



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES July 25, 2012

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, July 25, 2012, in the Community Development's Paul Butler meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Ms. Merrill 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: James Barnes, Glenn Della-Monica, George Hall, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: Tim Malley (excused).

Alternates

Present: Irene Merrill and Marilyn McGrath.

Alternates

Absent: Jordan Ulery (excused) and Nancy Bruckerman (Selectmen's Representative Alternate, excused).

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Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo noted that all regular members were present and that no alternates needed to be seated at this time.

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

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo stated that review of the minutes would be deferred until later in the evening because of the crowd in attendance for public hearings.

VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

VII. CORRESPONDENCE

Chairman Russo stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated hearings.

VIII. PERFORMANCE SURETIES

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

IX. ZBA INPUT ONLY

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

X. PUBLIC HEARINGS

Mr. Barnes suggested taking up the matter pertaining to a request for deferral before going to the public hearing. Chairman Russo concurred.

XII. OLD BUSINESS/PUBLIC HEARINGS

- A. New England Solid Surfaces Site Plan Map 161/Lot 044
SP# 04-12 7 Industrial Drive**

Purpose of plan: To propose a 5,000-ft² (foot print) industrial/light manufacturing facility with 2,000-ft² office/storage mezzanine and associated parking and access improvements. Hearing. Deferred Date Specific from the 06-13-12 Planning Board Meeting.

Chairman Russo noted that a letter requesting deferral had been provided by the applicant.

Mr. Barnes moved, in accordance with the applicant's written request, to defer review of the Site Plan application for New England Solid Surfaces, located at 7 Industrial Drive, Map 161/Lot 044, date specific, to the August 22, 2012.

Mr. Della-Monica seconded the motion.

VOTE: No further comment 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).

XI. OTHER BUSINESS

- A. Presentation on Proposed South Hudson Corridor Study & Update on Proposed Route 3A to Route 111 By-Pass Road.**

Chairman Russo read aloud the published notice, as repeated above, noting that the Board been dealing with a particular applicant with respect to a proposed development.

Mr. Tom Monahan, the referenced applicant, outlined the history of the meetings that had been taking place during the past several months with respect to his proposal of a corridor study in connection with his desire to develop land he owned in the southern portion of the town, stating that some other property owners in the area had also sat in on some of thee meetings. He said it was not up to the property owners to do a corridor study, but to the Town—adding that the concept had grown during the discussion process, from an initial expectation of studying Lowell, River, and Dracut Roads into a much broader area, encompassing much of Lowell Road, all the way up to Central Street. He noted that he had been involved in a performance study of land in Bedford, which had evolved into a \$45,000,000 assessed value to the Town of Bedford. He noted that he had also had similar experience in Merrimack, saying it also had been a win-win situation for that town.

Chairman Russo noted that the NRPC (Nashua Regional Planning Commission) had also become involved. Mr. Tim Roache, NRPC Assistant Director and Metropolitan Planning Organization Coordinator, said that the agency's involvement had begun in 2009 with respect to a possible local highway in place of the originally proposed Hudson Circumferential Highway. He reviewed the approach NRPC had used, laying out a proposed roadway between Lowell Road (Route 3-A) and Route 111, conceived as a limited-access roadway (noting that Albuquerque Avenue in Litchfield had been a similar project). He commented on some of the assumptions that had been used in the modeling process and the associated analysis, and he asked Town Planner Cashell to display on the projection screen the map for the proposed roadway (Page 15 of NRPC's Hudson CTAP Discretionary Project Report [October 2009]), noting the expected traffic. He said what needed to be worked out was an engineering study and other issues about the possible connections, especially at the juncture with Lowell Road. He noted there was no funding for this project, but NRPC was "keeping it on the radar."

Chairman Russo asked if there were any questions for Mr. Roache.

Ms. McGrath noted that the report in one place said federal funding would not be required but in another place said it would be sought for the intersection with Sagamore Bridge Road. Mr. Roache said he did not recall that federal funding would be sought, saying the report should not have said that.

Chairman Russo opened the meeting for public input and comment, in favor or opposition.

Mr. Randall S. Brownrigg, Jr., 2 Little Hales Lane, identifying himself as a State representative for both Hudson and Pelham, asked if the proposed road would go down Wason Road. Mr. Roache said it would be adjacent, and he then made extra copies of the CTAP report available at this time to members of the audience. Mr. Brownrigg asked if it would be a road or a bridge and also if eminent domain would be involved. Selectman Maddox pointed out that the State of New Hampshire currently owned all of the land involved, explaining that this was the property for the originally planned Hudson Circumferential Highway, and he assured Mr. Brownrigg and the audience that there were no houses on this property.

Mr. Brownrigg asked where the money would come from. Chairman Russo said there had been no planning as far as funding went, saying there would have to be a design process first to establish what the costs would be—adding that this project was very much in its infancy stages. He said that, as Mr. Roache had stated, there was no federal funding involved at this point, so it would be the Town's responsibility. Mr. Brownrigg stated that that this was a lot of money and there were a couple schools that needed to be fixed up, saying he knew a certain amount of money was being pushed aside right now for that purpose, so the Town was taking on a lot, expressing concern that taxes would increase. He asked if it would not be smarter to think about what the Town really needed at this moment instead of trying to expand so much. Chairman Russo said the taxes would go up, noting that a 30-year bond would be one possible scenario, but the Planning Board needed to put this and other projects on the table to see what the public felt was needed, stating

that the Planning Board could not look at it or even think about it without having a plan in place.

Selectman Maddox noted that the Planning Board's job was to think of the infrastructure for the town, with taxes and funding being the responsibility of another group. If a developer were to come in, he said, the Planning Board would like to know what the costs would be, in order to attempt to get some of the money from them, so it would not all be up to the taxpayers. He noted that current expectations were that there would be 14,000 cars going down Wason Road to Musquash Road in the future if something were not done.

Mr. Brownrigg said the Planning Board had to look at all the angles, saying something of this magnitude would have a huge effect on the environment and the town, but his concern was the expense and possible disruption of the land. He questioned why the Planning Board thought that much traffic would be coming in. Referring to an article that had appeared in the 07-13-12 HLN, he questioned what some of the statements meant, such as future traffic congestion along Route 3-A, asking what was going on with respect to Green Meadows. He then asked what the Planning Board wanted to put on the Green Meadows property. Chairman Russo said the Planning Board did not have control over what went on that property, which was up to the property owner, but the Planning Board's purview was to ensure that traffic issues would work. Mr. Brownrigg said no one wanted to see a casino there. Chairman Russo said no casino had been proposed to the Planning Board.

Mr. Brownrigg said the town needed to hear this, predicting that townspeople would send him E-mails tonight, telling him how they felt. He said it was a concern, saying it was a hard decision, noting that the townspeople had spoken their mind about it. He said having something such as the new Merrimack mall that close was a concern. He asked what the Planning Board wanted to do. Selectman Maddox said the Planning Board was trying to plan, to open up a dialog with landowners who owned hundreds of acres to see what would be proposed. He said the Planning Board needed to know what kind of traffic would be occurring for whatever might be proposed. He then commented on the very large amount of documentation that had been involved with the previous plan for the Green Meadows property, saying the Planning Board was trying to get ready and prepared for if and when something else was proposed.

Mr. Della-Monica said there was also a possible upside, noting that improvement of traffic conditions would make property values go up considerably—but that they would go down if traffic were being held up.

Ms. McGrath pointed out that the Planning Board had not initiated this proposal, saying Mr. Monahan had come in to say he wanted to discuss a possible traffic study for possible development of his land, and the Green Meadows' representative had come to listen.

Town Planner Cashell noted that the Planning Board had been heavily involved in corridor studies over the past three decades, noting that the corridor roadways were improved on the basis of the plans stemming from those studies. He said the Planning Board now recognized that it had to start planning for the next phase of

growth that he felt was inevitable for the Town of Hudson. He noted that growth in traffic was projected in the 2009 CTAP report, and the Town needed to prepare for that, saying the Planning Board's job was to plan for such future contingencies. He said Hudson had done a tremendous job in addressing traffic growth in the past couple decades, saying the Board had to plan for the future so that future people would not be tied up in traffic. He noted that the widening of I-93 was expected to generate a growth of 100,000 people moving to that corridor, adding that the Manchester airport improvements would also bring in more traffic.

Mr. Hall said the important thing was that having a corridor study done in the past had enabled the Planning Board to obtain impact fees from past developments, as those studies had shown what improvements would be needed, with an estimate of value and the amount that would be the responsibility of new homes and businesses—which had allowed the Town of Hudson to obtain funding for those improvements, most of which had required a Town match, and the taxpayers had not had to pay for the work. Without a study, he said, there would be no way for the Planning Board to collect impact fees for the projected costs. If the Town did not do this, he pointed out, there would be a tax impact from those future improvements. Town Planner Cashell said there was in excess of \$300,000 in the corridor accounts right now, saying past funds had been used wisely. Mr. Hall clarified that the Town would have had to get money from taxpayers for those past improvements if the corridor studies had not been available—adding that the corridor studies needed to be living documents, continually updated.

Town Planner Cashell said Hudson had been at the forefront on impact fees and was a model community for collecting impact fees from developments—noting as an example that the impact fees for the previous Green Meadows proposal would have been more than \$6,000,000. He said updating the corridor studies was one of the statutory requirements for continuing to collect those impact fees.

Mr. Mike Farrell, 20 Adam Drive, noting that he lived on the northern edge of the town, adjacent to Litchfield, said he was wondering what impact this planned roadway would have for traffic going north on Route 3-A, which he said was a lot heavier since the Sagamore Bridge had been opened. Mr. Roache said this roadway should take a portion of the traffic off Route 111 heading to Route 102 or to the Sagamore Bridge—adding that NRPC was monitoring traffic on Route 3-A on a continuing basis, and noting that there had been frequent talk of constructing another bridge across the river for the past 50 years.

Mr. Farrell said development of land in south Hudson would be good if controlled, but he then expressed concern about the need for another new school or expansion of the existing schools if extensive residential development came in. He said he felt this sort of development would not be paying the long-term costs, whereas businesses and recreation development, such as a theater, hotels, etc., would help. Mr. Hall said the Planning Board had done the same thing with schools, saying most of the improvements were paid for by impact fees. He noted that \$3500 was contributed in impact fees for schools every time a new house was constructed in Hudson, including units in age-restricted developments—saying this had been possible because there had been a plan, but there was no way to charge impact

fees unless there was a plan. Mr. Farrell said his concern was deeper than that, saying staff and maintenance would also be required for the new school buildings, so he was asking that, as plans came in, the Planning Board should carefully look at a mix of industrial use versus residential. Town Planner Cashell expressed a belief that any type of development on Mr. Monahan's acreage or on the Green Meadows property would be some type of mixed use; he stated that every house now produced 0.6 children, which he called not an overly burdensome amount on the schools. Mr. Farrell asked if that would be a factor that would be looked at; Town Planner Cashell said this was part of what the studies were all about.

Mr. Hall said what Mr. Farrell was talking about had a lot to do with zoning, which he felt was pretty well fixed at this time. He said he could not remember the last time the Planning Board had proposed zoning changes that would affect the value of a lot of land—not since the proposal to get 2-acre lots outside the Circumferential Highway path, which had taken a lot of effort to get approved. He said trying to change a big chunk of land to reduce people's rights did not fly very well. Mr. Farrell said he was not proposing that, but merely asking that these concerns be heard and considered.

Ms. McGrath commented that the Planning Board historically and currently always looked at the impact that each development had on the town and the residents near that development—adding that this did not mean there was always agreement among the members. Mr. Farrell expressed concern about 600 acres being opened because of a road that he did not know was needed, saying this would open up a lot of area. Ms. McGrath said it was a concern to her as well, noting that she was not only a life-long resident of the town but also a life-long resident of the south end of the town, and she would be directly impacted by any development of these properties. Mr. Farrell declared that it was always a bad Monday as soon as he got on Route 3-A, saying he was always in a traffic jam up until he got off the Sagamore Bridge. Ms. McGrath said she understood, as she used to travel to Nashua every workday.

Chairman Russo noted that Mr. Farrell had said the land was opening up because of the roadway; he said this was not the case, but that the Planning Board was talking about a roadway because this property owner was looking aggressively to develop property he had owned for a long period of time, and the Planning Board was trying to work with the developers to get something that worked for the town—to maintain a balance, working with the developers to get the roadways improved. He pointed out that all members of the Planning Board were taxpayers and all were cognizant of tax impacts.

Mr. Della-Monica said impact fees helped pay for improvements to schools or to build new schools, providing significant aid, along with the taxes being paid by the residents of the new homes, so that the additional taxes helped the ongoing costs. Mr. Farrell reiterated that, if there had to be a new addition, or a new school, the costs would rise, as additional staff, both teaching and maintenance, would have to be added on.

Selectman Maddox suggested that Mr. Farrell might volunteer for the CIP Committee next year. He then suggested that the discussion was getting a bit off topic.

Mr. Roache clarified that the role of the NRPC was to try to provide help to towns, saying this was not a case of the NRPC trying to push this road onto the Town of Hudson. Town Planner Cashell pointed out that the NRPC Website had a lot of information about Hudson, including a lot of information about corridor studies that the NRPC had done for other communities.

Chairman Russo asked if Town Planner Cashell had put any information together about the costs of the corridor study. Town Planner Cashell answered in the negative but noted that Mr. Kennedy was present.

Mr. Marty Kennedy, from VHB, noted that his firm had done a lot of work on corridor studies, saying it depended on what the Town wanted. Whenever the Town got to that point, he said, he could come up with the costs. Town Planner Cashell asked how much Nashua and the adjacent community had paid for the Route 101A study; Mr. Kennedy said he had not been involved in that study.

No one else coming forward to provide input, Chairman Russo asked if any members of the Board had any questions.

Selectman Maddox said he had spent last weekend riding in a police cruiser in the south end of town to look at the traffic, noting that he had not seen any examples of excessive speed, but the Police Department was working on a report on speeds noted in that area. He said the Planning Board should be looking at that report to see what was needed and what the Board could do, saying he had seen many examples of people trying to do amazing things, especially with respect to cross-lane turning and signage problems, adding that the traffic on Dracut Road was higher than the traffic on River Road. He expressed a hope that this meeting was a start at getting information out to the citizens.

Mr. Brownrigg asked Mr. Roache what kind of effect this proposed roadway would have on Musquash Road, Bush Hill Road, etc. Mr. Roache said each of the crossroads had not yet been determined as to whether they would have signal lights, STOP signs, or what. Mr. Brownrigg questioned what the impact would be on taking left turns off Musquash Road, saying this would have an effect on people traveling on that road to go to work—adding that his concern was how easy it would be to go straight ahead or to turn left. He then asked who the townspeople should talk to if they had concerns. Chairman Russo said people with questions should direct them to Town Planner Cashell.

Town Planner Cashell said one of the problems with Wason Road was that it only had one travel lane, and part of the study would be looking into making two lanes of westbound traffic on Wason Road, leading to two lanes of west-bound traffic leading onto the Sagamore Bridge Road, to avoid a bottleneck situation.

Mr. James Battis, 6 Potter Road, asked if the Board could summarize the extent of the study that was being discussed. Town Planner Cashell said the Board wanted to define the perimeters, noting that some of the members wanted to keep strictly in the

southern area, taking into consideration the monumental growth of traffic on Dracut Road, which he described as having become the #1 route for Massachusetts traffic trying to get to Wal-Mart, Sam's Club, etc., as well as to employment in Sagamore Industrial Park. He said the study might come further up Lowell Road, even to as far as Central Street, but that had not been defined as yet. He said he estimated it would wind up going that far, noting that the new sequencing of traffic signals in the downtown area proposed for this year would also affect traffic, including widening of Route 102 access to Taylor Falls bridge to a 3-lane road.

Selectman Maddox predicted that a lot of the parameters would be driven by the costs the Board eventually got.

Mr. Barnes said he felt there was consensus on getting a study on Dracut Road from the state line up to Wason.

Chairman Russo encouraged all attendees to keep an eye on future Planning Board agendas to see what went forward. He then noted there was a draft motion for deferral. Town Planner Cashell suggested deferring to the September workshop meeting or to the September 12th meeting. Chairman Russo noted that September 5th would be close to Labor Day weekend.

Selectman Maddox asked that the Town Planner get together with Mr. Kennedy to get some preliminary numbers, saying nothing would go forward until the Board knew what the numbers were.

Ms. McGrath noted that Town Planner Cashell had sent out letters to other property owners at the south end of town. Mr. Cashell said he had received two responses. Ms. McGrath noted that she did not see any residents that she knew in the area of the business-zoned property in that area.

Mr. Della-Monica moved that the Board defer further review of the proposed South Hudson Corridor Study, date specific, to the September 12, 2012 Planning Board Meeting. Mr. Barnes seconded the motion.

VOTE: No further comment 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).

Chairman Russo declared a break at 8:27 p.m., calling the meeting back to order at 8:47 p.m.

XII. OLD BUSINESS/PUBLIC HEARINGS (Continued)

B. 13 River Road Site Plan SP# 03-12

Map 240/Lot 15

Purpose of plan: To change the use of the building from the existing use (12,000 sq. ft. warehouse/6,000-ft² office) to a 6,864-ft² industrial/ 3,264 sq. ft. office/3,021-ft² retail/4,851-ft² indoor firing range. There are no changes to the site other than the improvements within the building and the restriping of the parking lot to the proposed uses. Application Acceptance & Hearing. Deferred Date Specific from the 06-27-12 Planning Board Meeting.

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

Mr. Joseph Maynard, from Benchmark Engineering, representing his client, Mr. Steve Desjardins, the property owner, who was also present, distributed large-size copies to those members who wanted them, which he identified as follows:

- ***Cover Plan for Change of Use, Desjardins Realty Trust (Tax MAP 240/Lot 15), 13 River Road, Hudson, New Hampshire***, dated May 9, 2012, Last updated 06-14-12, prepared by Benchmark Engineering, Inc.
- ***Change of Use Plan (Tax Map 240/Lot 15), 13 River Road, Hudson, New Hampshire***, dated May 9, 2012, Last updated 06-14-12, prepared for Desjardins Realty Trust, Pulpit Rock Road, Pelham, New Hampshire, by Benchmark Engineering, Inc.
- ***Lighting Plan (Tax Map 240/Lot 15), 13 River Road, Hudson, New Hampshire***, dated May 9, 2012, Last updated 06-14-12, prepared for Desjardins Realty Trust, Pulpit Rock Road, Pelham, New Hampshire, by Benchmark Engineering, Inc.
- ***Building Interior Plans (Tax Map 240/Lot 15), 13 River Road, Hudson, New Hampshire***, dated May 9, 2012, Last updated 06-14-12, prepared for Desjardins Realty Trust, Pulpit Rock Road, Pelham, New Hampshire, by Benchmark Engineering, Inc.

Stating that these were the same plans he had shown to the Board at the 06-27-12 meeting, Mr. Maynard reviewed comments from the previous meeting, noting that he had added notes 24 and 25, as requested by the Planning Board, pertaining to noise and hours of operation (9:00 a.m. to 9:00 p.m., Monday through Saturday, for the shooting range, but his client wanted the Sunday hours to be from 10:00 a.m. to 5:00 p.m.). Chairman Russo interrupted to note confusion about a Windham location on the plan. Mr. Maynard said that was an error in marking, saying the applicable plan was also present.

Mr. Maynard said his client had bobcats and would have no issues getting the snow over the property, adding that he had added additional snow storage area as well as adding four parking spaces at the rear, to a total of 53 spaces available, where 49 were required.

Mr. Maynard noted his traffic engineer was present, as well as a couple consultants with respect to the gun range construction and the air-handling aspects.

Chairman Russo said he wanted to hear from the public first, and he then opened the meeting for public input and comment, in favor or opposition.

Mr. Michael Goyette, owner of Pete's Gun and Tackle, noted that a statement had been made about instructional facilities, and he asked if they would be conducting a classroom while that shooting would be going on. Ms. McGrath asked Mr. Goyette about his prior statement at the previous meeting about having gone to the Manchester facility to observe traffic, at which he had found 40 vehicles coming and 20 going out with available parking spaces in the parking lot on a Saturday evening. Mr. Goyette said it had not been in the evening but from about 10:00 a. m. until just after noon, saying people were still parking on the street instead of in the parking lot.

Ms. Kathy Leary, 8 Par Lane, noting she had not been at the last meeting, asked what the other proposed uses for the building were. Mr. Maynard said it currently had an office/industrial use, but would have an office, gun shop, & shooting range, with the old industrial portion being used as a warehouse for the owner's other businesses. Ms. Leary asked if there would be age restrictions. Mr. Maynard said he could not answer that, but he had people present who could do so. Mr. Chris Chronopoulos came forward to address the question.

Ms. Leary asked if there would be any limitations based on knowledge or training, to make sure users knew how to use a weapon. Mr. Chronopoulos said there would be certified instructors to show people how to properly use the equipment. Ms. Leary asked what types of weapons would be used. Mr. Maynard said there would be different calibers, up to 0.308 (i.e., 7.62 mm).

Ms. Leary asked what kind of noise people would hear outside the building. Mr. Maynard said there were two standards (pulse and ambient), noting that there were offices on the other side of the wall and it would be set up so that there would be no disturbance to people working in that office, saying it had been explained to him that the noise would be less than what an air conditioner made.

Mr. Della-Monica displayed a 0.223-caliber assault rifle cartridge and a larger 30-06 hunting rifle cartridge, saying he had fired pistols that would handle the latter—adding that he wanted to show that the size was irrelevant. He said the engineers would provide a plan with their stamp on it, saying the range was safe for whatever was being allowed.

Ms. McGrath noted that Mr. Chronopoulos had been speaking as a representative at the last meeting but the Board had nothing signed to show that he had authority to speak for the owner, which the Board had asked for. She asked about his credentials, acknowledging that she was concerned about the use being proposed for this property. Mr. Maynard said his client was in the audience tonight, saying that he could have Mr. Chronopoulos come forward and give his credentials. Chairman Russo said what Ms. McGrath was saying that it would be nice to hear from the owner that what had been said by Mr. Chronopoulos was in fact something he was in support of.

Mr. Steve Desjardins, the owner of the property, said Mr. Chronopoulos and he were good friends and that Mr. Chronopoulos would be the manager. Mr. Chronopoulos said he had been in law enforcement for 29 years and had been involved in ranges for pretty much all of his career, as an instructor and range officer, adding that he was an active officer for the Town of Tyngsboro at this time.

Mr. Don Villandry, 18 Ponderosa Drive, asked if Ms. McGrath were concerned about the sale of firearms or something else, saying this was another business that wanted to start up. Ms. McGrath said she was concerned about the shooting range and the sale of guns, acknowledging that this was a personal opinion. Mr. Villandry said he, as a Hudson taxpayer, was in favor of retail business and would like to see the building be used.

No one else coming forward to provide further input, Chairman Russo declared the matter before the Board, saying it would be reopened to the public if the need arose, and he then asked if any members of the Board had any questions.

Selectman Maddox said he felt the Board was being cautious, but Mr. Chronopoulos had now been identified as the manager, which answered some of the questions. Saying he was more concerned about traffic, he asked if Mr. Maynard had had a discussion with the Friels in regard to being able to use Friel Golf Road to get to the traffic light. Mr. Maynard said they had a permanent easement over the land, saying he did not think Mr. Friel would have a problem with sending traffic up that road but Mr. Friel had other businesses. He said people would be looking for the easiest way out, anyway, adding that he had visited the property many times and did not feel it had any difficulty. He said that stretch of road was private. Selectman Maddox reiterated that he was more interested in the traffic, saying he had witnessed people trying to pull out of there to turn left, doing some quick maneuvering, and he expressed concern about people turning at the Stuarts' Corner intersection, saying he would hope Mr. Maynard could do whatever he could to route people to the lighted intersection. He then commented on the pavement; Mr. Maynard said a 70-foot easement had been added.

Selectman Maddox reported that he driven up to the Manchester facility, driving through the parking lot, and did not hear anything—and also did not see a lot of traffic. Mr. Maynard said he was proposing 12 lanes at this site, whereas the Manchester facility had 14 or 16.

Mr. Della-Monica noted that Mr. Goyette's question about classes going on at the same time as the range was open had not been answered, adding that this also affected the parking needs, as more parking would be needed if there were classes at the same time as the firing range was open. Mr. Maynard said he was not familiar with how the range would be operated. Mr. Desjardins said the classes would be held in off hours, for two hours, suggesting it might be the two hours after he opened, on Saturday morning, so that there might be only 15 people there, and then the site would be open to everybody else after that.

Selectman Maddox asked to hear about noise attenuation from the manufacturer.

Mr. Maynard noted that Mr. Kristofer Williams from Carey's Heating & Air Conditioning, Inc., and Mr. Matt Brinkerhoff, from Action Target, were present to speak about the actual shooting.

Mr. Mathew Brinkerhoff, from Action Target, said his company had been in business for 27 years and he had been with the company for seven years. He said the firm had done hundreds, probably thousands, of shooting ranges, saying they had done

the Manchester range and this would be similar except easier and for a smaller building. He said he had also visited the Manchester range this past Saturday and also had not heard anything, adding that Saturday afternoon would be a very busy time for that facility. He said this present facility would be a building inside of a building, with two solid concrete walls, as well as two others outside, adding that even with only two walls the Manchester facility was below the required noise levels. He said as a professional he could absolutely guarantee that the noise would be below the allowed levels. He described the roof construction, saying it would have a preset concrete surface over the top, adding that safety was the number #1 concern, and declaring that there would be absolutely no way a bullet could penetrate the walls and that no noise should be escaping from the baffling system.

Ms. McGrath asked if she understood correctly that he was saying there would be noise outside the building. Mr. Brinkerhoff said he could not say there would be no noise, but that it would be well below the noise ordinance allowances.

Mr. Barnes noted that the outdoor range already in that end of town had been there before the nearby residences, but this one was being put into a residential area, and he would be taking Mr. Brinkerhoff's testimony that this facility's noise would not be a problem to those residents. Mr. Brinkerhoff expressed agreement.

Selectman Maddox asked if there would be signs saying what limitations were on size of weaponry and caliber of bullets being used. Mr. Brinkerhoff said there would be signage, but noted that people sometimes tried to sneak other things in.

Mr. Della-Monica asked for confirmation that they had engineering confirmation for specific sizes and this would appear on the plans. Mr. Brinkerhoff answered: "Absolutely."

Chairman Russo asked about air quality. Mr. Maynard said they were going with a dry system, which did not have any waste water associated with it. Mr. Brinkerhoff described the bullet path and the associated trap, saying there would be an associated deceleration chamber, causing the bullet to spin until all of its velocity was spent, after which the bullet would be collected below, with negative air pressure preventing anything (dust and lead contamination) from escaping the vacuum collection system.

Ms. McGrath asked if the trap would cover the entire area that users would be shooting at. Mr. Brinkerhoff drew a diagram on the blackboard, noting there would be steel plates on the ceiling that redirected bullets aimed up downward into the trap, stating that the bullets would always be contained and collected.

Ms. McGrath asked about the range. Mr. Brinkerhoff described the design, saying all errant shots would be stopped.

Mr. Della-Monica noted that he had shot at a lot of ranges, stating that this appeared to be quite an improvement over what most police ranges had.

Mr. Barnes asked about the lifetime of the filters. Mr. Brinkerhoff said the thing used up first would be the bullet deflection plates, saying the oldest site, 27 years old,

showed that the ones closest to the mouth got used up most quickly, and they got replaced after 10 to 15 years, effectively creating a brand new trap system.

Ms. Merrill stated that it seemed that the proposers had taken all the precautions that needed to be met and met all the requirements of the site plan process. She said they seemed to have taken every consideration, safety-wise, and she could not imagine not approving this, adding that she would be more concerned about the open firing range in that same neighborhood. She noted there would only be 12 lanes, questioning how many users would be going in at one time.

Mr. Kristofer Williams, from Carey's Heating & Air Conditioning, Inc., said his firm had been in business for 15 years, with all systems being tested by government inspectors. He said the air-exchange design criteria had been set, saying the system had been proven at all of their sites to result in a level of lead pollution that was below allowed limits, being indefectible in most cases. He said the filters were the same that were used in hospitals, so the air being exhausted would be cleaner than the air being brought in.

Mr. Barnes asked about maintenance of the air filtering system, asking who would be responsible. Mr. Williams said the owner and operator would be responsible, saying the filters had to be changed at frequent intervals, with the system telling when and also providing diagnostic support.

Chairman Russo asked about energy recovery, asking if heating would be involved. Mr. Williams said it could be provided if required by code.

Mr. Della-Monica said the public safety was very important, but the owner/operator would be subject to OSHA requirements if they did not change the filters.

Mr. Hall asked if the heat being used was wasted outside. Mr. Williams answered in the affirmative. Mr. Hall said the heat would be significant; Mr. Williams concurred, but pointed out that the system would only be in use when the shooting range was in use.

Mr. Williams said the exhaust fan was a variable-frequency drive, modulated to make sure that the negative air pressure would be maintained at all times.

Chairman Russo asked if anyone were prepared to address the waiver requests.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-8.25, *Green Area*, citing the reason for granting this waiver as being because the site was already developed and this application did not propose to change existing green area conditions—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.

VOTE: No further comment 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 §275-8.B.31, *Interior Landscaping*, citing the reason for granting this waiver as being because the site was already developed and this application did not propose to change existing interior landscape conditions--and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.

VOTE: No further comment 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.A, *Stormwater Report*, citing the reason for granting this waiver as being because this application did not propose to change the existing impervious surfaces of the site and existing drainage infrastructure, which had been determined adequate by the Town's consulting engineer--and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.\

VOTE: No further comment 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 §275-9C, *Noise Study*, citing the reason for granting this waiver as being because such a study was unnecessary, taking into consideration the proposed use was not expected to create noise levels that would violate Town noise ordinances, by the testimony of the testifying consultant, at the meeting held on July 25, 2012--and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.

Ms. McGrath asked if the Board had anything in writing from the noise expert saying that the noise would not exceed allowed limits. Mr. Della-Monica referenced Note 25. Ms. McGrath clarified that she was looking for something in writing from the experts, noting that Mr. Howard, who resided across the street and had spoken at the June 27th meeting, had gone to the Manchester facility and had reported the amount of noise to be unbelievable. Chairman Russo said he wished Mr. Howard were here, noting that both Selectman Maddox and Mr. Brinkerhoff had said they had visited the Manchester facility and found it quiet.

Chairman Russo asked if something could be obtained in writing. Mr. Maynard said he could get a letter from the consultants that would be provided for the Board's files.

Mr. Barnes said he would be voting in favor of the motion, based on the testimony heard tonight that it would comply and that noise would not be an issue.

VOTE: No further comment 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 §275-9D, *Fiscal/ Environmental Impact Studies*, citing the reason for granting this waiver as being because the said study, in addition to the subject CAP fee and other submitted application materials, was not necessary to evaluate the fiscal and environmental impact of this development, by the testimony of the testifying consultant—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.

Speaking to his motion, Selectman Maddox noted that all Board members had been concerned as to whether it would be wet or dry, and he was voting based on the testimony received, saying the questions had been answered.

VOTE: No further comment 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 noted the shade tree waiver request had not been addressed.

Selectman Maddox moved to approve the request for a waiver, saying he did not see the need to plant a couple trees, as the Board had received testimony there would not be any noise. Mr. Hall questioned if there were any area on the property sufficient for any trees to be planted. Mr. Barnes noted that the resident directly across the street already had a significant buffer. Mr. Della-Monica said the only thing that could be put there would be evergreens, to provide year-long buffer, adding that these would not be sufficient.

Selectman Maddox moved again to grant the requested waiver from the requirements of HTC §275-8.B.31.(c), *Shade Trees*, citing the reason for granting this waiver as being because the site was already developed and the existing shade trees were established and in keeping with such trees on abutting properties—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Barnes seconded the motion.

VOTE: No further comment 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).

Ms. McGrath noted that Selectman Maddox had asked if the applicant had contacted the Friels, and Mr. Maynard had said they had not. She noted that she had passed a recent sports event at the site, finding there was not one parking space available. If that event were repeated, she asked, where would the overflow parking go? Mr. Barnes said his understanding was that that particular event was probably a one-time thing, but every spring there was an event demonstrating products which was very popular, but that did not apply to this site and would be the Friels' issue. Ms. McGrath expressed concern about the possible result of parking along River Road, saying that was a safety concern because it was a very busy road with a curve at that location.

Ms. McGrath then asked if the Hudson Police Department had its own firing range or would be using a private range such as this. Selectman Maddox said Hudson had its own.

Ms. McGrath referenced the memorandum that Police Chief Lavoie had submitted, noting that he had reserved judgment until he saw the final plans; she asked if he had seen the final plans. Town Planner Cashell said he had seen in-process plans. Chairman Russo said he would make sure that memo was attached if this went to final approval.

Ms. McGrath noted that they had talked about different types of weapons, the calibers to be used, and that the bullets would not penetrate the walls. At some point in the future, she asked, could the owner change that, to use a different type or caliber of weapons, or would approval of this site plan preclude them from doing that, so that they would be limited to just what they had testified they were going to be doing? Mr. Della-Monica noted that he had asked if the range design were certified for a defined caliber; he contended that this engineering certification would satisfy the requirements as long as it was within the limits of the range design—noting that the owners/operators could also lower the limits if they felt it were affecting the system. Chairman Russo said he did not see a note on the plan stating that. Mr. Della-Monica said he had asked that question specifically, and it probably should go on the plan as a note.

Ms. McGrath commented that, as she had stated previously, she was very uncomfortable with this. She said she understood the right of people to own weapons, but this did not mean she had to like it. She said she was particularly concerned, after the incident last week in Aurora, Colorado, saying she was trying to understand the attraction. She said she understood people wanting weapons for protection or hunting, but she could not understand getting assault weapons, noting that the sale of weapons had been reported to have increased during the past week as a result of the Aurora incident.

Selectman Maddox noted there was an outdoor range in that same area, saying this would provide an outlet for different people to practice—adding that people were allowed by law to use these weapons, so having them trained and practiced was a

good thing. He then asked that Town Planner Cashell be sent to talk with the Friels to ensure that no parking would be allowed on that side of Friel Golf Road, reiterating his concern about people turning left onto River Road. He said he did not see a problem.

Mr. Maynard asked if the note requested by Mr. Della-Monica could be put off until the time of the Building Permit, noting that the final design was not yet completed. Mr. Della-Monica suggested it be provided before the first shot was fired, adding that most ranges provided that automatically.

Selectman Maddox moved to approve the Site Plan entitled ***Change of Use Plan, Desjardins Realty Trust, Tax Map 240, Lot 15, 13 River Road, Hudson, NH***, prepared by Benchmark Engineering, Inc., Londonderry, NH, dated May 9, 2012, and revised through July 12, 2012, consisting of a Cover Sheet, Sheets 1 through 4, and Notes 1 through 25, 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 (hereafter referred to as the Plan).
2. 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.
3. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sunday.
4. Hours of operation shall be limited to: Monday through Saturday, 9:00 a.m. to 9:00 p.m. – Sunday, 10:00 a.m. to 5:00 p.m.
5. Refuse removal shall be limited to Monday through Friday, 8:00 a.m. to 6:00 p.m. only. Refuse removal on Saturday and Sunday is prohibited.
6. Prior to Planning Board endorsement of the plan, it shall be subject to final engineering and Police Chief review.
7. The calculated CAP fee of \$15,756.00, prepared in accordance with the 2012 CAP Fee Matrix, shall be submitted to the Town prior to the issuance of the Certificate of Occupancy.
8. Prior to Planning Board endorsement of this Plan, above conditions 3 through 7 shall be inscribed as additional notes on the Plan, which shall provide a total of 30 notes.
9. Prior to the shooting range opening, the range shall be certified by a professional engineer as to what caliber bullet size can be shot safely at the range.

Mr. Della-Monica seconded the motion.

Selectman Maddox said he appreciated Ms. McGrath's questions, saying what the Planning Board did was ask the questions, and the people were going to certify that this system was installed correctly, and this was all the Board could do.

VOTE: No further comment 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).

XIII. DESIGN REVIEW PHASE

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

XIV. CONCEPTUAL REVIEW ONLY

No **Conceptual Review Only** items were addressed this evening.

XV. NEW BUSINESS/PUBLIC HEARINGS

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

Chairman Russo addressed the minutes, ruling that the deferred review would be deferred to next week's workshop meeting.

Chairman Russo noted that no new applications had been submitted for August 8th, so that meeting would be canceled if there were no opposition. No opposition was expressed by any members of the Board.

XVI. ADJOURNMENT

All scheduled items having been addressed, Mr. Barnes moved to adjourn; Ms. Merrill 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 10:15 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
July 25, 2012**

Page 20

Date: August 1, 2012

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 09-05-12 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
July 25, 2012**

Page 21

The following changes were made to the draft version in accordance with review comments at the Planning Board meeting of 09-05-12:

Page 12, 3rd paragraph, 4th line from bottom — changed “Stewarts” to “Stuarts” to correct misspelling.

Page 13, 5th paragraph, 2nd line — changed word “applications” to “plans.”

Page 13, last line — corrected misspelling of “oldest.”