



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 11, 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> S </u>	Ed Van der Veen Alternate <u> X </u>
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Ethan Meinhold Alternate <u> X </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. Veloso as a voting member in the absence of Mr. Malley.

V. MINUTES OF PREVIOUS MEETING(S)

- 20 SEPT 17 Meeting Minutes – Decisions

Mr. Collins moved to approve the draft 20 SEPT 17 Meeting Minutes.

Motion seconded by Mr. Dumont. 5 yeas, 0 nays and 2 abstention. Motion carried.

VI. CASES REQUESTED FOR DEFERRAL

- Contractor’s Facility – 140 Old Derry Road – Map 105 Lot 032 – SP #14-17

Ms. McGrath moved to defer consideration of the Contractor’s Facility, 140 Derry Road to the October 25 2017 meeting.

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

VII. CORRESPONDENCE

- Zoning Determination#17-82R 4 Site Drive Units A&B
- ZBA Chairman Letter dated 10-9-2017 Case 165-147

Mr. Thebarga indicated that the zoning determination had been forwarded to the Planning Board at the request of Selectman McGrath.

Mr. Thebarga indicated that the ZBA Chairman's letter had been forwarded by Zoning Administrator Buttrick.

Mr. Della-Monica stated that the correspondence would be discussed under Other Business after the other agenda items were completed.

VIII. PUBLIC HEARINGS

- New Fire Station – 204 Lowell Rd – Map 216-015 – CSP #4-17

The Planning Board conducted a public hearing and received no public comment.

The Planning Board discussed the project and determined that no non-binding comments from the Planning Board were necessary.

IX. OLD BUSINESS/PUBLIC HEARINGS

- Commercial Development Site Plan – 120 & 126 Derry Rd – Map 156/Lots 15 & 16 – SP #11-17

WAIVER MOTIONS:

- 1) HTC 193.10.G. – 1 Driveway per parcel

Mr. Collins moved to grant the requested waiver of HR 193.10.G., 1 Driveway per parcel, based on the testimony of the Applicant's representative and peer review input here this evening, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion seconded by Mr. Ulery. 5 yeas, 2 nays and 0 abstention. Motion carried.

- 2) HR 276 – 11.B (12) – No parking in front setback

Mr. Collins moved to grant the requested waiver of HR 276 – 11.B (12), No parking in front setback, 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. Ulery. 5 yeas, 2 nays and 0 abstention. Motion carried.

- 3) HR 276-11.B (12)(c) – No commercial improvements within 100 feet of a residential property

Mr. Collins moved to grant the requested waiver of HR 276-11.B (12)(c), no commercial improvements within 100 feet of a residential property, 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. Ulery. 6 yeas, 1 nay and 0 abstention. Motion carried.

MOTION TO APPROVE:

Mr. Collins moved to approve the Site Plan entitled: Commercial Development Option 2 Revised 11 OCT 17 "120 Derry Road" Tax Map 156, Lots 15 & 16, Derry Road (Rte 102), Hudson, NH, prepared by Jones and Beach Engineers, 85 Portsmouth Ave., Stratham, NH 03885, dated 14 AUG 17, revised thru 11 OCT 17, consisting of Sheets CS, C1-1 -3, C2, C2-1, C2-2, C3, C3-1 – C3-2, C4, C4-1, C4-2, C4-3, LP1, L1.0, L2.0, D1 – D10, E1, E2, A-4 and A-200, Notes 1 – 29 on Sheet C2, along with a memorandum and attachments by Scott Thornton P.E. dated 5 OCT 17 documenting off-site improvements 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 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 (Sheet C2), including Notes 1- 29, 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 for any building on the site, 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. 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.
6. 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 prohibited on Saturday and Sunday.

7. This plan shall be subject to final engineering review and approval by the Town Engineer for all improvements, and by the Town Engineer and Road Agent for the proposed off-site intersection and sidewalk improvements. The proposed off-site improvements shall be completed prior to the issuance of the Certificate of Occupancy of the first building constructed on the site.
8. All driveway and off-site traffic improvements are subject to review and approval requirements of the New Hampshire Department of Transportation. In the event that NHDOT requires changes to the approved plans, the applicant is required to apply for amended site plan approval by the Planning Board.
9. Per HR 276-4, the applicant shall post with the Town of Hudson a performance surety in an amount to be approved by the Town Engineer in a form approved by the Town Attorney for all off-site improvements. Said performance surety shall be approved and posted prior to the issuance of a certificate of occupancy for any building on the site.
10. Per Zoning Ordinance §334-74.3.B, the Planning Board accepts the applicant's financial contributions to the off-site intersection and sidewalk improvements in lieu of the cost allocation procedure (CAP) fee for the project.
11. The applicant is to install 6-ft high vinyl fencing along the guardrail shown on Sheet L2.0 to provide screening for the abutting residential property as mitigation for the reduced 100-ft setback from the R2 District.

Motion seconded by Mr. Ulery. 6 yeas, 1 nay and 0 abstention. Motion carried.

ADDITIONAL MOTIONS:

Mr. Veloso moved to officially request that all peer review input from CLD related to traffic impacts and improvements be forwarded to NHDOT.

Motion seconded by Mr. Ulery. 7 yeas, 0 nay and 0 abstention. Motion carried.

Mr. Veloso moved to officially recommend that NHDOT stipulate that the applicant install durable "Do Not Block Intersection" striping at the intersections of Phillips Drive and Meagan Drive.

Motion seconded by Mr. Ulery. 7 yeas, 0 nay and 0 abstention. Motion carried.

X. NEW BUSINESS/PUBLIC HEARINGS

- Brox Industries, Inc. – Greely St & Barretts Hill Rd – Map 115/Lot 5 – EP #1-17 (Extension of EP #1-12)

Ms. McGrath moved to accept the extension of approval request for Excavation of Soils Permit for Brox Industries, relative to 85 Greeley Street, Map 115/Lot 5 - EP# 1-17 (Extension of EP#1-12).

Motion seconded by Mr. Dumont. 7 yeas, 0 nay and 0 abstention. Motion carried.

Mr. Collins moved to extend the approval of the Excavation of Soils Plan entitled: Site Plan Map 115 Lot 5 Proposed Earth Excavation 85 Greeley Street, Hudson, New Hampshire, prepared by Hayner/Swanson, Inc., 3 Congress St., Nashua, NH 03062, dated: 5 July 2012 (no revision date), consisting of Sheets 1- 5 and Notes 1 – 8, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the HCRD, together with the above-cited Plan (hereafter referred to as the Plan).
2. The Planning Board grants approval for a period of time not to exceed five (5) years from the date of extension of approval.
3. Hours of excavation or removal of materials involving the subject lot shall be limited to the hours after 7:00 A.M. and before 7:00 P.M., Monday through Saturday. Said excavation or removal of materials shall be prohibited on Sundays.

Motion seconded by Mr. Ulery. 7 yeas, 0 nay and 0 abstention. Motion carried.

XI. OTHER BUSINESS

The Board discussed Zoning Determination #17-82R and requested staff to seek legal guidance on the role and rights of appeal of the Planning Board with respect to interpretation and enforcement of approved site plans. Ms. McGrath recused herself from the Board's discussion and clarified that she was speaking as an affected party and not as a member of the Board of Selectmen.

The Board discussed the letter from Zoning Board of Adjustment Chairman Normand Martin and agreed to consider the ZBA's input from Variance Case 165-147 when the indoor self-storage units come for Planning Board site plan review.

XII. ADJOURNMENT

Meeting adjourned at 10:40 p.m.

William Collins
Secretary