



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603-594-1142

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HUDSON PLANNING BOARD MEETING MINUTES January 8, 2014

I. CALL TO ORDER

Acting Chairman Hall called this Planning Board meeting to order at 7:02 p.m. on Wednesday, January 8, 2014, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Hall asked Mr. Malley to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Acting Chairman Hall asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: George Hall, Tim Malley, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: James Barnes (excused), Glenn Della-Monica (excused), Vincent Russo (excused).

Alternates

Present: Charles Brackett, Jordan Ulery, and Nancy Bruckerman (Selectmen's Representative Alternate, arrived at 7:06 p.m.).

Alternates

Absent: Marilyn McGrath (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Hall welcomed Mr. Charles Brackett as the newly appointed alternate, noting that he was replacing Ms. Irene Merrill, who had elected not to run for reappointment.

Acting Chairman Hall noted that the scheduled attorney/client session had been canceled.

Acting Chairman Hall then announced that Mr. Russo had taken a leave of absence, saying he would sit in Chairman Russo's place.

Acting Chairman Hall seated Mr. Ulery in place of the absent Mr. Della-Monica and seated Mr. Brackett in place of the absent Mr. Russo.

V. MINUTES OF PREVIOUS MEETING(S)

- A. 04/10/13 Minutes - 01/08/14 Packet
- B. 04/24/13 Minutes - 01/08/14 Packet
- C. 07/10/13 Minutes - 01/08/14 Packet
- D. 10/23/13 Minutes - 01/08/14 Packet
- E. 11/13/13 Minutes - 01/08/14 Packet

Acting Chairman Hall asked if anyone were prepared to review any of the sets of minutes posted for this meeting. No one coming forward, he requested that the Board members be prepared to address at least the first two sets of minutes (for the 04-10-13 and 04-24-13 meetings) at the next meeting.

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from this scheduled date.

VII. CORRESPONDENCE

Acting Chairman Hall stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated matters later in the meeting.

VIII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

VIX. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

X. PUBLIC HEARINGS

No **Public Hearings** items were addressed this evening.

XI. OLD BUSINESS

**A. Retail Center/Enxing Plaza Site Plan 201 Lowell Road
SP# 06-13 Map 216/Lot 011**

Purpose of plan: Proposed development calling for the construction of a 10,465 SF commercial/retail building. Hearing. (Deferred from the 10-23-13 Planning Board Meeting to the 12-11-13 Planning Board Meeting, which was cancelled.)

Acting Chairman Hall read aloud the published notice, as repeated above. He then noted that the applicant had submitted a written request to withdraw that application.

Mr. Malley moved to accept the applicant's written request for withdrawal; Mr. van der Veen seconded the motion.

VOTE: Acting Chairman Hall called for a hand vote on the motion. All members voted in favor, and Acting Chairman Hall declared the motion to have carried unanimously (6–0).

Acting Chairman Hall noted that he had in the past refrained from voting whenever he was serving as Acting Chairman unless there was a tie vote, as he had felt it was fairer for the Chairman not to vote so that there would not be any appearance of his trying to influence for him to vote either because of his comments or from who he selected to sit on a case, but speakers at the recent Law Lecture series had persuaded him that this was not an appropriate position and he would be voting from now on.

Selectman Brucker arrived at 7:06 p.m. and took her seat at the table at that time as the nonvoting Selectmen's Alternate.

Acting Chairman Hall said he would take up the CAP update item out of order at this time without objection. No objections were raised.

XV. OTHER BUSINESS

A. Update on the Cost Allocation Procedure (CAP) Fee Assessment Update Report, prepared by VHB, Inc.

Acting Chairman Hall read aloud the published notice, as repeated above.

Mr. Marty Kennedy, of Vanasse Hangen Brustlin, Inc. (VHB), noted that he had been asked to make some minor revisions, and he was here to address them, noting that he had just handed out a revised **Traffic Impact Fee System** document. He noted that the second-to-last page was the new map.

Mr. Hall said he was not sure there had actually been a consensus on the Traffic Impact Fee Zones, and he said he would poll the Board to establish that—noting that he had felt the south end of town was more similar to the less dense areas, and the proposed map showed what he had suggested, but Mr. Barnes had pointed out that there were some dense areas there as well.

Mr. van der Veen said he thought the map was what had been intended.

Selectman Maddox said he thought it should all be one zone, just for logistical reasons. Acting Chairman Hall said that had been overruled by the Town Attorney, saying the RSAs required it; Mr. Kennedy said he did not know that the Town Attorney had said it was required but that he had strongly suggested it. Acting Chairman Hall said he was pretty sure the Town Attorney had said it was required.

Town Planner Cashell referenced the last paragraph the first page of Town Counsel's letter, saying no requirement was claimed. Mr. van der Veen read from text on the second page, noting there was a recommendation. Mr. Hall noted that the text pointed out there was a concern about the increased amount of bookkeeping and record-keeping.

Acting Chairman Hall said the Board would think about this.

Mr. Kennedy noted that the Town Attorney had suggested that an appendix be added to the report to show how the cost calculation for a mile of two-lane roadway at Service Level E, noting that he had provided calculations for that in the added appendix for the revised report. He noted that the Town Attorney had asked that the "daily carrying capacity" be clarified, saying he had provided clarification in the appendix. He said the formula was based on daily volume, so it was a measure of how much was carried on a two-lane road in either direction. He then referenced the 35% reduction from the calculated cost, noting that this accounted for other fees; he said he had simplified the language, saying it basically gave a buffer in case an applicant came back to claim that he had given fees that had been used for something else beyond the impact of his development. He noted that he had shown that even with that 35% reduction Hudson was very close to what other communities had been charging. He noted this kind of reduction could not be made for particular uses but could be done across the board. He then concluded by noting that the Town Attorney had said the Board would have to become aggressively involved in developing a capital improvement plan to show where the fees would be used, adding that the Town really should have something that it could point to when an applicant asked what the fee would be going to. He said this could be a plan, or even just a tabulation of priority projects coming up, designating a number of intersection project in the different fee zones. He said the Board needed to put some thought to it and get something down on paper.

Acting Chairman Hall asked if any Board members had any questions.

Selectman Maddox expressed a belief that the Board needed to have Atty. Buckley come in before determining anything. Acting Chairman Hall responded that the Board was not determining anything, noting that the Board first needed to develop a list of projects and then schedule a public hearing before any determination was made.

Town Planner Cashell noted that Atty. Buckley's letter recommended that the Board have a detailed set of priority projects spelled out, but Mr. Kennedy had said the Board would not have to develop extensive detailed plans, such as had been done with the corridor studies in the 1980s. Mr. Kennedy said one option was to update the three corridor studies, which would cost a couple hundred thousand dollars, but doing this fee option instead could be done with a priority list, which would be much less expensive. He said he did not know if the level of the plan was critical but it should be able to answer questions, so that the Board could say it had a plan to upgrade an intersection or install traffic lights or something.

Town Planner Cashell suggested holding off on scheduling the public hearing until the Board had all of its ducks in a row. He noted that there were some known needs that had been discussed, including intersection of Central Street, Greely Street, and Kimball Hill Road, as was the Sagamore Bridge/Wason Road/Lowell road intersection, noting that there had been extensive discussion about the need for work with both of these intersections for capacity building, along with a number of other projects. He asked if the Board should have a solid list of such things before holding the public hearing.

Selectman Maddox said people change, saying that the list would just be a CIP 2; he suggested reactivating the CIP for a year, instead, saying at the end of six years there could be five different selectmen and different Planning Board members who would not feel the need to do those things—citing the long-proposed traffic signal at the Pelham Road/Lowell Road intersection as an example. Acting Chairman Hall said he did not think the Board could go with the status quo, noting that the Board had already voted to go ahead with this change. He said Town Planner Cashell had come up with a brief list, but they needed some help from the Highway Department. Selectman Maddox suggested it should be the Town Engineer, instead. Acting Chairman Hall said it should be both. Selectman Maddox said he would bring this up at a coming Board of Selectmen meeting.

Mr. Ulery said a detailed construction plan and a plan were different things, saying a "plan" could be just a wish list. Acting Chairman Hall expressed some agreement, saying a list with a little more description for the named projects would do it, but there would be no final plans until the Town had some money. Mr. Ulery suggested the plans could change over time; Acting Chairman Hall agreed, saying he did not think it had to be too elaborate, saying not much more than Mr. Cashell had just given should be enough. Acting Chairman Hall asked if Mr. Kennedy agreed with that statement; Mr. Kennedy said the Board needed something on paper, saying the more detail the better, but it did not have to go into details. He said the list had to be real, however, saying the Town really needed to be planning to do those things.

Mr. Malley asked if the money would be locked into a designated intersection, noting that it might later be decided not to do that intersection. Mr. Kennedy said it would not be locked in, saying priorities could change, but the Town had to be honest about it. Acting Chairman Hall said he did not believe that priority values had to be assigned, saying the Town might decide to do a second priority for which it had sufficient money if it did not have enough money for a prior item on the list—but items for which money would be spent should be on the list.

Mr. van der Veen suggested including a final statement that the list was subject to change. Town Planner Cashell expressed agreement, saying highway improvement plans were always subject to change, even during construction, but the important thing was to make sure that the moneys were expended within six years, saying the Town could not hoard them. He then added that he felt it would be fairly easy for the Road Agent and the Town Engineer to come up with a list of things that were being planned.

Mr. Malley asked how hard it would be to tell someone off Dracut Road that there was an impact on Robinson Road. Acting Chairman Hall said the answer to that was obvious, but the Town could not have sectors of mapping so small that it did not make sense. He said dividing the town into two zones was an attempt to make it fair, and having half the town in each zone meant that some impact could be shown, saying having two zones was better than just having one. He then asked what Mr. Malley would do instead. Mr. Malley responded that he would like to see a line running more or less parallel with Route 111 and Central Street. Acting Chairman Hall asked if he meant to have three fee zones. Mr. Malley noted that much development seemed to be at the south end of the town.

Mr. Ulery said Mr. Malley had brought up a very good point, but it should be discussed at a public hearing, saying the Board could take it into consideration. Acting Chairman Hall responded that there would have to be consensus of the Board before having a public hearing. Mr. Malley said an attorney could easily defend an impact fee collected in the southern part of town for work being done in that area. Acting Chairman Hall said the fee zones would be public information, so the developer would know up front that his money could go elsewhere in that same zone.

Selectman Maddox argued that the people who would be impacted in the future did not live here yet, so they could not provide input at the public hearing. He suggested having consultation with the Town Attorney about this. Acting Chairman Hall said the Town Attorney had given his opinion, and to go back now would not be prudent. He then stated that he was asking the Board of Selectmen to authorize the Town Engineer and the Road Agent to work up a list.

Selectman Maddox said the two projects listed by Town Planner Cashell were both within the State's realm, saying those two projects were further out than could be put on the list, but he would have no problem asking the Board of Selectmen to give that authorization.

Selectman Brucker said it could be looked at like school impact fees, noting that citizens had to pay school impact fees even if they had no children.

Acting Chairman Hall said the Board would leave this for now, until hearing back from the Board of Selectmen.

Mr. Brackett suggested finding out how other towns handled this, asking if the projects would be distributed through the entire town. Mr. Kennedy said his company had just done this same procedure for Salem, saying he believed that community would use a list of projects being planned for the future.

Mr. Brackett asked how random projects could be implemented fairly, asking if the projects would be chosen throughout the town in a random pattern. Mr. Kennedy suggested that Town Planner Cashell contact his Salem and Concord counterparts.

Town Planner Cashell said it would not be inconceivable to have a third district, covering everything below Kimball Hill Road. Acting Chairman Hall expressed a desire to wait on the number of zones, saying the problem was to determine if the Board would get there at all rather than determining where the line would go. He then stated that the Board would wait to hear back from the Selectmen.

XII. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XIII. PRELIMINARY SUBDIVISION REVIEW ONLY

A. Wojcik Property CSB 07-13

**90 Gowing Road
Map 231/Lot 053**

Purpose of plan: to subdivide the property from one lot to 18 lots as an Open Space Development (PRELIMINARY REVIEW ONLY).

Acting Chairman Hall read aloud the published notice, as repeated above.

Mr. Jeffrey Brem, of Meisner Brem Corporation, together with Atty. Jeff Zall, and property owner Richard Wojcik, appeared before the board, distributing copies of the latest version of the plan.

Referring to the yield plan, as displayed by Mr. Cashell on the projection screen, Mr. Brem referenced details of what currently existed on the property. He noted some slopes in excess of 25% had been identified on the revised plan, saying there were no ledges, with water tables of 24 to 40 inches being typical of the area.

Mr. Brem said the site would be serviced by individual septic systems, saying the yield plan showed 19 lots, including Mr. Wojcik's existing house. He said there was a slight mistake on Lots 3 on the plan, which just showed the land in Hudson but not the land in Pelham, saying otherwise all of the lots met the requirements in Hudson alone.

He then displayed an alternative open-space plan showing two cul-de-sacs instead of a big loop (one measuring 1,050 feet, the other 725 feet, saying the critical feature of this plan was to save the beautiful field, the area around the brook, and the stone wall, as the benefit of an open-space plan. He said there would be 3.6 acres of open space required but they were providing 15 acres.

Atty. Jeffrey Zall, 221 Main Street in Nashua, said he had not attended the November 13th meeting, but he had reviewed the minutes of the previous meeting and wanted to address some of the issues that had come up. Referring to the congestion of traffic issue, he said one had to look at the neighborhood and see how this development would affect the neighborhood. He referenced a plan showing all the house lots on Gowing Road, put together from the Town of Hudson assessing map, Referring to the Dumont Road and Beaver Path neighborhood, he said there were 36 houses on 50 acres of land, amounting to 1.3 acres/house lot. He said the density of the neighborhood just beyond this proposal was 13 house lots on 19 acres for a density of 1.48 acres/lot, while the density of the proposal was 19 lots on 35.6 acres, for a

density of 1.87 acres/lot, so it was less than the existing density of the neighborhood. He contended that to say this proposal, caused congestion was kind of misleading, saying it fit in with the rest of the area and was less than that of the surrounding neighborhoods and was well in line with if not less than everything else on Gowing Road.

In order to consider the impact of traffic, Atty. Zall said, one needed to consider the existing traffic. He noted that area residents at the November meeting had talked about 40 additional vehicles being excessive—saying he disagreed. He pointed out that traffic could go in three different directions from the intersection of Gowing Road with Somerset Drive and Crestwood Drive, saying there were 166 houses beyond that, and they were proposing only 18 new lots; he suggested that this was not sufficient impact to prevent this project from going forward.

He said a rule of thumb for traffic would be two trips in the morning and two trips in the evening (this statement elicited laughter from the audience, causing Acting Chairman Hall to call the audience to order). He said the result was that there would be 368 trips instead of 332 for each of the morning and evening periods, saying it was an increase but not significant. He said this was not sufficient increase to say this proposal adversely impacted the traffic on Gowing Road.

He noted there were 76 houses on Brook Drive, saying the additional 18 would be a 23% increase, and he submitted this was not enough to be considered a traffic problem.

Atty. Zall noted that another resident had been concerned about headlights shining in his windows; he said this would not be the case, as the cars would be shining into the field from the way the subdivision roads were designed.

Referring to the issue of impact on wildlife, he noted that there was substantial open space in the area, with plenty of wildlife corridors.

Atty. Zall noted there had been some concern expressed about impact on wells— noting that there were 76 wells north of Brook Drive, and he said he felt 18 new artesian wells would not cause a problem. He said there had been some concern that the brook might at some times might be down, saying this was caused not by wells but by weather conditions and what the beavers did.

Atty. Zall said some members of the Planning Board apparently felt that stone walls could not be touched. He said New Hampshire only had two regulations pertaining to stone walls, with one saying that a stone wall on a scenic road could not be breached without Planning Board approval, which did not apply here. The other statutory prohibition, he said, was that stone walls could not be removed between properties, unless both abutters agreed, but this did not come into play here as none of the stone walls that would be breached were along property boundaries but were all interior walls. He then pointed out that Mr. Wojcik had built most of these walls.

Referring to the question of whether a cul-de-sac could be placed on a dead-end road, he said one could have a cul-de-sac on a dead-end road. He said the Hudson Planning Board regulations had been amended in 2009 to say that a cul-de-sac could measure no longer than 1,000 feet beyond an intersecting road that led to at least two other streets or roads that led to collector/arterial roads, and Gowing Road had two

other intersections that led to collector roads. He pointed out that there were a number of cul-de-sacs on Gowing Road already.

Atty. Zall concluded by saying they would be looking for two waivers, with one for the >1,000-foot distance for the longer cul-de-sac, and he pointed out that there were two possibilities, depending on how they laid out the roads—either just for the length of the long cul-de-sac or for the requirement that the cul-de-sac must intersect with an intersecting street, as the shorter one on the alternative plan would not.

Acting Chairman Hall opened the meeting for public input and comment.

Mr. Wayne Grzefik, 92 Gowing Road, said he did not know the definition of open-space land, asking if the current property owner would own the open-space property. Acting Chairman Hall said usually it would be co-owned by all the residents of the development, not by the Town. Mr. Grzefik said there was some history on the stone walls, saying there had originally been a coach road through where the cul-de-sac would go, saying those walls had been put there for a purpose. He asked if the open land had to be good land, saying most of the proposed open space here was swamp and/or in Pelham. Acting Chairman Hall said the development was not taking credit for the Pelham land, adding that the open-space land could be any kind of land. Mr. Grzefik said he would like to know where the developer would get the loam; Acting Chairman Hall said that was none of the Planning Board's business and not part of the regulations. Mr. Grzefik asked what would be done about the construction vehicles, saying the road was already being torn up. Acting Chairman Hall said the Town usually required posting of a bond for any street opening; if not, he continued, the owner would have to deal with the Town with respect to whatever repairs would be required to fix any damage to the road, but this was not an issue that the Planning Board would get involved in. Mr. Grzefik said the owner was already digging septic tanks; Acting Chairman Hall said the property owner would have to deal with State regulations pertaining to septic systems. Acting Chairman Hall noted that these details would be dealt with when the applicant came back with an actual plan, saying nothing was binding at this time—pointing out there would be no votes on this matter at this meeting but only discussion, allowing the residents to raise their issues, so that the property owner and the Board member would know what concerns the neighbors had.

Mr. Bob Rallis, 89 Gowing Road, said the wildlife were crossing the 40 acres of conservation land, saying there were two stone walls for a former road going through the property

Selectman Maddox said it looked in the chart as though they in fact were counting the Pelham land as part of the open space provision. Atty. Zall said they were not counting it, as it was not part of the required area.

Mr. Dennis Wilkinson, 9 Beaver Path, said he had previously had a question about the water table. He said he had spoken to the owner, finding they had done a lot of testing. He said he did not have a problem with people building on their own property.

Ms. Melissa Masson, 95 Gowing Road, said she lived on the end of the cul-de-sac, saying she and her husband came onto the road at least six times a day, noting that they had both their own commutes and also the need to shuttle children back and forth at night. She said that there already was a problem, noting that there were cars coming

down that road because some maps showed it as a cut-through to Pelham. She then declared that to say 18 houses would not impact the traffic was a crazy statement, as there already was a lot of traffic.

Ms. Susan Laroach, 88 Gowing Road, asked if there were supposed to be some type of clearance. Acting Chairman Hall said there was a sight-distance requirement, but that the question was early, saying the applicants were aware of the requirement. Ms. Laroach said she and her husband respected the owner's right to build on the property but they thought the plan was for too many houses, and they were asking the developer to consider reducing the number. She said there would be a house sitting in her back yard, which she had not had before. She concluded by suggesting bringing the 18 down to 12 houses.

Mr. Gordon Tinkham, 3 Beaver Path, said he was a little confused, asking if there were not a wetlands on the property. Acting Chairman Hall said that was shown on the plan. Mr. Tinkham said there was a flag in the middle of his boundary line that said wetlands. Mr. Brem identified on the displayed plan where the wetland line was, noting that the pond went up and down. He said the wetland lines had been established by a soil scientist, who had put the flags out there. Mr. Tinkham asked what was being done for drainage, alluding to the increased runoff from all the new asphalt and roadways that would be installed. Acting Chairman Hall expressed a belief that they had not done the calculations for that yet. Mr. Brem said it was definitely a great question but it was way too early for that, saying they would not change the existing flow paths but would detain the water on-site so that there would be no increase in runoff off the property, adding that the runoff water would be put through swales for enhancement.

No one else coming forward from the audience, Acting Chairman Hall asked for questions or comments from the Board.

Mr. Ulery noted that the 1000-foot cul-de-sac meant that a cistern or well would be required, and he asked if two would be needed in this case. Mr. Brem said they would talk with the Fire Department about it, noting that Fire Departments often wanted it placed in the middle of the length—adding that the allowed distance in some other communities was 2200 feet, so he felt they should be able to satisfy the requirement with one.

Selectman Maddox asked what the driving force was about the field. Mr. Brem said the regulations talked about preserving existing vistas, saying it was a pretty field and it and the pond should be protected, along with the stone walls. He said moving the houses down and filling up; the field would be a detraction. He commented that open space should be seen, be able to be used, and should be an integral part of the development.

Selectman Maddox noted that the fertilization of all of the lawns might be a problem for the pond, saying he was concerned about runoff from the lawns. Mr. Brem said he could pick up the swale to polish the water enroute to the pond.

Selectman Maddox said he had a real issue with cul-de-sacs off cul-de-sacs, so he would be reluctant to give the waiver, either way.

Mr. Ulery asked Mr. Brem to explain what "polishing" of the water was. Mr. Brem said as engineers they tried to imitate what nature did, saying they essentially treated

the water the way nature did. He said there would be cisterns with both detention and cleaning components as part of the design, to take care of solids, fertilizers, etc.

No other questions or comments being raised, Acting Chairman Hall said the biggest question would be the likelihood about the waiver for the cul-de-sacs, so he asked if any members wished to voice any concerns.

Mr. Malley said that for him the cul-de-sac would not be a problem if they came up with a system that was good with the Fire Department.

Mr. Ulery said some improvement to the curve of Gowing Road should be included on the plan, noting that 400 feet of sight distance would be needed.

Acting Chairman Hall said most of the neighbors seemed to be concerned about traffic, saying that issue would not go away and that there would be some impact. He suggested the applicant have a traffic consultant provide some input, noting that 18 house lots was not a huge number but "huge" was in the eye of the beholder. He said he would not want, himself, to say one way or the other about the cul-de-sac at this time, but it was a big issue, and had been an issue in the past, and anything they could do to mitigate it would be helpful—adding that he had not yet decided one way or the other, but the Board had allowed some similar things in the past but had denied some others. He noted that two members of the Board were not present tonight but were likely to be here when the applicant came back with a plan.

Selectman Brucker asked if they could put 31 house lots there, since there were 31 acres. Acting Chairman Hall explained that they had to show on the yield plan how many lots they could get and then provide an open-space plan for that same number of lots. He noted that there was a big loop road involved, saying some people might say this did not meet regulations. Acting Chairman Hall then asked if they had obtained a zoning determination as to whether the yield plan met regulations. Mr. Brem said they had not. Acting Chairman Hall suggested they get that zoning opinion before designing the plan.

XIV. NEW BUSINESS/PUBLIC HEARINGS

**A. Boyer Site Plan
SP# 08-13**

**156 Lowell Road
Map 204/Lot 073**

Purpose of plan: to depict the site improvements associated with the new parking layout and paved display area. Application Acceptance & Hearing. (This item was originally scheduled for the 12-11-13 Meeting, which was cancelled).

Acting Chairman Hall read aloud the published notice, as repeated above.

Town Planner Cashell said the application was ready for Application Acceptance.

Mr. Malley moved to grant Application Acceptance; Mr. Ulery seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Hall declared the motion to have carried unanimously (6–0).

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, displayed the following plans on the meeting-room wall:

- **Master Site Plan, Boyer Site, Map 204/Lot 073, 156 Lowell Road**, prepared for and owned by the Boyer Association, dated November 12, 2013, no revision date.
- **Existing Condition Plan, Boyer Site, Map 204/Lot 073, 156 Lowell Road**, prepared for and owned by the Boyer Association, dated November 12, 2013, no revision date.

Mr. Basso pointed out details of the 3½-acre site on the displayed plan, noting what other uses were in the area. He said there were a number of uses on the property, with four buildings on it, including a 300-foot metal building on the northern part, along with a home residence, a 12,160-ft² building in the middle part, and a 5,088-ft² building in the back. He said they were not proposing any changes for the buildings, saying the two repair shops were there, but the home would be demolished. He said they would do cleanup of the site, noting that there was a driveway on the site that served the neighboring site. He said there were two levels, with a 4-foot difference in grade. He said the key component would be to remove the house and to put in a paved area for display of power equipment, saying they would have to create a parking area for the other buildings, and also to narrow up the entrance to the 24-foot width specified in the ordinance and straighten it out a bit, as well as creating some landscaping. He said they planned to leave the gravel area but to better define the parking locations.

Mr. Basso then discussed the improvements that would be done for the drainage system, noting that they would be leaving the gravel area alone.

He said they had not yet addressed the CLD comments, saying he was here tonight just to get Application Acceptance, but would be happy to answer any questions.

Acting Chairman Hall opened the meeting for public input and comment.

Mr. Todd Boyer, 156 Lowell Road, noted that he was the only person present. Acting Chairman Hall closed the public hearing, and then asked if any members of the Board had any questions.

Selectman Maddox asked about the open space, commenting that a note on the plan said there would be 31%, when 35% was required. Mr. Basso said he would look at that, and he suggested getting rid of some of the gravel in the setback.

Mr. Malley asked where the sales office for the displayed equipment would be. Mr. Boyer said it would be in Building #3, just for display purposes of brand-new trailers, snowplows, sanders, etc. He said he wanted to "clean up the Wild West."

Mr. Brackett noted that there was reference in the documentation to a 10-foot construction exit, and he asked where that was shown on the plan. Mr. Basso said it

was an erosion control detail, involving a temporary stone path in the driveway to shake out dust when construction trucks drove over it. He said this was a part of the Best Practices concept.

Mr. Brackett asked about sidewalks; Mr. Basso said they would be minimal, just to get people from the parking area to the display shop, adding that they would be pavement over gravel.

Acting Chairman Hall said he assumed there was no existing site plan. Mr. Basso concurred. Acting Chairman Hall said he was generally happy with what was being proposed, but he thought there were a few technical issues. Noting that the property at Map 210/Lot 009 was not part of the site plan, he asked how the Board could put a driveway for an abutting residential lot on the site plan without asking for a waiver, at a minimum—adding he did not believe they could put the parking on a residential lot without moving it out of the setback. Mr. Basso said it was not really a residential lot; he said he could look at it and perhaps shift it. Acting Chairman Hall said he had a problem with a plan showing parking for an adjoining lot, saying a waiver would be needed, and the easement would have to be shown. He then said he agreed with Selectman Maddox that it would not be too hard to show the correct green space.

Acting Chairman Hall asked about the easement along Lowell Road. Mr. Basso said he had not been at that engineering meeting, saying he thought it was okay, noting the Town would want 12 feet.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9 B, *Traffic Study*, citing the reason for granting this waiver as being because the proposed razing of the existing single-family dwelling and replacement of it and its immediate surroundings with an outside equipment display area was not expected to create additional traffic to and from the site—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Ulery seconded the motion.

Selectman Maddox stated that the traffic study would be waste of time and money.

VOTE: Acting Chairman Hall called for a verbal vote on the motion.
All members voted in favor, and Acting Chairman Hall declared the motion to have carried unanimously 6–0).

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9 C, *Noise Study*, citing the reason for granting that waiver as being because such a study was unnecessary, taking into consideration that the commercial activities associated with the subject site already existed, were not proposed to change, and for the most part were conducted inside the existing buildings, thus reducing the noise impact upon abutting properties—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Ulery seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion.
All members voted in favor, and Acting Chairman Hall declared the motion to have carried unanimously 6–0).

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9 D, *Fiscal Impact Study*, citing the reason for granting that waiver as being because, in addition to the submitted plans and submitted application documents, the said study was unnecessary in order to evaluate the fiscal impact of this development—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Malley seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion.
All members voted in favor, and Acting Chairman Hall
declared the motion to have carried unanimously (6–0).

Selectman Maddox asked if the area outside the building was for outside storage of vehicles being repaired. Mr. Basso responded in the affirmative. Selectman Maddox asked if the plan should not note that it was not just existing gravel but would be for outside storage. Mr. Basso said he would relabel that. Acting Chairman Hall said he thought that should pertain to any space where outside storage would occur. Mr. Basso expressed agreement. Acting Chairman Hall noted that they were going to put a plan on record and Mr. Basso knew the issues that went along with that, saying it would protect the property owner in the future. Mr. Basso expressed agreement.

Selectman Maddox moved to defer further action on this matter to the February 26th meeting. Mr. Malley seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion.
All members voted in favor, and Acting Chairman Hall
declared the motion to have carried unanimously (6–0).

XV. OTHER BUSINESS

Town Planner Cashell noted that election of officers would take place at the next meeting, adding that the Planning Board would have to request doing a CIP from the Board of Selectmen, which he would strongly recommend. He suggested that could be tied in with preparing the list that had been discussed with respect to the updating of the impact fee process.

XVI. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Malley seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion.
All members voted in favor.

Acting Chairman Hall then declared the meeting to be adjourned at 9:04 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
January 8, 2014**

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Date: January 12, 2014

George Hall, Acting Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 02-26-14 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
January 8, 2014**

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The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 02-26-14:

Page 1 — Moved Mr. Russo from **Members Present** block to **Members Absent** block and marked him as excused.