



# TOWN OF HUDSON

## Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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### HUDSON PLANNING BOARD MEETING MINUTES March 14, 2012

#### **I. CALL TO ORDER**

Chairman Russo called this Planning Board meeting to order at 7:03 p.m. on Wednesday, March 14, 2012, in the Community Development's Paul Butler meeting room in the Hudson Town Hall basement.

#### **II. PLEDGE OF ALLEGIANCE**

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

#### **III. ROLL CALL**

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

##### **Members**

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

##### **Members**

**Absent:** None. (All present.)

##### **Alternates**

**Present:** Irene Merrill and Jordan Ulery.

##### **Alternates**

**Absent:** Marilyn McGrath (excused), Roger Coutu (Selectmen's Representative Alternate, excused).

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**HUDSON PLANNING BOARD Meeting Minutes**  
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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.

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

Chairman Russo addressed the minutes for the meetings of 03-07-12

Mr. Della-Monica requested the following

- Page 6, 4th paragraph from bottom, 1<sup>st</sup> sentence – Mr. Della-Monica expressed a belief that something was missing, saying the sentence did not make sense to him. Chairman Russo asked Recorder Seabury to review the audio record and change the text as appropriate.
- Page 7, 3<sup>rd</sup> paragraph under Section B, 1<sup>st</sup> sentence – He questioned if Ms. McGrath had said there would be a little restaurant, since this was not what the applicant intended. Chairman Russo asked Recorder Seabury to review the audio record and change the text as appropriate.

Chairman Russo asked that “Chairman Russ” in the 1<sup>st</sup> full paragraph on Page 7 be changed to “Chairman Russo.”

Ms. Merrill noted that “route” was misspelled in the 1<sup>st</sup> paragraph under Item B on Page 7.

No other change requests being brought forward, Mr. Della-Monica moved to approve the 03-07-12 minutes as amended; Mr. Barnes seconded the motion.

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

Chairman Russo stated that items of correspondence received in tonight's handouts would be taken up under **Other Business** at the end of the 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. Christmas Tree Sales at Hudson Mall, 77 Derry Street, Map 165-155**

**Deferred Date Specific from the November 9, 2011, Planning Board Meeting.**

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

Town Planner Cashell noted that the applicant had asked for deferral until further notice, as he was traveling at this time.

Selectman Maddox moved that no action be taken tonight, at the request of the applicant. 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).

**B. Central Street Restaurant  
SP# 09-11**

**Map 160/Lot 105  
297 Central Street**

**The subject project proposes to construct a 4,400 square foot, 100-seat restaurant (with bar) and associated parking, landscaping, storm water management provisions and other site improvements. Hearing. Deferred Date Specific from the January 11, 2012, Planning Board Meeting.**

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

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, Ms. Maureen Dipalma and Mr. Bill Tate. He reviewed the discussion that had taken place at the previous hearing, saying that they were back for the traffic discussion. He also noted that a question had been raised about intersection illumination, saying there was a street light, very far back from the road, and also a blinking light at the intersection, with another nearby pole, and that the applicant was willing to take care of that by installing a proper lighting fixture on one pole or the other.

He noted there had been a lot of conversation about a left-turn pocket, noting that the CAP fee was about \$15,000 and Town Planner Cashell had suggested doing the lane instead. He said the NH-DOT wanted nothing to do with that, as Hudson Park Drive was not on that agency's agenda and they would not participate in that. He said CLD (the Planning Board's engineering consulting firm) had wanted an improvement on Hudson Park Drive, to separate the left-turning traffic. He then displayed a proposed design plan, saying the applicants were willing to pay the CAP fee and to do a pocket on Hudson Park Drive.

Chairman Russo asked Mr. Basso to identify the drawings Mr. Basso was referring to. Mr. Basso identified one as **Exhibit Plan, Hudson Park Drive Widening, Map 160/Lot 105, 297 Central Street, Hudson, NH**, Prepared for and Owned by Maureen Dipalma & William Tate, Dated March 8, 2012, adding that the other was **Presentation Plan, Hudson Park Drive Widening, Map 160/Lot 105, 297 Central Street, Hudson, NH**, Prepared for and Owned by Maureen Dipalma & William Tate, Dated March 8, 2012.

Mr. Basso said they would be willing to illuminate the Route 111 intersection, widen the road as shown on the drawing, and pay the CAP fee for work that needed to be done down the road in the future on Route 111, saying that was all a project of this caliber could possibly afford to do—adding that this was the last project in and was getting stuck with it, whereas Specialty Kitchen and other businesses had not had to do anything. He said the issue was the volume going by on Route 111, saying their share of the traffic would be only three percent of the overall total.

Mr. Basso noted someone had asked about accidents; he said NH-DOT could not pinpoint them, but he had obtained accident data for that intersection from the Hudson Police Department, saying there was one accident in 2007, one in 2008, none in 2009, none in 2010, and three in 2011.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicants, noted that a question had been raised about blue signs to warn traffic that the turnoff for the restaurant was coming up. Mr. Basso said he had checked with NH-DOT and all they had to do was apply, noting there was a fee of about \$400, and the applicant had agreed to do that.

Atty. Westgate said he was prepared to talk about the basic law for outside contributions, CAP fees, etc. but he suggested getting the feel of the Board first, so that he could tie everything together. Chairman Russo expressed agreement.

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

Mr. William Tate, one of the co-applicants, said he had co-owned that property since the 1940s, adding that he thought what was planned would be enhancing to the neighborhood compared to what was pre-existing. He said they were willing to work with the Board, but he felt the needed work had been overlooked for previous applicants. He said interior work (within the industrial area roadways) was needed, so going beyond what had been presented would be cost-prohibitive. He suggested Hudson Park might change to more of a commercial area, adding that this project would create jobs, which were needed.

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.

Selectman Maddox asked Atty. Westgate to discuss whether an easement had been accomplished for the waterlines. Atty. Westgate said he understood water would be serviced by an existing water main that was already a Town main, not only in Hudson Park Drive but part way down the access lane, as well. He referenced the location on the aerial view of the area, identifying the location of the main. Mr. Basso said they would just be doing fire and domestic services from that point, saying they had private rights over the property. Selectman Maddox said there was supposed to be an easement for the Town to maintain the water main. Atty. Westgate said he understood it was private from the connection onward, saying it was just a service line—adding that this came from the previous settlement easement on the zoning case with Central Park, LLC. He said they also had an agreement to extend any utility easements from the right-of-way so that the entrance to the project could exist—adding that he was not certain those private easements would be necessary. He said these easements had not been implemented or recorded, as yet, because it did not make sense to do so until they had gone through the site plan review process. Selectman Maddox said he would have to check with the Town Engineer. Patrick Colburn, also from the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as an engineering representative of the property owners, read aloud a 01-19-12 memo he had received from Town Engineer Webster, saying this text was matching what Atty. Westgate had just described.

Selectman Maddox noted that the property was still being identified as being at 297 Central Street but did not have access to Central Street. Mr. Colburn said the Fire

Department planned on giving this property a new address, but that had not yet come to pass.

Mr. Della-Monica said he had looked at the site today and could not figure why the street light on Hudson Park Drive had been placed so far from the intersection with Route 111, noting it would be nice to have two lanes, one for left turns and one for right—but these had been addressed. Selectman Maddox noted that there would be camouflage by left-turning vehicles, preventing sight distance for right-turning vehicles.

Mr. Barnes said he thought the proposed widening of Hudson Park Drive was a good idea but he was curious as to whether the Town Engineer had looked at this. Mr. Basso said Town Engineer Webster had not, saying this had come up from discussions with CLD and NH-DOT. He said it would help to relieve queuing, saying it was a better alternative than someone sitting there too long and becoming aggressive.

Mr. Della-Monica said the current roadway was wide enough that someone could go around a waiting car. Mr. Barnes said he would want the Town Engineer to take a look at this—adding that this improvement would also be helpful to the other businesses of Hudson Park Drive. Mr. Basso said he would be filing a permit with NH-DOT.

Town Planner Cashell said the markings would indicate clearly that cars could go around to the right.

Chairman Russo asked if there were any discussion about the incline. Mr. Basso said it was relatively flat at the intersection with Central Street, saying it climbed slightly uphill from that point, with a 1% grade but they would leave it as it was, with the drainage in place.

Mr. Basso noted that all of the requested waivers had been approved at the last meeting.

Town Planner Cashell said that, if the Board planned to move forward, he could put together some text pertaining to the proposed painted lanes.

Selectman Maddox said he thought the Board was going toward approval, but he was reticent to give even conditional approval, since this was still being called 297 Central Street.

Atty. Westgate said the street address would be determined by the Town. Mr. Basso said the street number would be a part of the filing process, saying he would guess it would be a Hudson Park Drive number. Town Planner Cashell noted that the repair shop was 2 Hudson Park Drive, so this site likely would be 4 Hudson Park Drive or 3 Rear. The Specialty Kitchens building was noted as being at 4 Hudson Park Drive.

Selectman Maddox said he was more interested in getting Town Engineer Webster's comments about the driveway situation.

Atty. Westgate said the title block could reflect the address as given.

Mr. Barnes commented on the draft motion, with respect to the operating hours and Stipulation #11, which he thought was open-ended, and he questioned how “best effort” would be judged. Town Planner Cashell said the Town was not in the business of approving street lights or installing them. Mr. Basso suggested just making it that they had to do it.

Chairman Russo said he would hope the restaurant would be so successful that it could be open 24 hours a day; he suggested striking the proposed Stipulation #7, which pertained to hours of operation. Mr. van der Veen expressed agreement.

Mr. Della-Monica moved to approve the Site Plan entitled **Central Street Restaurant, Map 160/Lot 105, 297 Central Street, Hudson, New Hampshire**, prepared by Keach-Nordstrom Associates, Inc.; dated October 22, 2008; last revised March 1, 2012; consisting of Sheets 1 through 16 and Notes 1 through 30, 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.
2. All improvements shown on the Site Plan-of-Record, including Notes 1 through 30 shown on the Site Plan-of-Record, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. After the issuance of a foundation permit for the structure and prior to the issuance of a 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. The foundation “As-Built” plan shall include all structural dimensions and lot-line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation “As-Built” plan shall be documented by the applicant and be part of the foundation “As-Built” submission.
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 Site Plan.
5. On-site landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 7 of 16 of the Site Plan.
6. 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.
7. Refuse removal shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., only.
8. Prior to Planning Board endorsement of the plan, it shall be subject to final engineering review.
9. The calculated CAP fee of \$14,564.00, prepared in accordance with the 2011 CAP Fee Matrix, shall be submitted to the Town prior to the issuance of the Certificate of Occupancy.

10. Prior to the issuance of an Occupancy Permit, the applicant shall coordinate with State and/or local officials, relative to installing, at his cost, a street light and associated pole in the immediate Hudson Park Drive/Route 111 (Central Street) intersection.
11. The applicant, at his expense, shall install painted exclusive left and right turn lanes on Hudson Park Drive at its intersection with Central Street (NH Route 111).
12. The applicant, at his expense, shall install standard blue background signs east and west of the restaurant site along NH Rte. 111, indicating the restaurant is ahead.
13. The title blocks of the site plan drawings shall be amended to reflect the new address for the site, as required by the Hudson Fire Department.
14. The drawing entitled ***Exhibit Plan Hudson Park Widening, Map 160/Lot 105, 297 Central Street***, shall be updated with the new address required by the Hudson Fire Department and included as a part of this Site Plan.

Mr. Barnes seconded the motion.

Selectman Maddox said he would not be voting for this tonight, as he thought it was premature, with too many variables and with things that should be resolved before approval. He said he had true concerns about that dark stretch of Route 111.

**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 Selectman Maddox, 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**



**A. Review the Capital Improvements Program (CIP)**

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

Town Planner Cashell referenced his staff report, noting there had been much discussion as to whether the Board wanted to do an update or a full-blown CIP Report. He said he had gone over the content with Selectman Maddox, who had gone over it in a brief manner with the Board of Selectmen, which was more inclined for the Planning Board to do an update. He said the department heads had suggested they had done a thorough report last time and for the most part what had been asked then remained their priorities. He suggested he put together a proposed update for the June workshop.

Mr. Barnes said this would be for FY'14 and somewhat beyond, but something would be discussed at the Planning Board level. Mr. Cashell said he would give an update status as to where those items were, and he would give a status on pending items or completed, as discussed before. He said there were many outstanding projects, but the Town was involved with fiscal restraints. He noted that others, such as the Senior Center, had been talked about for years but had never made it, formally, to the CIP process.

Chairman Russo said he would like to get a quick blurb from the department heads. Mr. Cashell said Town Engineer Webster had already pledged to participate fully and to come before the Board to discuss his projects.

Mr. Barnes moved to defer further review of the FY'2010 CIP Update effort, date specific, to the June 6, 2012, Workshop, with the provision that, in preparation for this Workshop, staff would prepare a DRAFT FY'2010 CIP Update Report, to include the status of all ranked projects in the said CIP, together with projects included in its out-years section—and, further, for this report to include a summary of the report's findings.

Mr. van der Veen 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).

**B. Project Narrative Handout**

Chairman Russo referenced correspondence pertaining to B&D Properties, LP (Map 105/Lot 8), 323 Derry Road (Route 102)

Town Planner Cashell said a site plan application had been submitted yesterday with a full set of plans. He said this letter was just an introduction, saying the Board would be dealing with this application in April.

Mr. Della-Monica said he was very familiar with that area and had always thought that would be an excellent location for what was being proposed.

Chairman Russo noted that the Board would be taking the March 28<sup>th</sup> evening off, with the meeting scheduled for that evening being cancelled.

Mr. Della-Monica informed the Board that there was an easy and painless method for getting a permit for some types of previously-done unpermitted work.

Mr. Hall said he had received some mail, which he then read aloud, pertaining to an NRPC class to be held on April 3<sup>rd</sup>, discussing form-based code, at noontime. Town Planner Cashell said this usually pertained to a down-town area, with a survey being made of what the properties consisted of, followed up by a survey of the property owners as to what they could possibly want in the future. He said it was essentially an overlay-district approach, noting that it involved a lot of public input.

Selectman Maddox reported that Zoning Ordinance Articles 2, 3, and 4 on the 2012 Town Warrant had been voted in, noting that people he talked to at the Town Election had indicated they followed the Planning Board's guidance in such matters.

## XVI. ADJOURNMENT

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

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

Chairman Russo then declared the meeting to be adjourned at 8:15 p.m.

Date: March 25, 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 04-04-12 Planning Board meeting.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
March 14, 2011**

**Page 11**

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 04-04-12:

Page 5, 4<sup>th</sup> paragraph – removed irrelevant backward slash character at end of paragraph.

Page 5, 6<sup>th</sup> paragraph, 8<sup>th</sup> line -- changed “watermain” to “water main” (two words).

Page 6, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line -- changed “could not figure why the blinking traffic light had been placed at Hudson Park Drive” to read “could not figure why the street light on Hudson Park Drive had been placed so far from the intersection with Route 111.”

Page 6, 2<sup>nd</sup> paragraph, last line -- Changed “Selectman Maddox noted that there would be camouflage preventing sight distance.” to read “Selectman Maddox noted that there would be camouflage by left-turning vehicles, preventing sight distance for right-turning vehicles.”

Page 10, 3<sup>rd</sup> paragraph -- Changed “.Mr. Della-Monica informed the Board that he had discovered there was an easy and painless method in place for getting an electrical permit in the Town” to read “Mr. Della-Monica informed the Board that there was an easy and painless method for getting a permit for some types of previously-done unpermitted work.”