 6/0/0.

Mr. Collins moved to approve the site plan application for the Plan Set entitled: Roosevelt Ave Self-Storage; prepared by Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3, Bedford, NH, 03110; prepared for James D. Allard, 26 Cherokee Ave, Nashua, NH 03062; consisting of 10 Sheets, Notes 1-32 on Sheet 1, and architectural elevations prepared by HL Turner Group, Concord, NH; last revised August 1, 2018; and as revised per, and 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 \$26,100.00 shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
3. Where applicable, all monumentation, including adjustments necessary as a result of the lot merger, shall be set or bonded for prior to the issuance of Certificate of Occupancy.
4. The applicant shall be responsible for scheduling a pre-construction meeting with town staff prior to starting construction.
5. Approval of this plan shall be subject to final review by the Town Engineer.
6. The applicant shall add a note to the plan stating that the project meets 2018 MS4 requirements.
7. The applicant shall relocate the fire service water line so that it is no beneath the detention basin along Roosevelt Ave.
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.
9. Active and substantial development will have occurred when the following activities have been completed:
 - A. The existing building designated for demolition has been demolished.
 - B. The site grading has been completed.
10. Note 23 on Sheet 1 shall be revised to accurately reflect that the site will not have dumpsters or outdoor trash receptacles.

Ms. McGrath seconded the motion. The motion carried 6/0/0.

VIII. NEW BUSINESS/PUBLIC HEARING

A. Regulation Amendment Proposal - §276 Administrative Requirements & Definitions – Plan Expiration.

Mr. Groth explained the amendment's purpose is to change the regulation language that says plans expire one year from the date of Planning Board approval if substantial development has not occurred, to two years, or twenty-four months. In

accordance with RSA 674:39, that once specified a one-year term to achieve active and substantial development, was changed to two years by SB 144 Chapter 215 during the 2011 legislative session.

Text to be added appears in *bold italics*.

Text to be removed from the regulations appears [in brackets and struck through].

§ 275-13 Effective and expiration dates of PLAN approval.

A. A SITE PLAN is approved and becomes effective upon the final PLANNING BOARD vote of approval. The approved SITE PLAN is valid for [one year] *twenty-four months* from the date of PLANNING BOARD meeting final approval, provided that:

(1) Active and substantial DEVELOPMENT or construction shall have commenced on the site by the owner, in accordance with the approved plan, within said [one-year] *two-year* period.

(2) If no active and substantial DEVELOPMENT or construction occurs as specified in Hudson Town Code § **275-13A(1)** above, the SITE PLAN approval becomes null and void and expires [at the end of one year] *after two years* from the date of PLANNING BOARD meeting final approval.

§ 276-9 Plan and Permit Validity.

A. SUBDIVISION and SITE PLANS shall expire [one year] *twenty-four months* from the date of PLANNING BOARD meeting final approval or as specified on the permit if substantial development has not occurred unless the permit is extended by majority vote of the BOARD. For an APPLICANT to gain an exemption from all subsequent changes in the SUBDIVISION regulations, SITE PLAN regulations and changes to the Zoning Ordinance, see NH RSA 674:39.

§ 276-9 General Plan Requirements.

B.(4) Approval block.

(a) A minimum two-inch-by-six-inch approval block containing the statement "Approved by the Hudson, NH PLANNING BOARD," one line with the words "Date of Meeting: _____," and two lines for the signatures of the PLANNING BOARD Chairman and Secretary. The signature line shall provide space for the signature, follow with the words, "Signature Date: _____." The following sentences shall be included within the approval block: "Site PLANS are valid for [one year] *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."

Mr. Dumont moved to adopt the regulation amendments, as presented, to §275-13 and §276-9.

Mr. Van der Veen seconded the motion. The motion carried 6/0/0.

IX. ADJOURNMENT

Motion to adjourn by Mr. Collins. Seconded by Ms. McGrath. Motion Carried 6/0/0

Meeting adjourned at 8:10 p.m.

William Collins, Secretary