



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES November 13, 2013

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:03 p.m. on Wednesday, November 13, 2013, in the Community Development Department's Paul Buxton Meeting Room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Ulery to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo 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: Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: James Barnes (excused)

Alternates

Present: Irene Merrill, Jordan Ulery, and Nancy Bruckerman (Selectmen's Representative Alternate).

Alternates

Absent: Marilyn McGrath (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

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IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Ms. Merrill in place of the absent Mr. Barnes.

V. MINUTES OF PREVIOUS MEETING(S)

A. 03-13-13 Minutes

Chairman Russo addressed the minutes for the meeting of March 13, 2013, asking if there were any changes or corrections.

Mr. Della-Monica requested the following changes:

- Page 7, 1st paragraph — he questioned the phrase “these benefits should weigh for everybody.” [This was determined to be a direct quote.]
- Page 7, last paragraph, 2nd line — “sai” should be “said.”
- Page 12, 3rd paragraph from bottom — misplaced semi-colon.

No further change requests being brought forward, Mr. Della-Monica moved to approve the 03-13-13 minutes as amended, Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Barnes having arrived at 7:05 p.m., Chairman Russo stated that Mr. Barnes would be seated from this point on, with Ms. Merrill returned to her nominal position as a nonvoting alternate.

B. 06-26-13 Minutes

Chairman Russo addressed the minutes for the meeting of March 13, 2013, asking if there were any changes or corrections.

Mr. Della-Monica requested the following changes:

- Page 3. 5th paragraph last line – get rid of parentheses.
- Page 7, 5th paragraph, 3rd line – should be comma in 18,000 instead of space.
- Page 11, 3rd paragraph, 1st line — instead of “coffee shop” the phrase should be “coffee-selling store.”

No further change requests being brought forward, Mr. Della-Monica moved to approve the 06-26-13 minutes as amended, Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

C. 08-14-13 Minutes

Chairman Russo addressed the minutes for the meeting of March 13, 2013, asking if there were any changes or corrections.

Mr. Della-Monica requested the following changes:

- Page 3, 6th paragraph from bottom, 2nd line — ends in period, making preceding a lost clause; should be a comma
- Page 5, last paragraph, last line — text should read LEED-compliant instead of “green-compliant.”

No further change requests being brought forward, Mr. Della-Monica moved to approve the 08-14-13 minutes as amended, Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Chairman Russo stated that he would defer review of the remaining minutes until the next meeting. [Note: the remaining minutes were addressed at the end of the meeting.]

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from this scheduled date.

VII. CORRESPONDENCE

Chairman Russo noted there were no items of correspondence to discuss this evening.

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. DESIGN REVIEW PHASE

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

Chairman Russo said he wished to take up the conceptual review item at this time.

XIII. CONCEPTUAL REVIEW ONLY

A. Review Concept Plan to Subdivide Land

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

Purpose of plan: to present a Conceptual Open Space Development (OSD) Subdivision Plan for the 32-acre parcel, having a street address of 90 Gowing Road, Map 231/Lot 053. *Conceptual Review Only.*

Chairman Russo read aloud the published notice, as repeated above. He then asked about the lot calculations. Town Planner Cashell said the engineer would address that. He then displayed the proposed OSD plan via the projection system.

Mr. Jeffrey A. Brem, PE, of Meisner Brem Corporation, 143 Littleton Road, Westford, MA 01886, appeared before the Board as the representative of the applicant and distributed full-size copies of the plans to those members of the Board who wanted them. He displayed a copy of the yield plan on the meeting-room wall and discussed details of what the property looked like at this time, the surrounding properties, etc. He described the terrain and the wetlands (noting they were not flagged as yet). He discussed the road that would service the lots if the yield plan were realized, showing 19 lots (noting that this was one more than on the first plan originally submitted).

Mr. Brem then posted the proposed OSD plan on the wall, noting that lots were reduced with leftover land set aside as open space. He stated that there were still 19 lots, with wetlands and field (for vista) left out, with an old stone wall retained, noting that he had run the road alongside that stone wall. He stated that 3.64 acres of open space were required, saying they were providing 15. He noted the effect of the town-line split, noting that part of the property was in Pelham, NH. He said he did not have to bring the road as far as shown, but had done it in order to preserve the field, but he would need a waiver of the cul-de-sac length. He then concluded his initial presentation.

Chairman Russo opened the meeting for public input and comment, in favor of the application.

Mr. Roger Coutu, 10 Rita Avenue, stated that he was here both as a selectman and as a resident of the southern end of the town. He said he had friends living in the Gowing Road area who had expressed concern about this proposed development. He said it was a very serene area, not congested, with old roads that could handle only so much traffic, noting that the property abutted a privately owned pond that drained into Musquash Pond, which he described as a significant concern with regard to the wetlands in that area. He stated that the plan called for 19 homes in a congested area abutting immediate residents. He expressed shock that the property owner had never approached his neighbors to tell them that he planned to do this, saying it was also shocking to him that the owner was not present this evening to present the plan. He said he had assured the neighborhood residents who were here to speak that the Planning Board would listen very carefully to all their concerns, and he also expressed a hope that those present out of interest would attend the subsequent meetings so as to be aware of any changes to the plan, if the Planning Board in fact allowed it to be built in that area.

Mr. Stephen Moreau, 7 Beaver Path, asked if it were known whether any direct abutter would be offered first refusal of any of the lots. Town Planner Cashell said that was a private matter. Mr. Brem said he would bring that idea to his client.

Mr. Michal Laroche, 88 Gowing Road, identified himself as an abutter and also as a friend of the property owner. He said he and his wife had several concerns, saying he just wanted to share one this evening. He said the residents on Gowing Road or the associated tertiary roads—noting that Gowing Road was 1.5 miles long from the next access (Musquash and Sanders)—had no other exit. He expressed a belief that the average single-family home had two or three vehicles, suggesting that this development would add up to forty vehicles accessing Gowing Road, which he felt would change daily life for all of the residents of the area—adding that this would be adding significant traffic for almost all of the road's length. He said Gowing Road got more use than it should, as most GPS systems showed it as connecting through to Pelham, so there were frequent cars that did not belong there. He suggested this would impact fire and police service in the area, along with adding significant delivery trips. He concluded by expressing appreciation for having been allowed to express his concerns early in the record, and he expressed a hope that the Board would consider the effect of such a magnitude on the far end of a road.

Ms. Heidi Jakoby, 94 Gowing Road, thanked Mr., Laroche for bringing up these concerns, noting they had been raised before for another proposed development that did not happen. She said this property abutted one of the largest greenways in southern New Hampshire.

Ms. Susan Laroche, 88 Gowing Road, asked what types of homes were being proposed, what their cost would be, etc. Mr. Brem said the property owner planned on selling the property and the type of homes had not been established as yet, but he thought a high-end project of single-family homes was envisioned, saying the neighbors should not be concerned about the houses as the houses in this development would increase the value of their property, if anything.

Chairman Russo asked Town Planner Cashell if there were anything that restricted this property from duplexes, noting that the lot size would have to be appropriate. Mr. Cashell answered in the negative, but noted that this was being proposed as an OSD development, which would require half-acre lots for single-family homes, whereas duplexes would require 30,000 ft². Chairman Russo clarified that most of the lots were large enough for duplexes, so no promises could be made at this time. Mr. Brem noted that lots were larger than allowed, in general, as they had both wells and septic systems; he said soil work would be done soon, but the lot lines had been drawn assuming that the soils were decent.

Mr. Wayne Grzefik, 92 Gowing Road, said he had bought the adjoining farm-house property two years ago for privacy and for the conservation land, noting that a lot of deer and wildlife went through the area where the new road was proposed. He said the five houses proposed along his boundary would be in very wet land, adding that Lot 2 was very close to the wetland. He then asked if the land left aside for open space would be clear-cut, as had been done in Pelham, behind the proposed development, and he asked how far they should be from abutter's boundaries with wells and septic. Chairman Russo said that information would be provided. Mr. Grzefik noted that one

area of Gowing Road was old hot top, and he expressed a fear that trucks would tear it up. Chairman Russo said the Board would be aware of that as the process continued.

Mr. Bob Rallis, 89 Gowing Road, said he lived across from the proposed driveway, and all of the cars would be shining headlights directly into his home. He commented on the wildlife in that area, saying he purchased his property because of the conservation area. He confirmed that wildlife crossed the road in this area, saying he had almost hit a deer at that location on his way to tonight's meeting.

Mr. William White, 55 Gowing Road, said his concern was traffic, saying he lived in a quiet neighborhood, and he expressed concern about this development bringing 40 more cars onto that road—adding that people drove up and down that road much too fast, and he was concerned about the traffic impact.

Mr. Michael Adams, 46 Gowing Road, said he thought the neighborhood was quite congested, rather than quiet, adding that all kinds of vehicles drove down the road very quickly, and the thought of adding 40 more vehicles was pretty scary. He emphasized that there was no exit point for the residents of this neighborhood.

Mr. Dennis Wilkinson, 9 Beaver Path, expressed concern about the water levels in the artesian wells, saying to add a lot more wells in that area might be too much. He stated that the pond got very low each year, with a lot of fish dying.

Mr. Kirt Gillum, 91 Gowing Road, said he was one of the avid walkers, and the traffic was pretty busy right now, and he protested that adding these houses would curtail the walking. He confirmed that the water table in that area did go up and down.

Mr. David Greenwood, 92 Gowing Road, expressed concern about the doubling of vehicles if duplexes were put in. He said his concern was Gowing Road itself, which he said was all cracked up, and heavy equipment would be a problem.

Mr. Dennis Wilkinson, speaking for a second time, said he had heard the number of 19 houses, and he asked if they would consider a different number, such as ten, which might be more acceptable.

No one else coming forward, Chairman Russo asked for comments from the Board members.

Mr. Della-Monica said he would like to see a study to confirm that the area could support all the wells, and he would like to know what the current density of Gowing Road was. If the developer decided to reduce the number of lots, he said, ways for wildlife to go through the property might be considered, along with ways to facilitate walking along Gowing Road.

Chairman Russo asked why the locus drawing did not show Beaver Path and other streets. Mr. Brem said the locus drawing was just to show the major streets to get one to the property; he said he would get a neighborhood map if there were a second meeting.

Selectman Maddox said this probably would not be the last project to develop jewels of property in the southern end of town. He said he would talk to the Police Department to get patrols in that area and would talk about improving Gowing Road. He then asked about the restriction against building a cul-de-sac on a cul-de-sac. Chairman Russo

asked if Gowing Road were really a cul-de-sac. Town Planner Cashell confirmed that it was, saying it was a mile and a half long, with over a mile of length beyond the last access point. Mr. Ulery commented that there was a paper street continuing into Pelham.

Mr. Barnes asked if Town Planner Cashell had mentioned that there were or might be some steep slopes on the property. Town Planner Cashell said that had not been identified on the information submitted so far, but the representative now knew to do that. Mr. Barnes said that should be identified when they came back. Town Planner Cashell noted that there was a massive woodlands area in Pelham, abutting the end of Gowing Road. He then noted that the 40 acres of open space referred to as a wildlife habitat followed a stream to get into that wooded area in Pelham. He then suggested consideration of a loop roadway for the proposed development.

Mr. Della-Monica said it kind of depended on how one defined a cul-de-sac, saying Gowing Street would be even busier if it were not a cul-de-sac. He said there were a number of cul-de-sacs leading off from cul-de-sacs.

Mr. Ulery said the proposal for a waiver meant that it would be more than 1,000 feet, so there would have to be a cistern, noting that this was a fire/insurance problem.

Mr. Della-Monica noted that, as the Board had said at previous meetings, "Happy abutters made for happy projects." Mr. Brem responded that he had been doing this for a long time and knew that.

Ms. Susan Laroche, 88 Gowing Road, asked if this information were available online for review. Chairman Russo said they were not, but they were available for review at Town Hall. Town Planner Cashell said these plans would be online tomorrow, off the Town's Website.

Mr. Della-Monica said he would be interested in finding out what property in the area currently was posted for NO TRESPASSING, NO HUNTING, NO HIKING, etc., and how that would affect what this project would do. Mr. Brem said there was a sign that said something about Pelham, but that he thought it just said one was entering Pelham.

Mr. Ulery asked what would be done about stone walls that crossed driveways. Mr. Brem said those would be removed, but some stone walls would be retained. Mr. Ulery suggested that the developer look at State of New Hampshire law regarding stone walls.

Mr. William Grzefik, 92 Gowing Road, said there were stone walls all around his property, with two going down right where the cul-de-sac was shown on the plan.

Selectman Maddox said the Board would need to know the next time they came in whether the homes would be single-family or something else, to get an idea of the associated traffic.

Mr. Ulery said this was a conceptual plan, and there was no granite in it at all.

Mr. Brem said this was a conceptual plan, and it would be easy to change now but would not be so later on, so now was the time to talk about big issues.

Chairman Russo noted that one of the issues he had raised was wetlands and steep slopes. Mr. Brem said he did not think there were any steep slopes involved. He then suggested that, if the Board wanted a site walk, sooner rather than later would be better, before the snow came. Chairman Russo asked if the members of the Board wanted to do a site walk; he then noted that he did not see many members of the Board expressing interest in a site walk.

Chairman Russo asked attendees to be alert for notices in the newspaper, noting that direct and close abutters would receive notices.

Chairman Russo noted that he would now take up the Cost Allocation Procedure report, taking that item out of order on the agenda.

XV. OTHER BUSINESS

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

Chairman Russo read aloud the published notice, as repeated above.

Mr. Marty Kennedy, of VHB, Inc., briefly reviewed the new procedure, noting that Hudson had been using the existing CAP process for a number of years. He clarified that there was no particular procedure or formula that a town needed to use—but whatever procedure was used, he emphasized, the Town had to make sure that the fees were proportional to the impact. He noted that the old procedure was along the three corridors, whereas the new procedure was town-wide, saying it still met the proportionality test but in a different way.

Mr. Kennedy noted that the procedure would be on a table, with the numbers obtained by estimating daily trips from the ITE Trip Generation manual, with that number divided by 2, along with an adjustment for new trips (going to the convenience store, etc.). He said the number of new trips was multiplied by the trip length to obtain a value of vehicle miles traveled, (MVT), with that number then being multiplied by a factor for the cost to construct a mile of roadways, with the result being divided by the carrying volume, after which a 35% reduction factor was applied to ensure that there would not be arguments.

He then displayed an Impact Fee Table listing the most common uses—adding that others could be added if the members identified any others.

He then displayed an Impact Fee Zone Map of the town, designed to show that improvements would be reasonably close to the developments being charged the fee, showing the western side of the town in one zone and the eastern in another.

He then showed an Annual Inflation Adjustment table, saying this basically adjusted for changes in construction costs each year.

He noted that the number of new daily vehicle trips would be multiplied by \$166 as a fee for new types of uses, saying this should be used for something relatively small but unique, saying anything that came in large should have a traffic engineer review.

He displayed a table comparing the new fees to the fees collected under the previous system, saying the new fees for the most part were slightly higher and that there were some new fees that did not exist under the previous system.

He then showed a graph showing the new fees compared with those collected in other communities, (Concord, Salem, and Hooksett), followed by graphs showing the comparative difference for different uses (office building, shopping center, and fast-food restaurants).

Selectman Maddox asked if this process had gone to court yet. Mr. Kennedy said it had not done so for any of the towns with which he was involved. Selectman Maddox asked why change the process when the Town currently had a system that had been approved by the court. Mr. Kennedy said Concord had been using this process for ten years, Hookset for five or six, and Salem was recent. Selectman Maddox asked about duplexes. Mr. Kennedy said he had included town houses, but he could add duplexes. Chairman Russo noted that the Town would have to spend a lot of money to get the old system brought up to date.

Mr. Ulery said things had to be equitable and proportional, saying this was what the NHSC ruled on.

Mr. Barnes said there was a code for single-family homes, but nothing for the size of the house, number of bedrooms, etc. Mr. Kennedy said he would recommend not to do that, saying it could become a headache. He said the ITE figures were averages and the Town should stick to them.

Mr. Barnes noted that the previous conceptual review item had shown that there were rural properties down in the southern portion; he suggested having the zone-demarcation line go down Musquash Road rather than Bush Hill Road, so as to include the eastern part of the town all the way down to Massachusetts.

Chairman Russo asked if area density would have an impact, asking if denser zones should have their own figures. Mr. Kennedy said there were no hard-and-fast rules, but what he was trying to do was find some characteristics that made a difference. He said splitting one zone in half would just create additional tables and headaches.

Mr. Della-Monica said the method for coming up with the numbers appeared to have the same validity of the existing system.

Chairman Russo said he agreed with Mr. Barnes, that the dividing line should go further south. Mr. Della-Monica expressed agreement.

Mr. Hall said his thought on the zones was to follow the Circumferential Highway route, saying this was the rationality the Board had used when changing part of the G zoning district to G-1. He said the area outside the Circumferential Highway route was a more rural section of the town, saying everything outside of the circumferential had been zoned G-1, with 2-acre lots, and he felt the line should be followed to Sagamore Bridge, following the same rationale. He said the whole southern section of the town was pretty rural. Mr. Kennedy said that historical evidence was more rational and would be helpful.

Selectman Maddox suggested going to one zone, saying he did not see the sense in dividing it out, as the Town needed the money where it needed to spend it. Mr. Kennedy said there was no reason not to have just one, but he felt having two or more zones would help the argument and make the process more defensible. Town Planner Cashell expressed favor for the one-zone approach.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette Engineering Associates, LLC., sitting in the audience, asked how collecting a fee on Old Derry Road would be related to work on Gowing Road. He said everyone used the corridors, but he did not think it would be particularly legal to do what Selectman Maddox was suggesting. Selectman Maddox said people drove all over town. Mr. Maynard responded that the old system had a relationship to the project, but there would be no relationship between collecting in south Hudson and doing work in north Hudson.

Mr. Della-Monica said the likelihood over time was that monies collected in one part of town and spent in another would cancel each other out. Mr. Maynard pointed out that there was a six-year limitation.

Mr. Ulery said he was befuddled at seeing that the Hudson fees were just under those of Concord, since Concord was much more congested, while Hudson was higher than Salem, which had a major highway running through it, with a large commercial section in the center of the town and no industrial areas to speak of. Mr. Kennedy said that there had been a desire in Salem not to scare off developers, so Salem had cut 10% right across the board, so that the fee would not be too high—adding that the Planning Board could have the same sort of discussion for Hudson. Town Planner Cashell said there were certain projects that would come, saying retail depended on population, but industrial might be different; he then contended that within Mr. Kennedy's study there was already a solution in that direct improvements for a project could be required by the Planning Board when applicable. Mr. Kennedy expressed agreement, saying the Board could also require the developer to do things required by his project as front-door improvements. Town Planner Cashell said it did not matter where money was spent, as long as it was for the benefit of all the residents of the Town, adding that he would really like the one-zone approach.

With the previous procedure, Mr. Kennedy said, the Board could always call up the previously created corridor plans, but with the new process it would be good to be looking ahead for projects that would be needed in the future.

Chairman Russo thanked Mr. Kennedy for coming in for this discussion.

Chairman Russo declared a break at 8:53 p.m., calling the meeting back to order at 9:13 p.m.

XI. OLD BUSINESS

A. Retail Center Site Plan SP# 06-13

**201 Lowell Road
Map 216/Lot 011**

Purpose of plan: proposed development calling for the construction of a 10,465 ft² commercial/retail building. Hearing. Deferred Date Specific from the 10-23-13 Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Mr. George Fredette, PE, of SFC Engineering Partnership, Inc., appeared before the Board as the engineering representative of the applicant, providing full-size copies of the plans to those members of the Board who wanted them. He reviewed changes of the plan since the October discussion, noting the project was now called Enxing Plaza. He noted that six waivers had been granted, with two others outstanding. He recalled that there had been discussion about the common boundaries between this site and the adjoining Suburu site, and he pointed out changes in the plans addressing those concerns. He said the temporary easement would expire when another building was constructed or when a more practical easement was created. He noted that a dashed line had been used to note the existing parking spaces being eliminated, commenting that the number of parking spaces had been clarified (90 required, 84 provided), with other changes with the other building (hence the waiver request). He noted that parking spaces had been pulled back to provide a loading zone. Referring to the issue of the storage trailers, he said the "good-will" trailers would be removed as soon as possible, with the third remaining. He noted that additional landscaping was being proposed along the front and along Hampshire Drive right-of-way. He showed some views of the building with changes.

Chairman Russo noted no one was in the audience for a public hearing.

Mr. Barnes thanked Mr. Fredette for the additional landscaping. He then said he found only 83 parking spaces in the back and 37 near the building. Mr. Fredette suggested Mr. Barnes had overlooked one of four in a certain location; Mr. Barnes said he had noticed that but was counting up the numbers.

Mr. Della-Monica referenced the signage, saying he did not see a sign for EMPLOYEE PARKING ONLY in the rear. Mr. Fredette said he did not recall any discussion about that. He then referenced the existing spaces shown on Sheet 4.

Mr. Barnes asked if there were any restrictions about putting the existing storage trailer on the property line. Town Planner Cashell said in Hudson approval would have to be obtained, adding that they would need a variance to infringe into the setback. He asked if Mr. Fredette had not said they would all be removed. Mr. Fredette said the owner would like to retain the third trailer.

Chairman Russo said the Board might not have such an issue if the trailer were in a closed area, but it was right in the setback. Mr. Hall agreed, asking what the rationale was for allowing it there. Mr. Fredette said he had gotten the message that it would have to be removed. Mr. Hall said that would have to be done prior to obtaining a Certification of Occupancy.

Mr. van der Veen asked about the sight-distance. Chairman Russo said that regulation would have to be addressed. Town Planner Cashell said there was an existing curbcut there. Mr. van der Veen questioned if that nullified the need to comply with the regulation; Town Planner Cashell said one could think of it that way.

Selectman Maddox referenced the waiver for open space, saying the provision still was 26%. Selectman Maddox said the Board had agreed there would be no buffer between this site and the Subaru dealership, but he was having a difficult time with it, saying the Board would be setting itself up for a very slippery ride. He said the Town had a history of requiring 35% green space.

Mr. Ulery asked how many square feet were in the 26%; Mr. Fredette said there were about 300 ft². Mr. Maynard, speaking from the audience, proclaimed it was one quarter of the lot size. Mr. Ulery said the difference was a couple hundred feet, saying it was nothing. Chairman Russo said it was three-quarters of an acre versus half an acre. Mr. Ulery contended it was not that bad looking for people driving by. Mr. Hall said the reason that happened was that the new building was too big--saying if it went that way others would ask why everyone did not get that. He suggested this was saying that the new building did not have to be up to snuff because the old one wasn't. Chairman Russo asked if this were not where they were making up the green space and parking, saying it was overdone on the new building to compensate for what had happened with the old building. Mr. Hall said that was another way to look at it, but he pointed out that the Board had not picked the lots. Mr. Fredette said that was part of the rationale in defense of the waiver request, saying they would be conforming if a line were drawn between the two buildings to the left of it, saying they had inherited the high lot coverage—adding that drawing a line between the buildings to the left showed them to be in conformance.

Mr. Della-Monica said if the Board approved this it should be noted in the record that the reason the Board did so was that the new construction met code, adding that there was not much that could be done about the existing. Mr. Hall said they were compounding it by putting pavement in the new setback. Selectman Maddox said the developers had done the lot line, saying they were trying to cram too much onto this lot.

Selectman Maddox moved to deny the request for a waiver from the requirements of HTC §275-06, as delineated on the plan, but he then removed the motion before it was seconded.

Chairman Russo asked about the number of parking spaces, saying there was no waiver request for that.

Mr. van der Veen moved to grant the requested waiver from the requirements of HTC §275-8 (24), citing the reasons for granting this request as being because this waiver involved the open space surrounding the existing building at 199 Lowell Road, and no changes were proposed at this building—and, as such, the granting of this waiver would not violate the purposes or general standards of the said regulation, and also because the balance of the site would be constructed in conformance with this regulation.

Mr. Della-Monica seconded the motion.

Mr. Malley asked for clarification about the lot line. Mr. Fredette referenced Sheet 2, noting that Mr. Enxing had moved the lot line in July, saying the proposal was to develop the new lot created by that change.

Mr. Della-Monica asked for opinions as to what precedents this might set. He said the layout was not that great and currently nonconforming, but the building would look

the same, and moving the setback further back would not look that great, although it was grandfathered—adding that having the setback uniform all the way through would look better, but he was concerned about the precedent. He said he would be more inclined to vote for it if there were a reason that would stand up to future arguments.

Mr. Hall responded that the building was not grandfathered in any way and did not need to stay that way forever. He said the Board had not contemplated what was going to be built on the residential lot when the lot line was moved. Mr. Della-Monica said he agreed but that he was concerned about what Selectman Maddox had said. Chairman Russo said clearly this was overdevelopment of a small space; he said he had to say that this was pushing the envelope and there was overdevelopment being proposed, adding that the green space was 10% off.

Mr. Hall said at one time the property owners had been locked into a particular configuration because of thinking they had a tenant, but that tenant had gone away. He said it was a pretty unusual shape, and it would be easy to move that back and get the pavement out of the green space. He said they would have to work hard to justify the request.

VOTE: No other comments being brought forward, Chairman Russo called for a verbal vote on the motion to grant the waiver. All members voted in opposition, and Chairman Russo declared the motion to have failed unanimously (0–7).

Chairman Russo asked if Mr. Fredette wished to defer. Mr. Fredette responded in the affirmative.

Mr. Hall moved to defer further review of this item, date specific, to the December 11, 2013, Planning Board Meeting. Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

XII. DESIGN REVIEW PHASE

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

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Aquatime Pools SP# 07-13

**Map 251/Lot 002
89 River Road**

Purpose of Plan: to convert 1,600 ft² of existing light industrial space to accessory retail sales with associated office mezzanine space above. No change to existing building footprint or site layout proposed. Application Acceptance and Hearing.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said the application was ready for Application Acceptance. Selectman Maddox so moved; Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette Engineering Associates, LLC., appearing before the Board as the representative of the applicant, noted that the property-owner and business owner was sitting in the audience. He noted there had been several meetings for this site back in 2003, when it was proposed for light industrial use, noting that his client's parents also resided on the property. At that time, he said, they had a sales site in Massachusetts, but his client now wished to move the sales to this site, along with staff and merchandise. He said they would convert one of the four bays into accessory retail uses associated with swimming pools, with the mezzanine being used for the office staff. He said no changes were proposed right now except for striping four parking spaces in front of the building where the retail sales would go. When doing the parking calculations, he said, there was a question as to whether an incidental office that was part of the business already needed its own parking spaces. Ignoring the separate office parking, he continued, they had 15 spaces required with 17 proposed, but two more would be required with additional pavement if the Board felt the other four were required for the office use.

Mr. Maynard distributed photographs showing how the building looked today and how it would look when the sales were included. He said all the changes would be internal. He discussed the quasi-status of Walker Road, saying it essentially was a Class VI road, used and maintained by the people living on it.

Mr. Barnes asked how many employees would be working in the retail use. Mr. Maynard said there would probably be two, with four in the office. Mr. Barnes asked how many trips there would be. Mr. Maynard suggested it would be minimal.

Mr. Peter White, 89 River Road, the principal, said they were downsizing, saying the current retail store was about 3,000 ft² but much of the product would be eliminated. Mr. White said coping had been removed from the back of the building, making it an open gravel lot, with the tile only on the Walker Road side. He said it was a very quiet operation. Mr. Maynard noted that there were two residential neighbors on the other side of Walker Road. He said there was no bulk storage of chemicals. Mr. White clarified that any pool chemicals were all in retail-size containers.

Mr. Della-Monica said the requirements were similar to what was further up the road.

Mr. White said they received weekly deliveries and only ordered two-week runs of any product. Referring to the Google Earth view currently being displayed, he said the stacks of coping tiles visible in that image were completely gone now, except for a small area behind the building.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9.B, *Traffic Study*, citing the reason for granting that waiver as being because the proposed partial change in uses within an existing building (i.e., 1,600 ft² of retail sales and associated mezzanine office uses to replace the existing light

manufacturing use) would have nominal impact on the affected roadway system—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Della-Monica seconded the motion.

Selectman Maddox said he had looked at this site many times and had not seen any violations.

VOTE: No further discussion being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

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 activities associated with the proposed use changes (i.e., retail and office) shall be conducted inside an existing building and in all likelihood create a lower degree of ambient sound than the existing light manufacturing use—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Della-Monica seconded the motion.

VOTE: No further discussion being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

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, CAP fee and other submitted application materials, 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. Della-Monica seconded the motion.

VOTE: No further discussion being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Maynard questioned Stipulation 4 on the draft motion. Referring to Stipulation 5, he asked for construction Monday through Saturday, 6 a.m. through 7 p.m., saying the work would all be internal. He pointed out that there were two types of operations here, saying the retail would be from 8 a.m. to 8 p.m. Chairman Russo questioned if they really needed to start construction at 6 a.m. Mr. Maynard said the employees would leave the site at 6 p.m., saying delivery could be what it said.

Mr. White said it was typically 9 a.m. to 6 p.m., with two nights open to 9 p.m. Mr. Hall suggested leaving it at 7 a.m. to 8 p.m.

Selectman Maddox asked if the lot were paved all the way to the lot line. Mr. White answered in the affirmative, saying there was a common access way that had preceded his occupancy. Selectman Maddox suggested showing two parking spaces in that area.

Selectman Maddox moved to grant approval for the Site Plan entitled ***Aquatime Pools, 89 & 91 River Road, Hudson, New Hampshire, Amended Site Plan Map 251/Lot 2***, prepared by Maynard & Paquette Engineering Associates, LLC, 23 East Pearl Street, Nashua, NH 03060, dated: October 7, 2013, last revised on October 11, 2013, consisting of Sheet 1 of 1 and Notes 1 through 16 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 Hillsborough Country Registry of Deeds, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
2. Prior to the Site Plan-of-Record and Development Agreement being recorded at the Hillsborough Country Registry of Deeds, both shall be favorably reviewed and recommended on by Town Counsel.
3. A CAP fee of \$7,116.00 shall be paid prior to the issuance of a certificate of occupancy.
4. Prior to the issuance of a final certificate of occupancy, an LLS-certified "As-Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved Plan.
5. Construction activities on the site shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sundays.
6. The daily hours of operation shall not exceed the hours between 7:00 a.m. and 8:00 p.m.
7. Deliveries and pick-up of products shall be exclusive to the hours between 8:00 a.m. and 9:00 p.m.
8. Hours for refuse removal shall be exclusive to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and prohibited on Sunday.
9. This approval shall be subject to all applicable terms and conditions of approval included in the 2003 Site Plan Approval for this site, as inscribed on the Site Plan-of-Record, HCRD# 32734 and associated Development Agreement, HCRD BK 7084 PG 2246.
10. Two parking spaces shall be inscribed on the Plan on the southerly side of the lot next to the 4,752-ft² building.

Mr. Barnes seconded the motion.

VOTE: No further discussion being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in

favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Della-Monica said he would like to address the remaining sets of minutes, saying the only changes he had were minor.

V. MINUTES OF PREVIOUS MEETING(S) (Continued)

D. 09-11-13 Minutes

Mr. Della-Monica referenced the September 11, 2013, minutes, requesting the following change:

- Page 14, 3rd paragraph from bottom, 3rd line from bottom — He said he could not believe Town Planner Cashell had said the allowed decibel level should be five decibels, saying it should be 55 dB.

No other change requests being brought forward, Mr. Della-Monica moved to approve the 09-11-13, minutes as amended, Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

E. 09-25-13 Minutes

Mr. Della-Monica referenced the September 25, 2013, minutes, stating that he had found no needed changes. No change request being brought forward, Mr. Della-Monica moved to approve the 09-25-13, minutes as submitted. Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XV. OTHER BUSINESS

Chairman Russo asked Town Planner Cashell to bring the Board up to speed on the company that was not coming to Hudson. Town Planner Cashell said the Town had not heard, saying the final decision kept being delayed.

Chairman Russo referenced the proposed 2014 agenda schedule, and he asked if anyone felt that the workshop meetings should be reinstated. Seeing no interest, he then declared that the listed agenda would be followed, noting this schedule could always be changed at another time if needed.

Town Planner Cashell reported that there currently were no proposed zoning amendments that the Board needed to deal with, adding that the Town might receive some petitioned amendments, but he was not aware of any such intent at this time.

Mr. Della-Monica asked how the Site Plan Regulations could be changed. Chairman Russo said this could be done by the Planning Board at any time, explaining that the Board would have to hold a public hearing on any proposed changes and then vote on the matter. Mr. Della-Monica then suggested that some sort of change or clarification of the HTC §275-6.A was needed, noting that it talked about lowering the value of properties. Mr. Della-Monica said he thought the intent was for cases of health or safety hazards, but the text was unclear and anyone could invoke that regulation if they felt their property were going to be reduced \$20 in value. Chairman Russo said he liked the ambiguity, and he asked if others agreed with Mr. Della-Monica. No one came forward in support of making a change.

Mr. Hall suggested that Selectman Maddox ask Road Agent Burns to identify three road projects he would spend money on, saying he was having a hard time to see what Hudson would spend to increase the capacity of its roads. He noted that this was what Mr. Kennedy had suggested during the earlier discussion of the CAP Fee change.

Chairman Russo asked if Mr. Hall felt it would be premature to adopt the new CAP process. Mr. Hall said he felt the number of zones should be discussed, saying he preferred the one-zone approach, but otherwise he felt the process should be adopted.

Town Planner Cashell said Mr. Burns had a long list of streets needing improvement.

Mr. J. Bradford Seabury recalled the earlier comment by a resident of Gowing Road about the danger of walking along narrow roadways that did not have sidewalks. He noted that he frequently met this same problem when he walked in his area, saying the Board had placed great sidewalks on Bradford Circle and Sheffield Street, but then he had to come back by way of Clement Road, which was so narrow, with no shoulders, that he had to step into the shrubbery at the side of the road whenever a car came. He suggested that the Board do some thinking about how to provide more sidewalks in the town.

Chairman Russo asked if anyone had any suggestions as to how to approach this concept.

Selectman Maddox said it came down to money, saying maybe the Board could take into consideration areas where they could put in sidewalks. Town Planner Cashell noted that the sidewalks on Route 102 would eventually be a 7-mile walk. Chairman Russo said the Board had to be open-minded. Mr. van der Veen said Hudson could not afford to put sidewalks everywhere but could put shoulders in, as roads were

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**HUDSON PLANNING BOARD Meeting Minutes
November 13, 2013**

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looked at, and he suggested requiring another four to eight feet of shoulder on roads in the future.

XVI. ADJOURNMENT

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

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

Chairman Russo then declared the meeting to be adjourned at 10:43 p.m.

Date: December 5, 2013

Vincent Russo, 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
November 13, 2013**

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The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 02-216-14:

Page 1, **Alternates Absent** entry — Removed extraneous “, None. (All present.)” verbiage and marked Ms. McGrath s excused.