



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES November 2, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:07 p.m. on Wednesday, November 2, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, George Hall, Vincent Russo, and Richard Maddox (Selectmen's Representative).

Members

Absent: Glenn Della-Monica (excused), Mr. Malley (excused), and Ed van der Veen (excused).

Alternates

Present: Jordan Ulery and Stuart Schneiderman (arrived at 7:12 p.m.).

Alternates

Absent: Irene Merrill (excused), and Roger Coutu (Selectmen's Representative Alternate, (excused).

Staff

Present: Town Planner, John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Ulery in place of the absent Mr. Malley.

V. CORRESPONDENCE

A. Christmas Tree Sales at the Hudson Mall Map 165, Lot 155 77 Derry A.

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

Town Planner Cashell said he had informed Mr. Gordan, who was not present, that this matter would be heard at the end of the agenda. Chairman Russo ruled that this matter would be deferred until later in the meeting.

VI. PERFORMANCE SURETIES

A. Allyson's Landing Subdivision Map 217, Lots 37 & 33 Street acceptance /2-year Maintenance Surety

Reference: Memo, dated October 25, 2011, from Town Engineer Gary Webster to Town Planner John Cashell.

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

Town Planner Cashell said this was the easier of the two to deal with, noting that there were letters from Road Agent Burns and the Fire Department.

Chairman Russo noted that there was a draft motion.

Mr. Hall moved to forward a favorable recommendation to the Board of Selectmen relative to the acceptance of Allyson Drive as a public street, as recommended by Town Engineer Gary Webster, together with Police Chief Jason Lavoie, Fire Dept. Inspector Joseph Triolo, and Road Agent Kevin Burns.

Mr. Ulery 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 (5-0).

Mr. Schneiderman arrived at 7:12 p.m. and was seated in place of the absent Mr. van der Veen at that time.

Chairman Russo asked for a motion with respect to the 2-year maintenance bond.

Mr. Hall moved to establish a 2-year maintenance surety for Allyson Drive in the amount of \$46,364.80, as recommended by Town Engineer Gary Webster.

and Chairman Russo declared the motion to have carried unanimously (6–0).

Chairman Russo expressed a belief that whatever was left after the Town Attorney's bill was received would be applied to the maintenance surety.

Mr. Hall moved to defer the maintenance surety to the meeting of December 7th. Mr. Ulery 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 (6–0).

Chairman Russo stated that he would take up the **Other Business** item out of sequence at this time.

X. OTHER BUSINESS

A. Review/Recommend on Hawker

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

William Lennehan, the applicant, said he had applied for the appropriate license.

Chairman Russo asked if this would be a modification to the site plan of record. Town Planner Cashell said "Technically, yes"—and he then described details of the location.

Mr. Lennehan said he had an 8'x10' stainless steel trailer, saying he was looking to sell hamburgers, hot dogs, and soft drinks, and things of that nature—adding that 90% of what he sold would be purchased here in Hudson, and adding further that he intended to move back to this town.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, Chairman Russo asked if any members of the Board had any questions.

Mr. Ulery asked about the hours of operation. Mr. Lennehan said it would be roughly from 10:00 a.m. to 2:30 p.m.

Mr. Barnes noted the letter from the property owner, questioning if that owner understood there would be people coming to his property, in the way of foot traffic and/or vehicular property. Chairman Russo noted that it was not an issue at this time, since the building currently was unoccupied. Mr. Barnes suggested there might be an issue with parking if the building became occupied in the future.

Selectman Maddox asked what the "X" on the drawing indicated. Mr. Lennehan said he would be trailering in every day, assuring the Board that he did not intend to put any picnic

tables or other equipment on the location. Selectman Maddox questioned how the Board could modify a site plan by simply putting an "X" on it.

Chairman Russo asked who had provided the site plan. Town Planner Cashell said he had done that, confirming that no actual modification to the site plan was intended. He said the property owner wanted to allow Mr. Lennehan to conduct his business and would have the authority to kick him out if it became a problem.

Mr. Ulery responded to the question about property damage by noting that there was a sentence stating the "Big Bow Wow" was responsible for the property.

Mr. Hall said he had thought Mr. Lennehan was in business at another location. Mr. Lennehan stated that he was not. Mr. Hall asked if he had ever operated this business before, anywhere; Mr. Lennehan replied in the negative, saying this was brand new. Mr. Hall asked Town Planner Cashell to clarify the first sentence of his staff report, saying the Zoning Ordinance could not favorably act on the petition if the vender were selling in the public way, which was not allowed, but Mr. Lennehan had been able to find a site and to locate on private property, so Atty. LeFevre had recommended that he come before the Planning Board relative to the Hawker/Vendor application, to see if the Board would act in a favorable manner relative to amending the site plan. Mr. Hall said the reason Mr. Lennehan was here was to modify the site plan; he then asked what the duration of the license would be. Selectman Maddox said it would be renewable yearly.

Chairman Russo asked if Mr. Lennehan would be hooking up to any kind of power. Mr. Lennehan responded in the negative, saying he was totally self-contained.

Chairman Russo said he was not seeing any need for a change in the site plan, noting that it was the same as a catering truck.

Mr. Hall said he saw it as a significant enough change, where it would be at the same site every day, to be acknowledged by the Planning Board. He then expressed concern that there could be parking issues if the building became fully occupied. He said he saw it as a modification of the site plan, adding that there might be a problem with parking if the building became fully reoccupied, but he had no problem with it, as the Board of Selectmen would be able to modify it every year.

Mr. Lennehan noted that he had photographs of the trailer and also of the land, saying he had told the property owner that he would take care of the property as though it were his own, adding that he had contracted a landscaping outfit to take care of it. He said he would be taking care of the trash on a daily basis.

Selectman Maddox noted that the application said he would be opening at 07:00 a.m. and operating the business until 2:00 p.m. Mr. Lennehan said he had not known what to put down on the application. Selectman Maddox noted that there was no restroom capability, as Mr. Lennehan would not have a key to the building; he then stated that he would abstain from this vote because it would be coming before the Board of Selectmen. He noted that he had never been a big fan of hawker peddlers, saying Subway paid a lot of tax dollars but Mr. Lennehan would be coming in and sitting at this site almost all day for \$100 a year, and he had a philosophical problem with that setup. He then reiterated that he would abstain from the voting, saying there was not enough on the site plan to say what was happening.

Mr. Schneiderman thanked Mr. Lennehan for taking the time to meet with the Planning Board, saying he thought what Mr. Lennehan was doing was terrific, as he was a small

business man taking a risk. He said he could not see any real harm in what Mr. Lennehan would be doing and wished him the best.

Mr. Ulery moved to forward a favorable recommendation to the Board of Selectmen relative to the Hawker/Peddler/Itinerant Vendor's License for 5 Executive Drive, Map 210/Lot 003, and for the Board of Selectmen to consider adopting the following terms and conditions in their possible approval of the subject application:

1. The itinerant business activity, including customer parking, be limited to the southwest corner parking lot area of the site, as shown on the attached Site Plan-of-Record.
2. Hours of operation be limited to 10:00 a.m. through 3:00 p.m., Monday through Friday.

Mr. Hall 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 except for Selectman Maddox, who abstained, and Chairman Russo declared the motion to have carried unanimously (5-0-1).

Chairman Russo asked if the applicant for the Christmas tree sales were present. Town Planner Cashell said he was not here as yet.

VII. OLD BUSINESS/PUBLIC HEARINGS

No **Old Business/Public Hearings** items were addressed this evening.

VIII. WORKSHOP

A. Discussion on Future Development of Land off Dracut Road at the street address of 24 Dracut Road, shown in Town Assessor's Map 235/Lot 012 and Map 229/Lot 033. (Said lots consist of 120 acres and 79 acres, respectively.)

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

Town Planner Cashell said that Mr. Monahan was here with his principal engineer to provide some thoughts they had on the future development of the property. He then identified the two parcels on the displayed aerial view.

Mr. James N. Petropulos, PE, LEED AP, Vice-President and Lead Engineer for Hayner/Swanson, Inc. (HSI), 3 Congress Street, Nashua, NH, appearing before the Board as the engineering representative for the applicant, Mr., Thomas Monahan, referenced the following plans posted on the meeting room wall:

- Aerial Photo Plan, South Hudson Property, March 2005,
- Existing Conditions Plan, South Hudson Property, Dated November 2, 2011.

Mr. Petropulos noted that Mr. Monahan and Town Planner Cashell had held some informal discussion, and Town Planner Cashell had suggested they come discuss the plans with the Board in an informal setting. Because of its size and location, he said, Mr. Monahan considered this to be a special site, which he hoped to develop some day, but they came tonight with a clean sheet of paper.

Mr. Petropulos said the aerial photo really contained six lots, but they were described as two parcels, one being the old Blackberry Run subdivision, which had been planned to be off Rena Drive and Rita Avenue. He noted this subdivision had never been built and the approval had expired. He pointed out details on the aerial view, noting that the southerly tract was adjacent to homes, the power line, Gross Farms Road (a public road), an easement to the new water tank, and other zones, including the Wal-mart parcel and a business zone, and the Jetty property, with the golf course across the street. He said they considered the site as a transitional property between business and residential uses. He noted that sewer was not located on this property, but the Town's water tank was there.

Discussing the physical features of the property, Mr. Petropulos said they had done a physical review in the late 1980s, with high land in the middle falling off uniformly on all sides. He said wetlands were abundant on the property, with the commencement of Limit Brook at the top, and with another large wetland on the south tract. He said he looked at the wetlands as an amenity, as it served as a natural buffer to the houses on the east of the developable division, adding that the Rita Avenue area was almost surrounded by wetlands.

Mr. Petropulos said the challenges from an engineering viewpoint included sewer and access (other than Gross Farms Road), saying Mr. Monahan had had discussions with local residents over the years. He noted that previous concepts had included a grid subdivision plan, adding that Mr. Monahan had been approached several years ago by a party proposing an office park, and more recently by someone proposing an indoor sports facility location, with neither of these coming to pass.

Mr. Petropulos said he thought the property would be developed some day, based on market conditions, saying that Mr. Monahan received calls all the time and flexibility was the key. He said they wanted to see if the Planning Board was willing to consider working together with Mr. Monahan to find some creative way to add flexibility to the site, while keeping an eye to the proper issues. He then asked if the Town would consider a different type of zone.

Mr. Thomas Monahan, the property owner, said he had started buying the property in the late 1980s, saying the value to him was the acreage, which was zoned residential when he bought it, but that was the same as the outlet he was developing in Merrimack, which would be the largest outlet mall in the country. He expressed a hope that he and the Planning Board could get together and come up with something. He noted that the Browns, who had ten acres on Lowell Road, would love to be involved with some sort of development, reiterating that he looked on this as a legacy development, and would hope not to just put a grid-type development there.

Selectman Maddox said there was a problem with sewer, as Hudson did not have any more capacity in its Sewer District—adding that Mr. Monahan had the connections in Nashua to get some dialog going. Mr. Petropulos said sewer was important to high intensity development; he then asked how the Town would solve that problem with the large tract (the Green Meadows golf course) across the street, asking if the Town had discussed that with Nashua. Selectman Maddox said the Town was handcuffed by the

contract with the Nashua Sewer capacity and could not expand its own sewer district at this time. He said the Water Utility had really taken up more of the Town's energy than the sewer at this point, adding that the Town would not have enough flow if everybody in the sewer district came forward at this point.

Mr. Petropulos said he was hearing that there was a cap problem there, but he was not hearing that the Town was doing anything about it, adding that the development of tracts in south Hudson depended on sewer.

Mr. Ulery asked Selectman Maddox what the next step would be, if the Town were to grow. Selectman Maddox said the cost would be exorbitant for the Town to build its own sewer, plus problems of permitting, so it would be a long-term commitment. He said it would be a tough sell to add the expected costs of \$40,000,000 to the current customer base. He said he thought the best solution would be to try to work with the City of Nashua to increase however much the amount that Hudson could purchase. He concluded by saying the golf course property probably would have to do something on site.

Mr. Petropulos said the sewer issue was big for both properties—this one and the golf course. He said there was some uniqueness to private treatment facilities, noting that government and municipalities would have to vote not to participate in it. He said this private type of system was done in Massachusetts all the time but was not at all common in the State of New Hampshire.

Mr. Ulery said the regulations being referenced were to prevent excess flow into the system. Mr. Petropulos said a licensed applicator would have to control his own system.

Town Planner Cashell said Nashua had been working for years to improve its sewer treatment facility, noting there was much more flowing in the summertime than during the rest of the year. He said Hudson needed to get a stronger insight into what the actual capacity of the Nashua system was, but he expressed doubt that Hudson wanted to endure developing its own system, but instead should plan in further improvement of the existing system. He said he thought both Nashua and Hudson needed to get a much stronger read on what the actual capacity was and to continue working as diligently as possible to get all the I&I problems out of the sewer system. Selectman Maddox clarified that "I&I" stood for "inflow and infiltration."

Mr. Hall noted that rezoning had been discussed before, saying access would magnify that problem. He said any kind of business use of this property would magnify the existing problem, just as had been true of the property across the street. He said the access in Merrimack was better, adding that more intense use here would result in more intense traffic at the wrong time of the day. Mr. Petropulos said he was thinking of a mixed use concept, not just a business use, Mr. Hall said his point was that all of the discussed uses would result in more traffic, adding that the effect on traffic would be a bigger issue than the sewer. He said that road was busy now and the discussed concepts would mean more intense use.

Mr. Ulery asked if Mr. Hall were suggesting any change would require the developer to modify the two-lane road extensively to improve the traffic flow. Mr. Hall said he was not sure widening of the road was sufficient, as just connecting to the Morrill's Corner intersection was also important. Mr. Ulery noted that Davenport Road, a paper road, came out right at that intersection.

Town Planner Cashell said New Hampshire was holding its own, despite the downturn in the economy, noting that there was a big development going on in Derry because of the Route 93 access. He said southern New Hampshire would continue to attract businesses, saying the high cost of energy had gone to the wayside, and in this particular case they might want to think about geothermal or solar approaches to make the property energy sufficient. He said the market was calling for high efficiency and high energy. He then expressed a hope that development of this property could be a self-contained mixed-use development, adding that he ultimately thought that was how the Green Meadows property would be developed, as well, although he hoped they would be able to retain at least one of the 18-hole courses.

Selectman Maddox said any good development would have underground wiring. He stated that Davenport Road had a storied past, noting that there had been issues about getting access. Mr. Petropulos said he thought that it had been discontinued, noting there had been an issue about St. Kathryn's Church getting access from that roadway. Mr. Monahan also stated that he thought it had been discontinued, saying that when they had the property surveyed back in 1999 Davenport Road had been a Class 6 road, subject to gates and bars, but he thought that had been discontinued.

Selectman Maddox referenced the Blackberry Run plans, noting that the wetlands kept creeping in, so that much of that might be unusable now, noting that objections from the neighborhood would be strong. He expressed disinclination to discuss rezoning the property without knowing what the Town would be getting. He then expressed appreciation that they were coming in to talking about it, saying it would be a challenge to get a mixed use with the limitations of the land.

Mr. Barnes said something would eventually go in on the Friel property, and with this large tract and the Executive Drive area nearby, it seemed that the Board needed to be looking at some kind of master plan for the entire area and needed to be thinking about global solutions, rather than what would work on a specific parcel.

Mr. Hall said a primary question was whether the Planning Board felt any of the various ideas had merit, saying his answer would be "Yes," but he did not know what the best use would be. He suggested it would be better to find a number of different uses that would not produce traffic at the same time, as had been suggested for the Green Meadows property previously. He said a mixed use would be better for the town, but it was a unique concept and unique zoning would be required, but they would have to have a master plan proposed first.

Mr. Petropulos said there were plenty of alternatives out there, saying the big issues were sewer and traffic. He said they would like to move a little quicker than Selectman Maddox had suggested, saying he took issue with the term "years." He said they were not prepared right now to deal with a large number of single-family homes. He suggested meeting again in another workshop in three months or so, with Mr. Monahan and his people suggesting a few plans at that time. He said they were not prepared to draw hard lines in the sand, but if there were an opportunity to do something other than a grid, he said, he felt Mr. Monahan would be willing to go down that road.

Mr. Hall referenced a development in Hooksett, saying the Manchester Sand and Gravel property was a pretty unique property, having about 3,000 acres, and they had a pretty unique and complex approach, but he did not know of any other towns that had anything like that.

Chairman Russo said part of the advantage of the property was that it abutted the property set aside by the State for the Circumferential Highway, which he would like to see the Town start to make some steps towards, but certainly Mr. Monahan's involvement would be key, as his property probably would be partly involved with that development of that roadway. Mr. Petropulos said they recognized that, but he did not see any connection from the northern section, but abutting land might become involved if the Circumferential Highway ever came to pass. Selectman Maddox noted that government was glacial—adding that Stuart Street would also have to be in the mix, whatever was done.

Mr. Petropulos asked if a rotary had been considered for that area. Chairman Russo noted that a roundabout had been discussed at a recent workshop, adding that a double rotary, such as at Keene, might work out.

Town Planner Cashell noted that a lot more mixed-use development was taking place in the Maryland/Washington, DC, area, but not much of it was occurring in New England. He said this would be a great property for such an approach, saying most of it could be left open.

Chairman Russo asked how much of the northern piece of the property was actual wetland. Mr. Petropulos said most of it was, but 22 lots had been proposed 20 years ago.

Mr. Petropulos asked what the reaction on the Board had been about the roundabouts. Chairman Russo and Mr. Ulery said it had been mostly an open discussion.

Mr. Schneiderman noted that Davenport Road was listed as an unaccepted street. He asked how far way the sewer was. Mr. Petropulos said it came to the Friends' Lumber site. Mr. Ulery expressed a belief that this was immaterial, because the sewer was at capacity. Mr. Schneiderman asked if they had been considering, under State Statutes, Section 231, using Davenport Road as an easement for a place to contain structures for conveying water and gas. Mr. Petropulos said he was not prepared at this time to discuss that but would look into it; he noted Davenport Road was 33 feet wide and that he believed it had been discontinued by the Town. Selectman Maddox commented that there were several sections of Davenport Road. Mr. Schneiderman asked if there had been any study to determine how deep the ledge was. Mr. Petropulos said some testing had been performed years ago, and he expressed a belief that the ledge varied throughout the property but was on the average five or six feet below the surface. Mr. Schneiderman asked if this would lead to blasting. Mr. Petropulos said he thought blasting might be required, depending on how large the buildings to be placed the property would be.'

No further questions or comments being brought forward, Chairman Russo thanked Mr. Petropulos and Mr. Monahan for coming in.

V. CORRESPONDENCE (Continued)

Chairman Russo noted that the applicant for the Christmas Tree sales had still not shown up, so there was no need to consider it at this time. Mr. Hall said he agreed with Selectman Maddox that there should be a later plan than what had been provided; he suggested that Town Planner Cashell needed to check at the Registry of Deeds. Town Planner Cashell said he felt they had decided not to go forward with the ATM kiosk. Mr. Hall noted that the Planning Board had approved a generator installation just a few years ago, adding that something had also been down at the north side, so that plan should be available.

Town Planner Cashell noted that the vendor who had planned to sell Christmas trees had been denied by the Board of Selectmen. Selectman Maddox demurred, saying that had been done by the Town Administrator, and the matter never got to the Board of Selectmen. Town Planner Cashell said Town Counsel had recommended that the site plan needed to be amended to specifically denote where the Christmas trees would be sold.

Mr. Ulery suggested an expedited site plan review could be taken for the holiday season. Town Planner Cashell said he would attempt to contact the site manager to come in next week as an addendum item.

Mr. Hall said this site had been before the Planning Board at least three times since 1993, when he came on the Board, so there should be a more recent plan available.

IX. DESIGN REVIEW PHASE

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

X. OTHER BUSINESS (Continued)

Selectman Maddox said the Town Clerk's Office would be open tomorrow night to register vehicles, adding that "Trick or Treat" night would be held this coming Sunday, from 4:00 p.m. to 6:00 p.m., and adding further that PSNH was promising 99% of power would be back up by Friday.

Town Planner Cashell said the Bradford Pear trees on Lexington Drive had taken a real beating in the storm and were mostly gone..

XI. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Hall 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 8:55 p.m.

Date: December 17, 2013

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Jim Barnes, Acting Secretary

These minutes were accepted as submitted following review at the 01-22-14 Planning Board meeting.