



TOWN OF HUDSON

Planning Board



Glen Della-Monica, Chairman

Marilyn McGrath, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

MINUTES/DECISIONS OF THE PLANNING BOARD

MEETING DATE: **OCTOBER 25, 2017**

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

Glenn Della-Monica Chairman <u> X </u>	Timothy Malley Vice-Chair <u> E </u>	William Collins Secretary <u> X </u>	Charles Brackett Member <u> X </u>
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Jordan Ulery Member <u> X </u>	Dillon Dumont Member <u> X </u>	Elliott Veloso Alternate <u> X </u>	Ed Van der Veen Alternate <u> X </u>
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Ethan Meinhold Alternate <u> S </u>	Marilyn McGrath Select. Rep. <u> X </u>	David Morin Alt. Select. 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

Chairman Della Monica appointed Mr. Meinhold as a voting member in the absence of Mr. Malley.

V. MINUTES OF PREVIOUS MEETING(S)

• **11 OCT 17 Meeting Minutes – Decisions**

Miss McGrath moved to approve the draft 11 OCT 17 Meeting Minutes with amendments on the hours of refuse removal for 120 Derry Road and correction of misspelled name.

Motion seconded by Mr. Brackett. 7 yeas, 0 nays and 0 abstentions. Motion carried.

VI. CORRESPONDENCE

• **Letter from Suellen Seabury**

Mr. Thebarge indicated that Suellen Seabury had sent a letter to Town Engineer Elvis Dhima and copied the Planning Board. Mr. Dhima is working with the contractor to resolve the drainage issues and is communicating with Ms. Seabury.

VII. OLD BUSINESS/PUBLIC HEARINGS

- **Commercial Development Site Plan – 140 Old Derry Rd. – Map 105/Lot 32 – SP#14-17**

WAIVER MOTIONS:

- 1) HR 275 – 8. C.7. – Requirement for a landscaping plan

Mr. Ulery moved to grant the requested waiver HR 275- 8. C.7. – Requirement for a landscaping plan based on the testimony of the Applicant's representative here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Meinhold. 7 yeas, 0 nays and 0 abstentions. Motion carried.

- 2) HR 276-11.1.B.(12)(a) – Requirement for 200 ft. setback between industrial development and an abutting residential property line

Mr. Ulery moved to grant the requested waiver HR 276-11.1.B.(12)(a) – Requirement for 200 ft. setback between industrial development and an abutting residential property line based on the testimony of the Applicant's representative here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Dumont. 7 yeas, 0 nays and 0 abstentions. Motion carried.

MOTION TO APPROVE:

Mr. Ulery moved to approve the Site Plan entitled: Site Plan Proposed Contractor's Industrial Use Facility (Map 105/Lot 34) 140 Old Derry Road, Hudson, NH, prepared by HSI Hayner/Swanson, Inc., 3 Congress St., Nashua, NH, dated 21 August 2017 (Revisions through 10 October 2017) and consisting of Sheets 1-9 and Notes 1 – 23 on Sheet 1:

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 favorably reviewed by Town Counsel prior to Planning Board endorsement of the Plan.
2. All improvements shown on the Site Plan-of-Record, including Notes 1- 23, shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. 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 to the Planning Board approved site plan.

4. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
5. A cost allocation procedure (CAP) amount of \$5625.00 shall be paid prior to the issuance of a Certificate of Occupancy, and this fee shall be reflected as new Note 24 on the Site Plan.
6. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction activities shall be allowed on Sundays.
7. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday only and specifically prohibited on Saturday and Sunday.
8. This plan shall be subject to final engineering review and approval by CLD and Town staff.
9. Because of the concern for odors, there shall be no outside storage of vehicles on weekends and no storage of vehicles with septage or other waste products at any time.
10. Per the applicant's testimony and agreement, there shall be no residential use of the existing building.
11. In order to address traffic safety sight distance looking north on Old Derry Rd from the project entrance/exit, the owner/operator shall clear and maintain vegetation within the road right of way subject to review and approval of the Highway Department and Town Engineer. In the event that said vegetative clearing compromises buffering along the front of the property, the owner/operator shall install landscaping within the site to establish adequate buffering subject to review and approval by the Land Use Director.
12. Per the grant of the waiver on the 200-foot setback for industrial uses abutting a residential property, any change of use of the property outside of a contractor's facility for drain service shall require Planning Board site plan approval.

Motion seconded by Ms. McGrath. 7 yeas, 0 nays and 0 abstentions. Motion carried.

VIII. NEW BUSINESS/PUBLIC HEARINGS

- **Non-Residential Site Plan – 4 Bridle Bridge Rd – Map 145/Lot 6 – SP#13-17**

- 1) HR 275 – 8. C.(2) – Required number of parking spaces

Mr. Collins moved to grant the requested waiver HR 275- 8. C.7. – Required number of parking spaces based on the testimony of the Applicant's representative here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Brackett. 7 yeas, 0 nays and 0 abstentions. Motion carried.

- 2) HR 276-11.1.B.(12)(a) – Requirement for 200 ft. setback between industrial development and an abutting residential property line

Mr. Collins moved to grant the requested waiver of HR 276 – 11.B (12)(a), requirement for 200 ft. setback between industrial development and an abutting residential property line based on the testimony of the Applicant's representative here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Brackett. 7 yeas, 0 nays and 0 abstentions. Motion carried.

Mr. Collins moved to approve the Site Plan entitled: Non-Residential Site Plan Flying Crusher, LLC Map 145/Lot 6, 4 Bridle Bridge Road, Hudson, NH, prepared by Keach-Nordstrom Associates, 10 Commerce Park North, Bedford, NH, dated 20 July 2017 (No revisions) and consisting of Sheets 1-15 and Notes 1 – 33 on Sheet 1:

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 favorably reviewed by Town Counsel prior to Planning Board endorsement of the Plan.
2. All improvements shown on the Site Plan-of-Record, including Notes 1- 33, shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. 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 to the Planning Board approved site plan.
4. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
5. A cost allocation procedure (CAP) amount of \$12,000.00 shall be paid prior to the issuance of a Certificate of Occupancy, and this fee shall be reflected as new Note 34 on the Site Plan.
6. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction activities shall be allowed on Sundays.
7. Hrs. of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday only and specifically prohibited on Saturday and Sunday.
8. This plan shall be subject to final engineering review and approval by CLD and Town staff.
9. Per the waiver of required parking, the applicant shall install additional parking spaces in the area designated for future parking at any point that employee parking exceeds what is provided on the approved site plan. Construction is authorized

without further Planning Board review provided that all stormwater and design standards are met.

10. Due to concerns for potential groundwater contamination, crushed vehicles shall not be stored on site longer than four (4) consecutive days.

Motion seconded by Miss McGrath. 7 yeas, 0 nay and 0 abstention. Motion carried.

- **Crimson Properties Subdivision – 36 Speare Rd – Map 194/Lot 1 – SB#8-17**

Mr. Ulery moved to accept the 3-Lot Subdivision application for 36 Speare Rd, Hudson, NH, Tax 194/Lot 001.

Motion seconded by Ms. McGrath. 7 yeas, 0 nay and 0 abstention. Motion carried.

Mr. Ulery moved to approve the subdivision plan entitled: Residential Subdivision Plan, Crimson Properties, Map 194, Lot 1, 36 Speare Road, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., 10 Commerce Park N, Bedford, NH, dated: August 1, 2015 (no revision date), consisting of Sheets 1 - 6 and Notes 1 – 18:

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 \$5693 per residential lot shall be paid prior to the issuance of a Certificate of Occupancy for each of the three lots. Note 15 shall be revised to indicate a traffic impact fee portion of \$1715.
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 engineering review, including the locations of driveways. Any change of driveway location from that shown on the subdivision plans shall require review and approval by the Town Engineer.

Motion seconded by Ms. McGrath. 7 yeas, 0 nays and 0 abstentions. Motion carried.

- **Non-Residential Site Plan Renewal – 143 Lowell Rd – Map 204/Lot 5 – SP#13-14 (EP#2-17)**

Mr. Ulery moved to grant a two-year extension (i.e., from December 10, 2017 to December 10, 2019) for the Zheng Garden Site Plan, which calls for the construction of a 2,360 sq. ft. restaurant and associated site appurtenances at 143 Lowell Rd., Map 204/Lot 005.

Motion seconded by Mr. Brackett. 5 yeas, 2 nays and 0 abstentions. Motion carried.

Ms. McGrath and Mr. Collins both voted in opposition citing that the applicant had previously been granted a two-year extension from the original date of acceptance of the site plan and felt that the applicant should return to the planning board yearly for any further extensions.

IX. OTHER BUSINESS

- **Change of Use & Minor Site Plan – Domino’s Pizza – 16 Chase St – Map 182/Lot 68 – MSP#03-17**

Ms. McGrath moved to defer consideration of the application to the November 8, 2017 meeting.

Motion seconded by Mr. Brackett. 7 yeas, 0 nays and 0 abstentions. Motion carried.

- **Review and Discussion of Zoning Determination #17-82R 4 Site Drive Units A&B**

Mr. Brackett moved to communicate to the Zoning Administrator and property owner that the Planning Board sees the need for a presentation of facts to the Planning Board regarding proposed usage of the property before any determination of compliance with the terms of the approved site plan can be made.

Motion seconded by Mr. Meinhold. 5 yeas, 2 nays and 0 abstentions. Motion carried.

Mr. Ulrey and Mr. Dumont both voted in opposition to the motion.

X. ADJOURNMENT

Meeting adjourned at 10:39 p.m.

William Collins
Secretary