



# TOWN OF HUDSON

## Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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**-- FILE COPY --**

### HUDSON PLANNING BOARD MEETING MINUTES July 11, 2012

#### I. CALL TO ORDER

Acting Chairman George Hall called this Planning Board meeting to order at 7:05 p.m. on Wednesday, July 11, 2012, in the Community Development's Paul Butler meeting room in the Hudson Town Hall basement.

#### II. PLEDGE OF ALLEGIANCE

Acting Chairman Hall led the assembly in pledging allegiance to the Flag of the United States of America.

#### III. ROLL CALL

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

**Members**

**Present:** James Barnes, Glenn Della-Monica, George Hall, Ed van der Veen, Richard Maddox (Selectmen's Representative), and Vincent Russo (arrived at 7:12 p.m.),

**Members**

**Absent:** Tim Malley (excused).

**Alternates**

**Present:** Irene Merrill, Marilyn McGrath, and Jordan Ulery, and Nancy Bruckerman (Selectmen's Representative Alternate, arrived at 7:12 p.m.).

**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 tardy Mr. Russo.

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

Acting Chairman Hall addressed the minutes for the meeting of May 2, 2012, asking if anyone had had a chance to review the minutes.

Mr. Della-Monica stated that he had read the minutes and found nothing.

Ms. McGrath requested the following changes:

- Page 5, 4<sup>th</sup> full paragraph, 2<sup>nd</sup> line — “River Road” should be “Dracut Road.”
- Page 6, 4<sup>th</sup> paragraph, 2<sup>nd</sup> line — “quorum” should be “forum.”

Ms. Merrill requested the following changes:

- Page 2, Section VI — “Correspondence” was misspelled.
- Page 4, 3<sup>rd</sup> paragraph, 4<sup>th</sup> line, last word — “all” was misspelled.
- Page 10, 1<sup>st</sup> complete paragraph, 1<sup>st</sup> line — “linger” should be “longer.”

Mr. Barnes requested the following changes:

- Page 3, 3<sup>rd</sup> paragraph under B, 1<sup>st</sup> line, last word—“Hayman” should be “Hayner.”
- Page 9, 4<sup>th</sup> full paragraph, 3<sup>rd</sup> line—“REPC” should be “NRPC.”

No further change requests being brought forward, Ms. McGrath moved to accept the minutes as amended; Mr. Della-Monica seconded the motion.

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

**VI. CASES REQUESTED FOR DEFERRAL**

No cases had been requested for deferral for this meeting.

**VII. CORRESPONDENCE**

No items of correspondence were received for tonight's meeting.

**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**

No **Public Hearings** items were scheduled for this evening.

**XI. OLD BUSINESS/PUBLIC HEARINGS**

**A. B & D Properties  
SP# 01-12**

**Map 105/Lot 8  
Derry Road**

***Purpose of plan:* (a) Change of use from consignment center to 3,900-ft<sup>2</sup> restaurant & lounge; (b) Stand-alone 6,000-ft<sup>2</sup> retail building; and (c) Stand-alone 5,000-ft<sup>2</sup> general automotive repair. Hearing. Deferred Date Specific from the 05-23-12 Planning Board Meeting.**

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

Town Planner Cashell said he had nothing to add to his staff report.

Chairman Russo arriving at 7:12 p.m. Acting Chairman Hall relinquished the chairmanship to him at that time, returning to his normal seat as a voting member, with Ms. Merrill returning to her nonvoting alternate's position. Selectwoman Brucker also arrived at 7:12 p.m. and took her seat at the table as a nonvoting alternate.

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, noting that he was accompanied by Mr. William Tate, one of the co-owners. He then posted two plans on the meeting room wall, as follows:

- **Presentation Plan, B&D properties, Map 105/Lot 8, 323 Derry Road, Hudson, New Hampshire**, prepared by Keach-Nordstrom Associates, Inc., dated February 3, 2012, last revised 4-16-12. (This was the plan displayed at the May 23<sup>rd</sup> meeting.)
- **Non-Residential Site Plan, B&D properties, Map 105/Lot 8, 323 Derry Road, Hudson, New Hampshire**, prepared by Keach-Nordstrom Associates, Inc., dated February 3, 2012, last revised 06-13-12.

Mr. Colburn described details of the plan and the proposed mixed-use development, together with two additional standalone buildings. He said there were 113 parking spaces on the revised plan, commenting on the intent to connect through a private driveway. He noted that he had made some revisions to address concerns of the Board, CLD, NH-DOT, NH-DES Alteration of Terrain Bureau and also the NH-DES Subsurface Systems Bureau.

He noted that both the Planning Board and CLD had expressed concern about the parking spaces on the curve on Merchant Square Road, and the solution, as had been suggested by Mr. Della-Monica at the 05-23-12 meeting, was to have angled spaces, angled 60 degrees, losing two spaces as a consequence. He noted that the proposed tree had been shifted out of the line of sight on the inside curve of the road, as had been requested. He discussed the hours of operation for the restaurant (5:00 a.m. to 11:00 p.m. for the restaurant, 7:00 a.m. to 9:00 p.m. for the retail space, and 7:00 a.m. to 9:00 p.m. for the auto repair shop, noting that those were seven days a week. He noted that he had only allowed blasting on weekdays. He reported they had received a driveway permit from NH-DOT as an amendment of the preceding permit. He said the State had the revised plans, so he expected the remaining approvals for the proposed leach fields any day. He noted that he was still requesting waivers of fiscal/environmental impact and the noise study requirement.

Mr. Colburn noted that there might be a lounge and there had been a question as to whether this would impact the traffic study, saying the code that had been used had been a high-turnaround time for a site that frequently accommodated bars, saying he would stand beside those numbers that his traffic consultant had chosen.

Addressing the question of whether the construction activity would adversely impact the neighbor, Mr. Colburn said the uses at the medical facility were largely office based, adding that it was next to the Chasse manufacturing facility and would make less noise than that site.

He then noted that he had handed around two colored renderings that Mr. Tate had supplied this evening, noting that the rear would look like the front facade.

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

Mr. William Tate, 271 Nashua Road, Londonderry, NH, a co-owner of the property, said they had hired engineers to do something they thought was safe, noting that the engineering and construction costs for the left-hand turn were over \$45,000, saying this development and the preceding one, together with the medical buildings, meant that

the tax base had truly grown in this area. He noted that Tate Brothers also had contributed \$80,000 for the water line. He said he felt there was a demand for a workmen's restaurant in the area, saying all that existed now was a series of pizza shops.

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

Mr. Barnes asked if the existing septic system would continue to be used by the medical facility, while the added system would be for the two new buildings. Mr. Colburn concurred.

Mr. Barnes asked how trucks would deliver to the site if there was a NO TRUCKS sign. Mr. Colburn said they were knocking the grade down from over 10% to 9.5, and he thought delivery vehicles would use the other driveway and back up to the buildings, and he demonstrated on the wall-displayed plans how he thought trucks would enter the property and access each building, saying they could then back out to go to Route 102 or else take a left turn and go out to Robinson Road. Mr. Barnes asked if there were sufficient sight-line if a truck were on the site making a delivery. Mr. Colburn said the unloading truck would not affect the parking lot, as it would be completely out of the way. He noted that the loading space was not meant to be a travel way.

Mr. Barnes asked about left-turns coming out of the other properties. Mr. Colburn referred to Sheet 1, saying the existing property already crossed a painted lane, but the new work was to the right. He then went to the plans and said Mr. Barnes was right, but it was no more width, saying there was an existing dual-use turn lane there today, with a new left-turn pocket being added by restriping the roadway.

Mr. Ulery said the other facilities were low traffic generators, adding that he thought only small trucks would be involved for deliveries to the restaurant.

Mr. Della-Monica, noting he had worked in that area for a couple years, said a left-turn lane could only improve things.

Selectman Maddox addressed signage, suggesting there should be internal signage telling users where they were expected to go. He suggested there should be something to say no truck traffic should coming out onto Route 102, saying it would be beneficial to use Robinson Road and the traffic light. Mr. Colburn said he did not want to confuse people with too many signs but he liked the internal signage idea.

Chairman Russo asked for review of the angled parking spaces. Mr. Colburn said there had been ten parking spaces there, to put spaces in proximity of the uses they served, and he had looked to keep as many spaces as he could while addressing the Board's concerns, so they had angled them 60 degrees, so now it constituted one-way parking. He noted he had lost two parking spaces in doing this, adding that he had also added a second speed hump. Chairman Russo noted that he had not been present at the May 23rd meeting; he then asked if they had considered making it one way travel. Mr. Colburn answered in the negative, saying the reason was the other people using Merchant's Square. He reviewed the shared-use arrangements, saying he had needed to maintain the geometry that existed. Chairman Russo said he thought B&D should have given the others rights to use the roadway.

Mr. Ulery said this also reduced left-hand turns off from Route 102, as a one-way arrangement would force people to turn left off Robinson Road to get into Merchant Square.

Selectman Maddox said this was why he had expressed a desire for internal signage to encourage people to take the best route.

Chairman Russo asked if this entire complex were a part of Lot 107. Mr. Colburn demurred, saying it was Lot 108.

Ms. McGrath expressed concern about left turning traffic going out to Robinson Road, saying she agreed the one-way traffic would be better. She then expressed surprise about the hours of operation, particularly for the restaurant, which had previously been projected as a breakfast restaurant but now was reported as being open from 5:00 a.m. to 11:00 p.m. She said Robinson Road was a heavily-traveled road and she agreed with Chairman Russo's idea of making it a one-way road.

Mr. van der Veen demurred, saying he could not see a one-way road that long for all these businesses.

Mr. Ulery said truck drivers would take the quickest, easiest way to get the job done. He said delivery vehicles would use Robinson Road to exit, but it would be easier to enter Merchant Square Road off Route 102. He expressed a belief that delivery vehicles would not be that significant, adding that as a resident he would rather not make that turn.

Chairman Russo asked about the possibility of putting a NO LEFT TURN at the end of Merchant Square Road for people who wanted to get onto Route 102. Mr. Colburn said he could consider it, but the ownership of Hitchcock Clinic needed a way to get out to Robinson Road. He said he would enquire. He said the users had existing rights and would have to grant rights to Hitchcock Clinic, which was not his client.

Selectwoman Brucker said the St. Joseph facility was really quite busy, saying she felt people should be allowed to come to that site from Robinson Road.

Mr. Della-Monica said he was in favor of two-way traffic on that street, as he did not think people should have to go all the way around—adding that people using the clinic might also want to use the restaurant and the retail business afterward.

Selectman Maddox expressed disagreement with the idea of a one-way path, as well as with putting a NO LEFT TURN onto Route 102, questioning how people would turn around.

Mr. van der Veen spoke in agreement with Selectman Maddox, saying it did not make sense to have three driveways in a row with only one of them having a NO LEFT TURN arrangement. Town Planner Cashell expressed agreement with Mr. van der Veen.

Mr. Della-Monica then stated that he had changed his mind, as people could make a U-turn at the light.

Chairman Russo asked if Mr. Colburn had details of the sign that would be on Route 102. Mr. Colburn said they did not have details as yet, saying it would be a monument sign, replacing the existing Medbury Park sign.

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 the said study, in addition to the submitted plans, traffic study, paid CAP fee and other submitted application materials, was not necessary 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 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 that 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—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 said he was ready to read the draft motion except for an addition of an eighth stipulation about internal signage.

Selectman Maddox moved to approve the Site Plan entitled ***B & D Properties, Map 105; Lot 8, 323 Derry Road, Hudson, New Hampshire***, prepared by Keach-Nordstrom Associates, Inc., dated February 3, 2012, revised through June 14, 2012, consisting of Sheets 1 through 21, R1 & R2 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. 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.

3. After the issuance of foundation permits for each structure and prior to the issuance of framing permits for same, the applicant shall submit to the Community Development Department foundation "As-Built" plans on transparencies and to the same scale as the approved site plan. The foundation "As-Built" plans shall include all structural dimensions and lot-line setback measurements to the foundations and shall be stamped by a licensed land surveyor. Any discrepancy between the approved Plan and foundation "As-Built" plans shall be documented by the applicant and shall be part of the foundation "As-Built" submissions.
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. Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 8 of 21 of the Plan.
6. Prior to Planning Board endorsement of the plan, it shall be subject to final engineering review.
7. There shall be no CAP Fee associated with this approval, for the applicant paid said the fee in accordance with the original Merchant Square approved Site Plan.
8. Additional internal signage, as discussed at the Planning Board Meeting of July 11, 2012, shall be provided as part of this plan.

Mr. Della-Monica seconded the motion, but he then suggested that Stipulation 8 should include the sign location. Selectman Maddox said it was going to be a fluid situation and he did not want to specify it.

Chairman Russo asked if the Board should not make a stipulation about directing traffic, questioning how anyone enforcing the stipulation would know what the Board had discussed. Selectman Maddox said he would add that the intent of the signage was to direct people to Robinson Road. Chairman Russo asked if Mr. Colburn would have problems with that. Mr. Colburn said he did not think so, as the people being directed would be coming from Lot 8.

The revised stipulation then read as follows:

8. Additional internal signage, as discussed at the Planning Board Meeting of July 11, 2012, shall be provided on the Site Plan. The intent of said internal signage will be to direct cars and trucks to use the traffic light on Robinson Road.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members present voted in favor except for Ms. McGrath, who voted in opposition, and Chairman Russo declared the motion to have carried (6-1).



**XII. DESIGN REVIEW PHASE**

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

**XIII. CONCEPTUAL REVIEW ONLY**

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

**XIV. NEW BUSINESS/PUBLIC HEARINGS**

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

**XV. OTHER BUSINESS**

Chairman Russo asked what response Town Planner Cashell had received with respect his later. Mr. Cashell said there had not been any antagonism.

Mr. Barnes referenced an article in the Telegraph suggesting that the Planning Board was a going to be presenting the plan. Chairman Russo said he had made it very clear that there was no plan before the board at that time and that this discussion was in its infancy.

Mr. Della-Monica suggested reducing the requirement of full-size plans to two, saying very few people took copies. Ms. McGrath said she needed a full-size plan at the meeting, as her vision was not what it had used to be. Mr. van der Veen said he would never take a full-size plan. Selectman Maddox said the Board was only requiring five but the applicants brought more. Mr. Della-Monica said he would suggest three unless otherwise directed. Mr. van der Veen retracted his earlier comment. Chairman Russo suggested that Town Planner Cashell make it clear that applicants did not need to bring more than five.

**XVI. ADJOURNMENT**

All scheduled items having been addressed, Ms. McGrath moved to adjourn; Mr. Barnes 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 8:07 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes  
July 11, 2012**

**Page 10**

Date: July 12, 2012

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Vincent Russo, Chairman

J. Bradford Seabury, Recorder

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Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 08-01-12 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes  
July 11, 2012**

**Page 11**

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 08-01-12:

Page 5, 4<sup>th</sup> paragraph, 4<sup>th</sup> line — Added “to go” so that the clause now reads “they could then back out to go to Route 102.”

Page 5, last paragraph, 4<sup>th</sup> line — Changed “50 degrees” designation to “60 degrees.”

Page 6, laast paragraph, last line — Added “U-“ so that the clause now reads “people could make a U-turn at the light.”