



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES August 14, 2013

I. CALL TO ORDER

Acting Chairman Hall called this Planning Board meeting to order at 7:05 p.m. on Wednesday, August 14, 2013, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Hall asked Mr. Barnes 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 persons, were as follows:

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: Tim Malley (excused) and Vincent Russo (excused).

Alternates

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

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Hall seated Ms. McGrath in place of the absent Mr. Malley and seated Ms. Merrill in place of the absent Mr. Russo.

V. MINUTES OF PREVIOUS MEETING(S)

A. 05-22-13 Minutes - 08-14-13 Packet

Acting Chairman Hall addressed the minutes for the meeting of May 22, 2013, asking if there were any changes or corrections.

Mr. Della-Monica referenced Page 8, 2nd paragraph, next-to-last line, noting that the name of Century Park had been incorrectly typed as "Central Park."

Mr. Della-Monica then inquired why subsections A, B, and C of the **Other** section had titles but subsections D, E, and F did not. Recorder Seabury explained that these were not agenda-scheduled items but merely different topics that had been raised by members of the Board and that a previous review comment from another Board member had stated that if any subsections had designations they all should, in order to make them stand out, rather than just being separated by a space.

Ms. McGrath moved to approve the 05-22-13 minutes as amended; Mr. Della-Monica 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 (7-0).

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from this scheduled date.

VII. CORRESPONDENCE

Acting Chairman Hall noted that no correspondence items had been provided.

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.

XI. OLD BUSINESS

No **Old Business** items were addressed this evening.

XII. DESIGN REVIEW PHASE

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

XIII. CONCEPTUAL REVIEW ONLY

**A. Lowell Road Subdivision
(Conceptual)**

**Map 209/Lot 1
161 Lowell Road**

Purpose of Plan: To show proposed subdivision of one lot into two lots and to show proposed distribution facility, including accompanying site improvements on the larger of the two lots (Conceptual Review Only)

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

Mr. James N. Petropulos, PE, LEED AP, Vice-President and Lead Engineer for Hayner/Swanson, Inc. (HSI), 3 Congress Street, Nashua, NH, appeared before the Board as the engineering representative for the applicant, noting that he was accompanied at the meeting by Mr. Michael F. Demperio, Executive Vice-President, Fischer & Company, 3330 Cumberland Boulevard (Suite 675), Atlanta, Georgia, together with Atty. Jay Leonard, of the offices of Welts, White, & Fontaine, PC, 29 Factory Street Nashua, New Hampshire, serving as the project attorney. Mr. Petropulos stated that he would have Mr. Demperio make an initial presentation and then Atty. Leonard, after which he would then outline the proposed project.

Mr. Demperio outlined his past experience in the industrial real estate field, noting other projects his company had worked on, including projects for Federal Express, Impala, Dow Jones, SAP, DuPont, and 70-odd others. He outlined the services his company performed for those firms, noting that his firm had created some incredible software technology for these activities. He said his client company, which he could not identify tonight, was a big company, saying they had to break ground by January of 2014.

Mr. Petropulos referenced three plans he had posted on the wall

- **Display Plan, 161 Lowell Road**, prepared by Hayner Swanson; dated 1 August, 2013.
- **Aerial Display Plan, 161 Lowell Road**, Dated 1 August 2013.
- **Architectural Rendering & Elevation, New Hampshire Distribution Center**, Hudson, New Hampshire, prepared by Fisher & Company.

Mr. Petropulos noted there were three zoning districts on the property (I, G, and B), with the property abutted to the north by single-family homes and the Fox Hollow project, with a lot of pipe stacked at the east, and the Merrimack River to the west. He noted that this had originally been part of the Friary and then had been sold to Digital

Equipment Corporation years ago, with no previous plans for its development coming to fruition. He discussed physical features of the site, saying it was relatively flat, having a gentle grade falling to the river. He noted there was an overhead power line at the end, with a conservation easement along the river. He said there was Town water and sewer available, noting gas was also available on the site.

Mr. Petropulos said the first thing to occur would be subdivision of the property into two lots, with Lot A, measuring 7.1 acres, along Lowell Road, primarily in the Business zone, to be retained by the current owner. He said Parcel B, to the rear, would need to consider access, with frontage provided by extension of Friars Drive (about 700 feet) for the access point. He said they would come back with a site plan for Lot B, saying it would be a low traffic user and a low sewer user, intended to be a distribution facility. He said the unique feature would be the building, measuring 6200 ft², with vehicles entering to a front parking lot (to accommodate various shifts), with loading docks along the southerly edge of the building. He said there would be numerous loading docks, with trailer storage. He noted that future parking and a future office building were shown at the rear, saying the facility could grow to the north for another 160,000 ft². He said maneuvering ability was being carefully considered for life-safety reasons.

Mr. Petropulos said the expectation was only for 50 truck trips a day, on the order of 2 or 3 per hour over a 24-hour period. He said 99% of the vehicles would be going over to the Everett Turnpike.

He then discussed details of the view projection, saying it would be an institution-type building. He acknowledged there would be problems, including Friars Drive (saying he intended to extend it closer to Lowell Road), with a second exit that could be gated for emergency use. He then referenced the requirement for a buffer from the residential property line, saying they were proposing a 100-foot buffer, but the angle of the northerly property line meant the 200-foot distance would be pinched at two locations, adding that he could beef up the buffer with ground plantings. In addition, he continued, there were some anticipated waivers—for plan scale, buffers along the northerly property line, studies (but they *would* provide noise & fiscal), wetland, etc. He noted that Hudson had a significant landscaping requirement within parking areas, saying they might look for some relief from that. He noted the requirement for parking spaces, saying the building size required 1,000 spaces at one parking space per 600 ft² of Industrial, but they did not need that many, as they felt 177 was adequate, with other future possibilities elsewhere on the property if needed. He concluded by noting that there was a tight timeframe, as Mr. Demperio had said, to get all the required State permits, ZBA approval, etc.

Atty. Jay Leonard, with Welts, White, & Fontaine, Nashua, said their goal today was to get a sense of whether the Planning Board as representatives of the Town thought this was something they could accomplish by the end of the year. He said the first step would be going to the Zoning Board of Adjustment for drainage work in the buffer. With regard to the parking issue, he noted that this was really a specialized warehouse, with a limited number of trips per day. He said the Planning Board's regulations were based on an industrial use, but he felt they could convince the Board that the reduced parking was justified.

Mr. Della-Monica said he had discussed this with an abutter to the property today, getting some public comments; he said the person liked the orientation of the building. He asked about hazardous material; Mr. Demperio said there would not be any, saying the inside of the building would be painted white and the floor would be kept spotless, saying it was a totally innocuous product. Mr. Della-Monica said the resident had commented about a desire to leave some existing hills adjacent to Fox Hollow, to reduce noise. Mr. Demperio said he had built much larger warehouses elsewhere with extremely more truck traffic, saying the residents to the north would not see the building, would not hear the building, and would not even know it was there, saying he had not been able to see 20 feet into the woods. He said they would only be using 40 of the 70 to 80 truck docks on the front of the building, noting that the trucks would back up to the dock and the dock would seal around them, so there would be no noise and no emissions.

Ms. McGrath said the plan said a one-story building but Mr. Petropulos had said two stories. Mr. Petropulos said the office piece was two-story but the main part of the building would be one-story, saying it would be 37'10" in height. Ms. McGrath asked what kind of trucks would be involved; Mr. Petropulos confirmed they would be tractor-trailer trucks, saying the traffic would be spread out over 24 hours per day, seven days per week. Ms. McGrath asked if there would be any access to Lowell Road; Mr. Petropulos said it would all be on Friars Drive.

Mr. Ulery said the planned building material compensated for electrical equipment inside the structure. He asked if there were any intent to install a security-type fence. Mr. Demperio said the site would be secured and CA-compliant. Mr. Petropulos clarified that the building would be fenced, but not the whole property. Mr. Demperio said everything in the construction would be made on-site from poured concrete, saying it would be a tilt-up concrete construction. He said his firm did not build metal buildings, saying this would be an institutional-quality concrete building of the highest quality, and saying it would be a first-class facility.

Mr. Barnes said he had originally had concerns about the traffic and the buffering, which had already been discussed, but he also had a concern about the large amount of impervious surface that near the Merrimack River. Mr. Petropulos said this was a great piece of property, with several places available for storm-water treatment, saying he would represent that there would be no adverse impact of flow to the river.

Ms. McGrath asked where the just-finished building in Kentucky was. Mr. Demperio said it was in Bolingframe, for Dunn Products. She expressed a belief that she might visit that area in the near future and view it.

Mr. Petropulos said no PA systems would be used, noting that he had asked Mr. Demperio to rework the plan to put everything on the south side so that the building would block off noise from the residences.

Mr. Della-Monica said the only noise concern his resident had expressed was about the backing of trucks, adding that he expected the building would reflect most of that away. Mr. Della-Monica asked if they would be shooting for energy compliance; Mr. Demperio said it would be LEED-compliant.

Mr. van der Veen asked if this were a dedicated fleet running a route or general haulers. Mr. Demperio said it would be a little bit of both, but that was still in a negotiating phase.

Town Planner Cashell outlined some probable routes on the displayed aerial view, expressing a belief that most of the traffic would turn down Friars Road, and then proceed on Wentworth and Executive to get out to Lowell Road in order to access the Sagamore Bridge.

Selectman Maddox asked about the second exit. Mr. Demperio said they might take traffic up to the right, saying they might have to put a small building down there in about ten years.

Selectman Maddox expressed appreciation of having a clean facility that would not provide a lot of impact. Ms. McGrath said she echoed Selectman Maddox's comments, saying her initial concerns were noise and traffic, and keeping as much traffic off Lowell Road as possible by going through the industrial park would be good. Mr. Petropulos said a 60-acre lot developed in a traditional R&D/office facility generally generated about 600,000 ft² of building with 2400 cars, as an alternative option, so having 100 employees on the first shift was a relatively low impact.

Mr. Demperio said this was as good a use for this property as he could imagine other than leaving it as a hunting ground. He said the taxes would be between \$750,000 to \$1,000,000 per year, probably with only 50 employees working at a time. He commented on job creation and ancillary support as advantages, saying he was encouraged by what he had heard at this meeting.

Acting Chairman Hall asked where the gate on Friars Drive would be. Mr. Petropulos said there was one now, but they probably would want gates at both ends. Acting Chairman Hall noted that the Planning Board might be looking for additional width of pavement on Lowell Road in the future. He said the roofline would appear to be very close to the existing grade for the property line behind Fox Hollow, expressing a belief that most Fox Hollow residents would not be able to see the building; he then said it would be the opposite for the TR-zoned neighborhood, however, and he suggested looking at mitigation for that neighborhood. He noted that every one of the trucks would have a backup alarm, and he suggested consideration of a barrier wall to hold back that noise from the corner of the building. He said he was assuming that they would show where the fence would go when they came in with a site plan; Mr. Demperio expressed agreement. Acting Chairman Hall asked if they were anticipating doing all the grading for the future expansion at the same time they did the site; Mr. Demperio said he did not have that answer. Acting Chairman Hall said there would be a go-around with the abutters if they did not, saying it would make the subsequent expansion approval a lot easier. He noted there would be 200 employees over three shifts, saying there were more parking spaces proposed than what were needed; Mr. Demperio concurred. Acting Chairman Hall said he did not have any issues with the site, but there might be issues with residents of the TR neighborhood.

Mr. Barnes noted that there had been efforts in the past to have a walking easement along the river, and he suggested they consider that. Mr. Petropulos said he thought that was already part of the property.

Selectman Brucker said it seemed to be an ideal use of the property, saying (as the liaison of the Conservation Commission) that there were lots of areas for stormwater treatment.

Mr. Ulery asked how many of the 200 employees would be from Hudson. Mr. Demperio said the majority would be. Mr. Ulery asked about clients; Mr. Demperio said there would be clients coming in to meet in presentation rooms, saying the second floor would be set up for that, with a lot of glass.

Mr. Della-Monica asked if there would be any wired communications. Mr. Demperio said he did not know but that he doubted it—adding that it had not been brought up with this client in the past.

Selectman Maddox said something needed to be done about having a second means of access to the property, for emergency use. Acting Chairman Hall said he assumed the gates would be available to the Fire Department; Mr. Demperio expressed agreement, saying the gates would be guarded 24 hours a day.

Acting Chairman Hall suggested that clarification of legal rights for access both to the client and to the Town should be confirmed. Mr. Petropulos expressed a belief that would be worked out with the subdivision plan.

Acting Chairman Hall expressed thanks to Mr. Petropulos and his associates for coming in.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Jay-Mor Enterprises, Inc. Site Plan Map 105/Lot 001
SP# 04-13 10 West Road

Purpose of plan: Re-develop Industrial Use with expanded buildings and storage facilities for a construction materials recycling business and light industrial space rentals. Application Acceptance & Hearing.

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

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

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

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, distributed full-size plans to members of the Board and posted one on the meeting-room wall.

Selectman Maddox noted that Jay-Mor was doing work for the Town, at the Zack Field; since he was involved with that, he continued, he would step down from this

hearing so that there would be no appearance of conflict of interest, adding that Selectman Brucker would be sitting in his place.

Mr. Basso identified the plan he had posted on the meeting-room wall as ***Grading Drainage and Utility Plan, Jay-Mor Enterprises***, prepared for Jay-Mor Enterprises, Map 105/Lot 1, 10 West Road, Hudson, New Hampshire; dated May 13, 2013, revised August 14, 2013.

Mr. Basso noted this was a 6.104-acre lot, with frontage on West Road, with a few old buildings which he thought had been demolished. He said the lot would be serviced by onsite well and septic, noting that the property sloped from West Road down to a power line. He said it had excellent draining soil, with the proposal being to construct two industrial buildings, one to be used for Jay-Mor headquarters, with office space and a shop, with a 9,000 ft² building for rental space, with 22 parking spaces that met the code (25 required), with a catch basin for stormwater management at the southwestern portion. He said there would be a dumpster at the back end, adding that there would be an area behind the building for a material stock-pile area for concrete product that would be brushed and reused. He noted that both a landscaping plan and a lighting plan had been provided, adding that there were three waiver requests: traffic, noise, and fiscal/environmental studies.

Mr. Barnes referenced Note 11, saying it said there were 25 parking spaces, but he did not find the 25th one. Mr. Basso confirmed there was a stripe line missing from the plan.

Mr. Barnes referenced the calculations for open space, asking how it was calculated, asking if Mr. Basso had included the contractor's yard. Mr. Basso said open space was anything that was not impervious, saying he had included the stockpile area, as it was a fleeting use—adding that it was not impervious or rooftop. Mr. Barnes said he would differ, referring to HTC 275-8 (24).D, which he read aloud. Mr. Basso said they could subtract that out, saying they far exceeded the requirement. Mr. Barnes said he wanted to see something on the plan so it did not expand across the whole site.

Mr. Della-Monica asked if the stockpiled material could wash through if not on an imperious surface. Mr. Basso replied in the negative, saying any runoff would go through the treatment system. Mr. Della-Monica asked if there were a plan for cleaning it out; Mr. Basso answered in the affirmative, saying that was required.

Ms. McGrath asked about hours of operation. Mr. Morgan, the applicant, sitting in the audience, said before 6:00 a.m. to 3:30 p.m. or 4:30 p.m., Monday through Saturday, only. He noted that his current operation was at 505 Bridge Street, Pelham, NH. He confirmed there would be no rubbish.

Mr. James Morgan, a different person, also in the audience said one would not even find a coffee cup on the property. Mr. Morgan said there were silt runoffs in use at all times.

Mr. Della-Monica asked about hours of operation of nearby businesses, noting that some of them would generate more noise. Mr. Ulery noted that the Fuller Oil Company was located across the street, operating 24/7.

Ms. McGrath said she had asked because it was not on the plan and there usually was a note. Mr. Basso said he did not put it on the plan because it was in an industrial area, and he did not see the need to restrict that.

Acting Chairman Hall asked about the status of the CAP fee. Town Planner Cashell noted there were previous buildings, saying he had divided the CAP fee between the two buildings, referring to the last page of his staff report; he noted there was a proposed CAP fee of \$9,030, with the first building being 37% of that.

Acting Chairman Hall asked if Town Planner Cashell wanted to defer this to hear from CLD. Town Planner Cashell said he would be satisfied if the Board wished to move forward, with provision to final approval.

Ms. McGrath 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 use was similar in scale and character to the previous use, especially in regard to the type and volume of traffic—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Mr. Barnes seconded the motion.

VOTE: No discussion being brought forward, 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 (7–0).

Ms. McGrath moved to grant the requested waiver from the requirements of HTC 275-9.C, *Noise Study*, citing the reason for granting this waiver as being because such a study was unnecessary, taking into consideration that the property is located in an Industrial Zoning District and all of the surrounding properties were developed industrially and similar in scale and character to the proposed 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 discussion being brought forward, 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 (7–0).

Ms. McGrath moved to grant the requested waiver from the requirements of HTC 275-9.D, *Fiscal Impact Study*, citing the reasons for granting that waiver as being because, in addition to the submitted plans and the similarity of the proposed use to that of the previous use of the property, 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. Barnes seconded the motion.

VOTE: No discussion being brought forward, 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 (7-0).

Mr. Della-Monica moved to approve the Site Plan entitled ***Non-Residential Site Plan Jay-Mor Enterprises, Inc., Hudson, New Hampshire;*** prepared by Keach-Nordstrom Associates, Inc.; dated: May 13, 2013, last revised August 2, 2013; consisting of Sheets 1 through 14 and Notes 1 through 29, 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 County Registry of Deeds, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
2. Prior to the Planning Board endorsement of the Plan, the Development Agreement shall be favorably reviewed and recommended on by Town Counsel.
3. All improvements shown on the Plan, including Notes 1 through 29, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. After the issuance of each foundation permit and prior to the issuance of each framing permit, the applicant shall submit to the Hudson Community Development Department a foundation "As-Built" plan on a transparency and to the same scale as the approved site plan. Each foundation "As-Built" plan shall include all structural dimensions and lot line setback measurements for each foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation "As-Built" plans shall be documented by the applicant and be part of the foundation "As-Built" submission.
5. 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.
6. Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 7 of 14 of the Plan.
7. 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 Sunday.
8. This approval shall be subject to final engineering review.
9. A CAP Fee of \$9,030.00 shall be collected as follows for each of the two proposed buildings:
 - a. A CAP Fee of \$3,341.10 shall be collected at the time of Certification of Occupancy for the 1st building, consisting of 5,750 ft².
 - b. A CAP Fee of \$5,688.90 shall be collected at the time of Certification of Occupancy for the 2nd building, consisting of 9,000 ft².

Ms. McGrath seconded the motion.

VOTE: No discussion being brought forward, 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 (7-0).

XV. OTHER BUSINESS

Town Planner Cashell said two site plans for the August 28 meeting had been delayed, so nothing was scheduled, adding that Chairman Russo had ruled that the meeting would be canceled and that the next Planning Board meeting would be on September 11, 2013.

Mr. Ulery asked if a permit had been obtained for work being done at Alvirne with temporary buildings. Acting Chairman Hall said that was not at Alvirne. Mr. Ulery said it was on Alvirne Estates.

XVI. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath moved to adjourn; Mr. Barnes 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 8:35 p.m.

Date: October 13, 2013

George Hall, Acting Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 11-13-13 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
August 14, 2013**

Page 12

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 11-13-13:

Page 3, 6th paragraph from bottom, 2nd line — changed period at end of line to a comma, so that the text reads “Federal Express, Impala, ...”, etc.

Page 5, last paragraph, last line — changed “green-compliant” to “LEED-compliant.”