



# TOWN OF HUDSON

## Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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### HUDSON PLANNING BOARD MEETING MINUTES June 22, 2011

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

Chairman Russo called this Planning Board meeting to order at 7:10 p.m. on Wednesday, June 22, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

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

Chairman Russo asked Town Planner Cashell 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:** Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

##### **Members**

**Absent:** James Barnes (excused).

##### **Alternates**

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

##### **Alternates**

**Absent:** Roger Coutu (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 seated Mr. Ulery in place of the absent Mr. Barnes.

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

Chairman Russo addressed the minutes for the meetings of 09-22-10 and 05-11-11, which he had previously asked that members be ready to review this evening. No one being prepared to review these minutes, Chairman Russo requested that members be ready to do so at the July 13<sup>th</sup> meeting.

Mr. Schneiderman arrived at 7:12 p.m. and took his seat at the table as a nonvoting alternate.

**VI. CASES REQUESTED FOR DEFERRAL**

No cases had been requested for deferral for this meeting.

**VII. CORRESPONDENCE**

Chairman Russo stated that the item of correspondence received in tonight's handouts packet 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. 13 Park Avenue (Addition)  
SP# 01-11**

**Map 161/Lot 33  
13 Park Avenue**

**Purpose of this plan is to show the proposed 7,960-ft<sup>2</sup> addition and associated improvements. Hearing. Deferred Date Specific from the May 25, 2011 Planning Board Meeting.**

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

Town Planner Cashell noted there was also a lot-line application under New Business.

Mr. Jack Szemplinski, PE, of Benchmark Engineering, Inc., 1 Commons Drive, Londonderry, New Hampshire, appeared before the Planning Board as the project engineer for the applicant, Mr. Donald Guilbeault, who was also present. He reviewed the discussion of the April 13<sup>th</sup> meeting, stating that the building had been constructed in the late 1970s and did not meet current requirements. He said the applicant had agreed to purchase additional land to the north. He then identified the plan he had affixed to the meeting room wall as being **Site Plan**, dated Feb 1<sup>st</sup>, 2011 and last revised 02-13-11. He commented on the impact of the additional 7-foot area, and he then discussed the issues that had been raised at the April 13<sup>th</sup> meeting, noting that most of the proposed improvements would be in an existing impermeable area. He said they had 34% green space which would expand to 38.6% under the proposed changes. He noted he had realized that there was a 0.89 acre parcel that was supposed to have been included in the property as part of the original purchase, but the recent passing of Mr. Philip Rogers, the owner, had delayed completion of the acquisition of corrective deed for this additional property.

He noted that there had been concerns expressed at the April 13<sup>th</sup> hearing about outside storage and possible leakage of oil from an outside compressor, which Mr. Guilbeault now said he would store inside the addition. He noted there had also been concern expressed about the maneuverability of trailers into the property, saying he had shown on the plan a W55V, the biggest truck that would come on this property, with the greatest majority of trucks coming to this property being shorter—adding that Mr. Guilbeault had been supposed to provide pictures of a truck there but had not been able to do because of dumpsters located in the area, but the dumpsters were being removed. He noted he was showing loading docks and snow storage areas. Noting that concern had been expressed about the amount of parking taking place on the property, he said eight new parking spots had been provided, saying they were planned as 8-feet by 18-feet in size to conserve space. He noted the hydrant location had been moved, as shown on Sheet 4 of the plan set. He recalled that there had been concern by CLD (Costello, Lomasney, and deNapoli, Inc.) and a Board member about providing treatment of roof runoff, with a suggestion for a small detention pond; he said this was typically not required for commercial buildings, adding that he thought it would cause more damage than good to try to incorporate a treatment swale, and that it was really a

negligible flow. He noted that CLD's second issue was the truck maneuvering, which he had already mentioned.

He noted that several waivers were being requested, and he then offered to answer questions.

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

Mr. Ulery noted that there had been a lot of concern about material being left outside; he asked if this would be cleaned up. Mr. Szemplinski said that was the primary focus of the cleanup that was taking place right now, saying there were three dumpsters there now and the material hopefully would be gone within a couple days—adding, however, that there still would be some storage but they were hoping to get it done in an organized fashion.

Mr. Schneiderman asked if the 55-gallon drums had been removed from the outside storage. Mr. Guilbeault said a great deal of them had been, adding that they were empty.

Mr. Schneiderman asked about the front-end loader, last registered in 1998, which was connected to the building with an extension cord. Mr. Guilbeault said it was being used to load dumpsters. He acknowledged that it was still unregistered. Mr. Schneiderman asked about an unregistered pickup truck containing refuse. Mr. Guilbeault said there was nothing in the back of the pickup except maybe a couple cardboard boxes, adding that the pickup had been sold and would be removed by the new owner shortly. Mr. Schneiderman asked about an unregistered van. Mr. Guilbeault said he was not aware of any, but there was a van that was not being used at this time and had not been so for several months—adding that he had 24 vans at three different locations, and they were brought to the Hudson facility to repair them.

Mr. Malley referenced Note 7 on the plan, asking how much material would be stored outside. Mr. Guilbeault said the majority was compressors that would be moved inside, as well as a number of racks recently delivered that would be put inside as well. He said compressors would be stored outside until there was room to bring them in, adding that he did not want to leave them outside in the inclement weather.

Mr. Malley referenced the text in Note 5, saying "away from the building." Mr. Szemplinski said he understood the Fire Chief wanted the dumpsters to be moved, but the plan said sprinklers would be installed in a location agreeable to the Fire Department and that there really was no place to move the dumpsters to. Mr. Malley suggested this meant the dumpsters would be left where they were. Mr. Guilbeault expressed agreement, noting that it depended on the sprinkler system and his tenants' desires.

Selectman Maddox said no definition had been given to the amount of outside storage, and no waiver had been requested to allow it to be put in the back setback area. Mr. Szemplinski said he thought there was no intent to use the buffer area but the area in the buffer that was paved had been there since before current zoning. He

said the process had been stalled, and they had hoped to have more information about the additional land by this meeting date. He said there was an agreement, which was a corrected warranty deed, which included this property that was being added, that would eliminate the setback line at the rear.

Mr. Ulery said the "temporary storage" was not identified as storage. He asked if there were any berm or curb of any kind to prevent spillage. Mr. Guilbeault said there was not and never had been.

Mr. Della-Monica asked if there would be a person available to direct trucks backing out. Mr. Guilbeault said they did not back out but backed in, and he said there was no problem—adding that this was the same procedure used by all the other businesses in that industrial park, as this was the way the entire industrial park had been constructed.

Mr. Ulery asked if it would be appropriate to ask for a berm; Chairman Russo said it would be. Mr. Szemplinski said the problem with that would be that the water, instead of being spread out as sheet flow, would be concentrated in one spot, saying this kind of defeated the purpose of having a berm.

Mr. Szemplinski said the outside storage was used mostly by a firm that did work with fiber, and it was mostly just molds that simply sat there for two or three days, but there would be stuff there for 24 hours. Mr. Guilbeault said he was trying to get those tenants to move their outside storage to the immediate back of the building, noting that they had removed everything on the north boundary line alongside the incoming driveway, saying all of that was gone, and they were now in the process of filling two empty dumpsters. Selectman Maddox said he felt the storage area needed to be delineated exactly, so that code enforcement would be possible, stating that Note 7 did not give dimensions or anything. Mr. Szemplinski responded that he would try to be more specific as far as area and dimensions were concerned.

Mr. van der Veen asked if a second driveway were being added. Mr. Cashell answered in the affirmative, noting that it was shown on the plan, leading into the addition from Park Avenue. Mr. van der Veen asked if a waiver were not needed for the second driveway. Mr. Cashell noted that he had seen vehicles parked there, and he asked if the applicant would contend that a driveway already existed. Mr. Szemplinski responded in the affirmative, saying the area was paved and there really was no new driveway. Mr. Guilbeault said that would be so that he could get his rig in the garage, saying cars were parked across the front, anyway, which was a wide paved area, and that it had been that way since 1973.

Selectman Maddox said many of the changed site plan requirements were because the Planning Board was learning from earlier mistakes, and he was having a tough time understanding how this would work and not get worse. Mr. Szemplinski said the outside storage would go inside, saying there was very little impact by organizing the site. He noted that the graveled area to the right, where people currently were parking, would be loamed and seeded.

Selectman Maddox said he might agree if all of the outside storage was coming inside, but that was not the case. He said he had a tough time understanding how expanding the site would make it better. Mr. Szemplinski said 85% of the outside

storage would come in. Mr. Guilbeault said there was absolutely no truck traffic where the addition was going to be placed, saying truck drivers brought 40-foot rigs in now and this would make it easier. He said the 53-footers had to be backed in, but the 40-footers could be jacked in place—adding that most of the traffic was 40-footers or less, and that he only got two or three deliveries a day, from UPS and FedEx, with the tenant next to himself getting lumber deliveries from a 30-foot box truck.

Chairman Russo asked if a catch basin could be considered. Mr. Szemplinski said a gas/oil separator could be installed, but runoff would then have to be controlled—saying again that this might cause more disturbance to the area.

Mr. Ulery asked how many pieces of equipment other than tractor trailers actually had oil in them. Mr. Guilbeault said there would be none after the addition was in place, but there were some air driers out there now—but they did not have oil in them. Mr. Ulery noted that the material that the tenants were storing was fiberglass molds.

Selectman Maddox said he was trying to find an elevation to show which way the runoff would be flowing. Mr. Szemplinski said a series of roof-vanes would collect the runoff, but all the water flowed to the wetlands in the rear. Selectman Maddox asked if there were coatings or something else on the mold forms that would be flowing into the wetlands. Mr. Guilbeault answered in the negative, saying the forms were inert. He then acknowledged he was not an expert on that, saying he could get an answer if the Planning Board wanted him to do so.

Mr. Della-Monica said he tended to agree that putting in a curb might have an adverse effect on the buffer, as the sheet flow was needed to keep the filtering going.

Chairman Russo said he would like to see the identification of the actual outside storage area, showing where it would be located and how much would be there, as this gave guidelines for code enforcement. He asked if there could be some visual line. Mr. Guilbeault said this was why they were planting along the northern side, saying the rest would not be visible to his neighbors.

Chairman Russo asked about the fence. Mr. Guilbeault said it was just a chain link fence to keep people from going in there at night. Chairman Russo noted that a chain-link fence did not provide any visual buffering and he suggested that the property owner consider doing something to improve how the property looked from the street. Chairman Russo then suggested that Mr. Guilbeault consider putting in some sort of plantings at the front of the building, which he described as looking pretty rough.

Chairman Russo said there was minimal green space at the front of the building, asking if something could be done about that.

Mr. Hall asked what Mr. Guilbeault's expectation was for the land acquisition process, asking when it would happen. Mr. Szemplinski said he had been hoping to have it by this meeting, but the death of Mr. Phillip Rogers had held it up, adding that Mr. Guilbeault was very anxious to get started. Mr. Guilbeault said he hoped that everything would be accomplished within the next week or two, saying he could contact the remaining two Rogers brothers directly. Mr. Hall noted that several items remained to be resolved, saying that could be done at the next meeting.

Mr. Szemplinski said he had found a new waiver for office space but had not provided one for outside storage. Town Planner Cashell suggested deferring to the July 27<sup>th</sup> meeting, which would give them sufficient time to really clean this site up—which would help satisfy the Planning Board. He said no waiver for outside storage would be needed if the storage and area were well defined. Mr. Hall said the Planning Board certainly needed to have the area identified on the plan, cross-hatched or otherwise delineated, but he was not prepared to approve the plan unless the site was cleaned up, adding that the issue of the other lot and building setback needed to be resolved. He suggested having a motion about the parking spots to test the Board's feeling, and he then moved to approve the waiver for the nineteen parking spaces shown on the plan. Town Planner Cashell said the area certainly needed to be identified on the plan, and the issue of the other lot and building setback needed to be resolved. Town Planner Cashell said the draft motion needed to be amended, as what it actually said was that the existing parking spaces were being waived, with no provision for additional ones.

Mr. Hall moved to grant the requested waiver from the requirements of HTC 275-8 B (28), *Parking Space Dimension*, citing the reason for granting this waiver as being because the existing parking spaces (i.e., those located along the front of the existing building) were already dimensioned as 9-feet by 18-feet.

Mr. Della-Monica seconded the motion.

Mr. Ulery asked if that motion included all parking spaces; Mr. Hall said that was his intent.

Selectman Maddox said he would have to vote against it, because of the smaller size, saying the regulated 10-feet by 20 feet size made more sense and this would simply be perpetuating something that the Board had learned did not work very well, adding that the motion did not say anything about the spirit and intent. Mr. Ulery said the proposal was adding to the overall property, assisting in making it more consistent, so he would agree with the motion.

Mr. Della-Monica said he agreed with Mr. Ulery about the green space being as wide, but he asked if it would be possible to eliminate one of the spaces and get regulation widths. Mr. Szemplinski answered in the affirmative.

Mr. Hall said he would prefer to see parking spaces rather than green spaces, saying he would just as soon leave the motion as worded.

**VOTE:** Chairman Russo then called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox and Mr. Russo, who both voted in opposition, and Chairman Russo declared the motion to have carried (5–2).

Selectman Maddox suggested addressing Waiver Request 9. Mr. Hall asked why the applicant would not want to show an elevation. Mr. Szemplinski said they basically felt the building was going to look pretty much the same as what existed, saying it

would be concrete blocks. Mr. Hall said a simple sketch would do it, showing what they were going to do. Mr. Szemplinski concurred.

Mr. Ulery asked if the green area waiver could be gotten out of the way. Mr. Hall said that and the other waivers would not change the drawing, saying those were ones that could be denied if the intent were to deny the plan.

Mr. Della-Monica said the outside storage should be delineated, as had been stated, but also should also be specified as excluding any hazardous materials, so as to prevent damage to the adjoining wetlands.

Mr. Szemplinski asked if the requested building elevation need only show the front. Mr. Hall suggested that it show the front and a side with a notation that this was typical of all sides.

Mr. Hall moved to defer further review of the Site Plan application for 13 Park Avenue, Map 161/Lot 033, date specific, to the July 27, 2011 Planning Board Meeting.

Mr. Della-Monica seconded the motion.

**VOTE:** 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 take up New Business Item B out of order at this time. Chairman Russo expressed agreement, asking if there were any opposition by other members of the Board. None bring brought forward, he proceeded to that item.

**B. Gildon Boundary Lot Line Adjustment                      Map 161/Lots 33 & 34**  
**SB# 07-11    7 & 13 Park Avenue**

**Purpose of plan is to adjust the property boundary line between lots 33 & 34 of Tax Map 161. Application Acceptance & Hearing.**

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

Town Planner Cashell confirmed that the application was ready for acceptance. Selectman Maddox moved to grant Application Acceptance; Mr. Hall seconded the motion.

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

Mr. Ronald A. Simpson, Senior Project Surveyor with Patriot Land Surveying, LLC, posted plans on the meeting room wall, identifying them as **Gildon Boundary Adjustment Plan**, dated May 29, 2011, with no revisions. He discussed the plan as



being to move the 0.89-acre strip to Lot 34, saying it would recognize how the lot had been used for some time.

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.

No questions being brought forward, Selectman Maddox moved to approve the lot line relocation

Selectman Maddox moved to approve the Lot-Line Adjustment Plan entitled: ***Gildon Boundary Line Adjustment, 7 & 13 Park Avenue, Hudson, NH, Map 161; Lots 33 & 34***, prepared by Patriot Land Survey, LLC, PO Box 949, Pelham, NH, dated: May 29, 2011, (no revision date), consisting of Sheet 1 of 1 and Notes 1 through 11, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. All monumentation shall be set or bonded prior to the Planning Board's endorsing the Plan-of-Record.

Mr. Hall seconded the motion.

Speaking to his motion, Selectman Maddox said this would improve what was happening with the previously discussed plan, but he noted that the numbers would have to be changed. Mr. Della-Monica noted that he only saw six notes on the plan, whereas the motion specified Notes 1 through 11. Town Planner Cashell said Mr. Della-Monica was correct, and the motion should be changed to say Notes 1 through 6. Selectman Maddox and Mr. Hall concurred, making this a friendly amendment.

**VOTE:** 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. Hawthorne Woods OSD  
SB# 05-11**

**Map 135/Lot 15  
18 Griffin Road**

**Purpose of plan: To propose a seven-lot open space development on the existing lot 15 identified on Hudson Tax Map 135. A six-lot open space development was approved for this lot in 2004, but has since expired. Hearing. Deferred Date Specific from the May 25, 2011 Planning Board Meeting.**

Chairman Russo read aloud the published notice, as repeated above, noting that he would step down from the hearing on this plan, as he had in the past, with Vice-Chairman Hall taking over.

Mr. Hall said he would seat Ms. Merrill in place of Mr. Russo.

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, Mr. Gary Francoeur, who was also present, along with Atty. Morgan Hollis, the applicant's legal counsel. Mr. Basso noted that he had affixed three separate plans on the meeting room wall, which he identified as follows:

- **Presentation Plan**, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, New Hampshire, prepared for and owned by Hawthorne Woods Company, Inc., dated February 9, 2011, last revised 05-16-11.
- **Conventional Subdivision Plan**, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, New Hampshire, prepared for and owned by Hawthorne Woods Company, Inc., dated February 9, 2011, last revised June 7, 2011.
- **Driveway Exhibit**, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, New Hampshire, prepared for and owned by Hawthorne Woods Company, Inc., dated June 7, 2011, with no revisions.

Mr. Basso said there had been a lot discussion at the last meeting concerning the buildability of Lot 4; he discussed details of the Driveway Plan, saying the only issue was the driveway access through the pinch point, saying no other waivers would be needed. He said he had provided a copy of the Driveway Plan and the plan set to Zoning Administrator Oleksak to prove that the conventional plan was buildable, to justify the OSD layout, noting that he would not need any waivers but would need a Special Exception, and Mr. Oleksak had rendered a zoning opinion concurring with this, with the intent of the OSD. He said a Special Exception would be needed for the conventional layout, but the idea of an OSD was to consolidate so as to leave more sensitive areas for preservation. Mr. Basso said the OSD gave him the option, and he believed the Zoning Administrator had given a determination to that effect, adding that Mr. Francoeur had a letter from a realtor with respect to the lot's marketability under a conventional layout, saying the realtor said it was very marketable, as a lot of people were looking for a private location. Mr. Basso concluded by reiterating that the alternative was to do an OSD and not impact the buffer.

Acting Chairman Hall asked if Mr. Francoeur and/or Atty. Hollis wished to speak at this time; neither came forward.

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

Town Planner Cashell said the only other issues were the two waivers.

Mr. Ulery moved to grant the requested waiver from the requirements of HTC §289-18 (Y), 100-Foot Roadway Platform, citing the reason for granting this waiver as being because, relative to the Planning Board's 2004 approval of a six-lot OSD Subdivision Plan for the same property, the subject platform waiver had been favorably recommended by the Town's consulting engineer and subsequently approved by the

Planning Board, and the platform had already been constructed in accordance with the aforementioned and approved 2004 OSD Subdivision—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Subdivision regulations.

Mr. Malley seconded the motion.

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

Mr. Ulery moved to grant the requested waiver from the requirements of HTC §289-6 (D), *Traffic/Fiscal/Environmental Impact Reports*, citing the reason for granting the waiver as being because the traffic volume associated with this project was not expected to impact the associated roadway network—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

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

Mr. Ulery moved to approve the OSD subdivision plan entitled ***Open Space Development Hawthorne Woods, Map 135/Lot 015, Griffin Road, Hudson, NH***, prepared by Keach-Nordstrom Associates, Inc. dated: February 9, 2011 and last revised June 7, 2011, consisting of Sheets 1 through 18 and Notes 1 through 20, 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 Plan.
2. Prior to Planning Board endorsement of the Subdivision Plan-of-Record, Town Counsel shall favorably recommend on the Development Agreement and the Declaration of Covenants and Restrictions and Conservation Easement Deed pertaining to Lot 15 (Open Space) on the Plan.
3. A CAP amount of \$706.77 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
4. A public school impact fee in the amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. A public library impact fee in the amount of \$124.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
7. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
8. This approval is subject to final engineering review.

9. The language included in above-cited items 3 through 6 shall be inscribed on the Plan-of-Record prior to Planning Board endorsement of same.
10. The number of dwelling lots for this OSD shall be limited to 7.

**NOTE:** The following conditions are relative to conditions of approval specific to the 2004 OSD approval and still pertain to this new application:

- A walking trail shall be constructed between Rebecca Circle and the existing woods road at the northerly edge of the property and the area of Lot 15, located between Lots 1 and 2.
- Lots 2 thru 7 shall have wetland conservation markers installed at 50-foot intervals along the 50 ft. wetland buffer zone associated with said lots.

Mr. Della-Monica seconded the motion, but then asked if the number (18) should be added to Griffin Road, as done on the maps. Town Planner Cashell concurred, and Mr. Ulery agreed to incorporate that change, making it a friendly amendment.

Selectman Maddox said he would vote in opposition, as the Town had gone to court several times with respect to denial of similar configurations as shown in the conventional plan, and he did not feel this was doable, as access went through the wetlands.

**VOTE:** Acting Chairman Hall then called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox and Ms. Merrill, who both voted in opposition, and Acting Chairman Hall declared the motion to have carried (5-2).

Mr. Russo returned to the table and resumed the chairmanship, with Mr. Hall returning to his regular seat as a voting member and Ms. Merrill resuming her nominal position as a nonvoting alternate.

Chairman Russo declared a break at 8:28 p.m., calling the meeting back to order at 8:50 p.m.

## **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**

**A. Stellar Motors Site Plan  
SP# 05-11**

**Map 190/Lot 001  
57 Lowell Road**

**Purpose of plan: Convert existing retail sales building into automotive sales office. Construct a 2,640 S.F. automotive service/storage building, and delineate vehicle display areas. Application Acceptance & Hearing.**

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

Town Planner Cashell said the application was ready for acceptance.

Mr. Hall moved to grant Application Acceptance; Mr. Della-Monica seconded the motion.

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appeared before the Board as the engineering representative of the applicant, identifying the plan he had affixed to the meeting room wall as **Site Plan., Stellar Motors, Lot 1/Map 190, 57 Lowell Road**, owner: The Fourth M.D. Febonio & S.A. Febonio Family Revocable Trust, 6 Winnhaven Drive; prepared by Maynard & Paquette Engineering Associates, LLC, dated April 27, 2011, with one revision dated 06-13-11 with regard to the CLD (Costello, Lomasney, and deNapoli, Inc.) review comments.

Mr. Maynard described the property and its past uses, noting the entire frontage was paved, and he identified the use of abutting sites. He noted that the business/commercial zone extended 500 feet from Lowell Road, with this property extending only halfway through that distance. He discussed details of the proposed business and landscaping, noting that the frontage pavement would be removed. He said 40% open space would be provided, with a new fire hydrant to be installed, with water extended to the rear of the building and with a grass-over-gravel accessway to the rear (noting that these latter two items were not yet shown on the plan).

He said the proposal likely would only generate 10 to 15 trips during peak hours.

Mr. Maynard listed the waivers (noise, fiscal, and traffic study), but noted that Town Planner Cashell had identified some others that might be needed. He reported that there had been numerous uses on this property since the site plan ordinance was created, pointing out that this would be the first site plan for this property. He discussed details of the pavement plans, saying the driveway would be in the side setback and some parking spaces and a dumpster would also be in the side setback. He said arborvitae would-be provided along the property line, with a stockade fence along

another property line, saying he felt he met the spirit and intent of the buffer, as the property would be out of sight of abutters and had been in existence for some time. He then distributed copies of a sketch showing how the property would look.' He said the primary use would be vehicle storage, for five or six vehicles, as well as minimum service work.

Chairman Russo opened the meeting for public input and comment, in favor. No one coming forward to provide input in favor, Chairman Russo asked for public input in opposition or with questions.

Mr. Kurt Briand, stating that he was representing his parents, whose house was in front of this site (and who also were present), asked if there would be more than one business (noting that the sign already in place kind of blocked the view from his parents' driveway), how they would dispose of waste (oil, antifreeze, etc.), and what the operating hours would be. He noted that his father was also concerned about the bounds, wanting to know what "satellite surveys" meant, as the marked line did not seem to match what he thought was the property line and was moving onto his property. He noted there were no markers there.

Mrs. Diane Briand said there was a discrepancy in the length of the site.

Mr. Tim Ziehm, identifying himself as the owner of Harmony Real Estate, which he described as being right next door, said he had several questions, noting that he was a real estate officer—adding that he was actually not for or against the proposal but had multiple questions. He said he was concerned about having diminished value for his own property, saying he questioned if the lot were actually big enough for the proposed building and access—noting that the traffic was in front of his own business. He said he was concerned about the pull-in safety, turning in from the corner of Winnhaven Drive, and he felt this would impact it—adding that pulling out from St. Mary's to turn left was taking one's life in one's hands. He said he was also concerned about the mechanics bays, saying there would be something being done and he did not know what would come, noting that there was already a paint-and-body shop in the area which provided different smells to his building. He asked where vehicles would be placed on the lot with respect to his lot, saying he already had people driving into and across his lot. With the trees currently there, he acknowledged, he could see little, but there would definitely be visibility in the winter time. He said he was under the assumption that front space could only be used for green space. He then referenced the claim that there would be 10 to 15 cars a day, asking if there were a study to show that, saying he was concerned about impact on his own beautiful yard.

Chairman Russo asked Town Planner Cashell if the Town had any issues. Mr. Cashell referenced his staff report, saying there were a lot of outstanding issues, with CLD and the Fire Department having raised many issues. He said the major issue was the loading and unloading of vehicles, saying there was no way to do that on the site. He said it was a small site and rather congested but, if properly sized, there was plenty of access and onsite parking, with a lot less traffic than a fast-food establishment would have.

Chairman Russo asked if Mr. Maynard could address some of the concerns.

Mr. Maynard said this site was grandfathered as a retail site without coming to this Board, contending that this proposal would result in improvement of the property. He said only a very few people would go to this site during peak hours, which was why he had said 10 to 15 trips during peak traffic hours. He said this was not a repair shop and not a paint shop, saying it was meant to have operational vehicles, with vehicles either being driven to the site or brought in on a flatbed, of some 30 feet in length, which could easily be handled on this site. He said it would only be one business, adding that the existing sign had been there for decades and was grandfathered—adding that he would get a legal opinion on that if required. He said the business hours would probably be 8:00 a.m. to 10:00 p.m., adding that he would confirm that with his client, as it might be less. He said he did not think there would be diminished value of adjoining sites, as this was a legal use, compatible under the Zoning Ordinance, so Mr. Ziehm would have no legal basis to consider that he would have diminished value. He said disposal of oil would be in accordance with normal operation, kept in containers at the rear and hauled away by authorized waste haulers under considerable scrutiny.

Mr. Maynard said a ten-foot width had been given for a sidewalk by Mrs. Sandra Ziehm, (Mr. Ziehm's mother) when the Harmony Real Estate plan was processed, adding the rear half of that lot had been left green because Mrs. Ziehm had not needed it for parking, but this was not a requirement under the regulations.

Mr. Maynard said it was hard to explain the stone bounds, saying his firm had done extensive surveys in the area, as had another firm (TF Moran), locating all of the properties, and the right-of-way line of Lowell Road had never moved in this area, from Lowell Road to Birch Street. He said he would redouble-check the survey with respect to the back corner, but he was reasonably confident it was correct.

Selectman Maddox asked if Town Planner Cashell had a stamped plan. Mr. Maynard said he had not yet provided it. Selectman Maddox then stated that the plan therefore was not ready for Application Acceptance, per the Board's regulations. Town Planner Cashell said Mr. Maynard had agreed to provide a stamped plan for this evening's meeting; Mr. Maynard acknowledged that he had forgotten.

Ms. Merrill asked if this were a half-acre lot. Mr. Maynard answered in the affirmative. Ms. Merrill asked how many buildings would be placed on the site. Mr. Maynard said there would be two buildings. Ms. Merrill asked if there would be collision repair activities. Mr. Maynard emphasized there would not be collision repair or painting, saying it would not be like the other site that had been referenced.

Mr. Ulery noted that there was a radiator repair shop across the street, which used a variety of materials, and there was a former gas station just down the street, where repairs were done, with Bradley Motors located next to it, with a large repair shop. He said those were much larger businesses, but this was allowed. Mr. Maynard stated that there was a TR zone in the rear of the property.

Mr. Hall said the plan was confusing, saying there was an existing conditions plan with notes pertaining to construction and work to be done. He said the site plan and the existing conditions plan had to be combined in order to know what was happening on the site. He asked if there would be a double row of parking. Mr. Maynard said there would be a single row. Mr. Hall questioned why existing conditions were shown on a

proposed site plan. Mr. Maynard said it was always done this way. Mr. Hall demurred, saying he was not prepared to approve a more intensive use on this site with a sign within the right-of-way and also within one foot of the pavement.

Mr. Hall asked if Town Planner Cashell did not have a problem with showing existing conditions on a construction plan. Mr. Maynard said he would put them on a different plan. Town Planner Cashell said this plan needed a lot of work, adding that he did not know of any other used-car sales places that operated until ten at night, and noting that there were residences to the rear of this site. Mr. Maynard asked what Mr. Cashell would suggest for closing hours; Mr. Cashell suggested that 6:00 p.m. would be better. Mr. Maynard said this was ridiculous, as no one could be able to come home from work and then go look at a car. Town Planner Cashell responded that it would be different if this site were not surrounded by residences; Mr. Maynard declared it was not surrounded. Mr. Cashell then asked if the existing building would be exclusive to automobile sales, asking if it would not contain a residence or other uses. Mr. Maynard said it was a one-use site. Mr. Cashell said the Board might want to consider the same easement running along the front of this property, saying the site was over-burdened with this plan, adding that the plan should be toned down and sized appropriately, and noting that there were a lot of revisions that needed to be made—and adding further that he would appreciate it if Mr. Maynard stamped and signed the plan tonight, as he had said he would.

Mr. Della-Monica asked what the construction of the building would be. Mr. Maynard answered "Steel." Mr. Della-Monica said that with steel an air impact wrench would bother someone 75 feet away, even with the window shut, and he suggested modifying the hours of operation for that; Mr. Maynard said that was a good consideration. Mr. Della-Monica then suggested limiting operations in the notes, so as to limit release of aerosols or anything that would smell; Mr. Maynard said he would improve the service description. Referring to the sign, Mr. Della-Monica suggested that movement of the sign would appease the abutter who felt it was limiting the sight distance, saying the Board was reluctant to approve things to which neighbors objected; Mr. Maynard said he had thought the neighbors were talking about new signage. Mr. Della-Monica said the neighbors were talking about the existing sign but were worried about a second sign being erected, and it might go a long way to appease the abutter if the first sign were moved. Mr. Maynard clarified that no second sign would be allowed; he then said he would consider moving the existing sign.

Mr. Ulery said he agreed that the 10-foot right-of-way easement for a sidewalk would be a good idea. Mr. Maynard noted that this could only be a donation, not a requirement. Mr. Ulery said the sign out front was an obstruction, as were the pine trees. Mr. Maynard said the pine trees were being taken out, saying they attracted lightning. Mr. Maynard then stated that at some point the Town would have to put up a barrier to prevent cross traffic on Lowell Road. Mr. Ulery said he felt a full-blown traffic study would be appropriate. Mr. Maynard questioned what this would tell the Board. Mr. Ulery said he would like to know that traffic went to other lots; Mr. Maynard said a traffic study would not tell that.

Mr. Schneiderman asked if Town Planner Cashell had said the hours should be 8:00 a.m. to 6:00 pm. Mr. Cashell concurred. Mr. Schneiderman then suggested that the



operating hours be from 8:00 a.m. to 6:00 p.m. on Monday, Tuesday, Wednesday and Friday, with the hours extended to 8:00 p.m. on Thursday, and with operating hours from 9:00 a.m. to 5:00 p.m. on Saturday, with no operation on Sunday. Mr. Maynard said he would have to talk to his client. Mr. Schneiderman noted that Bradley Motors had been doing business with those same hours for years.

Mr. van der Veen said all the other businesses had traffic getting in and out without problems, noting that he drove up and down this road and he did not think this site would create a traffic problem, but he was in favor of the sidewalk easement. He then asked Town Planner Cashell if setbacks were required on a commercial property. Mr. Cashell said this plan was expanding the commercial use, saying Mr. Maynard was suggesting it was grandfathered but it would be more prudent to ask for the waiver. Mr. van der Veen expressed a belief that the Board would have to have a waiver. Mr. van der Veen also noted that "dumpster" was misspelled on the plan.

Mr. Malley asked about the parking spaces. Mr. Maynard identified them. Mr. Malley questioned counting the five in the back, which was a display area. Mr. Maynard demurred, identifying the different locations on the wall-mounted plan.

Selectman Maddox asked why the existing building was being saved. Mr. Michael Febonio, the applicant, said the rear building would strictly be for storage and inspection, while the front building would be a sales office.

Selectman Maddox asked about the 6-foot stockade fence. Mr. Maynard said it was security and screening. Selectman Maddox said the landscape plan was thinner than what was shown in the plan. Mr. Febonio said he had lived next to the Briands for 20 years, saying he would be willing to work with them. He agreed that nine arborvitae over a 90-foot distance would not "cut it." Selectman Maddox suggested turning the dumpster at an angle, and he said the board would be remiss in not pushing hard to get the sidewalk easement even though it would not occur in the immediate future. Selectman Maddox suggested moving the utility easement; Mr. Maynard said he thought he could do that. Selectman Maddox urged the applicant to work with his neighbors and make the site less obtrusive.

Mr. Della-Monica said limiting any garage operation after six o'clock in the evening would go a long way, adding that the applicant could volunteer to hold the noise within a range that would not sound much more than conversation at a distance from the lot line.

Chairman Russo said he felt the garage work should be limited to six o'clock but he did not have an issue with having sales until eight. He said the dumpster hours should be listed on the plan, as well as construction activity. Mr. Maynard said that was normally a stipulation of approval. Chairman Russo said he did not see the sight distance on the plan; Mr. Maynard said it was on the overall area plan, Drawing 6. Chairman Russo requested that a designated loading space be added, saying that he would also like to see a limitation on the plan as to how much could be delivered.

Referring to the previous discussion about the number of traffic trips, Mr. Febonio said he would be kicking his heels in the air if he saw 20 customers a day, noting that he had been selling cars in Hudson for eight years.

Mr. Febonio said he still lived on Winnhaven Drive and had looked at that building for some 47 years, and it looked like a dump, while he planned to make it attractive.

Chairman Russo asked about a buffer to Mr. Ziehm's lot. Mr. Maynard said Mr. Ziehm would see nothing except the existing building and perhaps a few cars parked in front.

Mr. Ulery asked if the business would be doing springs, shocks, etc. Mr. Maynard responded in the negative.

Selectman Maddox offered to grant a waiver from the requirements of HTC §275-9 B, *Traffic Study*, as this use would not exceed the existing use as far as traffic was concerned. Chairman Russo suggested waiting until Town Planner Cashell provided draft motions. Selectman Maddox said if they did not get a waiver they would have to produce one, and he would rather they spent the money on more arborvitae. Mr. Hall seconded the motion.

**VOTE:** 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. van der Veen suggested blowing out the old building and putting a sales office in the new building, which would provide a lot more space.

Mr. Hall moved to defer further action on this matter to the meeting on July 27<sup>th</sup>. Selectman Maddox seconded the motion.

**VOTE:** 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).

## **XV. OTHER BUSINESS**

Mr. Hall noted that there had been a discussion not too long ago about not having a library impact fee, and he thought the Town Attorney had made comments. Town Planner Cashell concurred, saying the Town Attorney's comments were that the Town had a new library and was not planning to expand on that anytime in the reasonable future. Mr. Hall then expressed an opinion that it was not right for the Planning Board to continue to collect an impact fee for the library. Saying he did not recall if the Board had voted on anything at the time of that earlier discussion, Mr. Hall then moved to eliminate the library impact fee in the future. Mr. Malley seconded the motion.

Mr. Hall noted that the Planning Board had spent a lot of money for a study to justify the impact fee, based on the theory that each new house caused an impact that needed an expansion of the then existing library, but there was no study for a nonexistent expansion to the new library, and he felt it was wrong for the Board to continue to collect \$124 per residential unit, as there was no bond involved to be paid off.

Selectman Maddox said he thought this was premature, saying a letter should be sent to the Library Trustees informing them that this was the Board's intent, adding that the Library Trustees had proposed an expansion for the CIP process and the collected money went into engineering and studies.

Mr. Hall expressed disagreement, saying it had been the Planning Board that had initiated the impact fees for the schools and the library, noting that the Board had asked the School Board for help with respect to the school impact fee but got no help, and no one had paid for a consultant for the library. He then stated that he did not think fees should be collected until the Library Trustees actually had a plan for expanding the new library.

Mr. Ulery asked where the money went. Mr. Hall said it went to planning, saying there probably still was some money there, noting the Board had collected some more earlier this evening.

**VOTE:** Chairman Russo then 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).

Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, asked to address the Board. He reported that he had recently attended the 18<sup>th</sup> Annual Spring Planning & Zoning Conference, sponsored by the New Hampshire Office of Energy & Planning, and that one of the elective sessions he had attended was *Putting Your Master Plan To Work*, which had been co-chaired by the chairmen of the Dover and Rollingsford planning boards. He reported that these two chairmen, one of a very large city and the other of a very small town, both had spoken at length about the benefits of having their respective planning boards review and update a separate chapter from their respective master plans each year. He then noted that the Hudson Planning Board, at its previous workshop meeting, had been discussing what the Board might work on for the coming year, and he suggested that the Board consider emulating this example, taking up a different chapter each year so as to avoid the arduous task of trying to do the whole thing at once every ten years. Chairman Russo noted that this approach would make it a much less daunting task, making the Master Plan a living document.

Selectman Maddox noted there had been discussion a couple meetings ago about Prime Wetlands, saying one of the things that the Board of Selectmen would be looking at was doing what it could to protect the 50-foot buffer—such as informing citizens what the markers meant—adding that he was looking for better ways to mark the line of the Wetland Conservation district boundaries.

Town Planner Cashell noted that he had included a memo about Hilltop Estates, noting that the bank, which now owned the subdivision, had suggested that the Town look at completing that subdivision, after which the bank would reimburse the Town for all the work involved. He said he had not put a motion together because the Board last year had chosen not to get involved but had told the developer he was responsible, as he owned the subdivision, but the bank now owned it. He said there was about \$86,000 in the fund, but the bank was willing to pay whatever it cost the Town to do the work to complete the subdivision and then make it a public way. Chairman Russo suggested that the Board should get more information. Town Planner Cashell said there were contractors very willing to the work, because of the economic situation.

Selectman Maddox said he did not know why the Town would want to become Clerk of the Works. Mr. Hall suggested the reason was that the bank did not have the capability to do the work. Mr. van der Veen suggested the bank should hire a property manager to get this done; Chairman Russo expressed agreement, saying this was the correct way to handle the situation. Mr. Hall suggested that the Planning Board needed guidance from the Board of Selectmen as to what it wanted done.

**XVI. ADJOURNMENT**

All scheduled items having been addressed, Mr. Hall 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 10:15 p.m.

Date: July 18, 2011

\_\_\_\_\_  
Vincent Russo, Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 01-04-12 Planning Board meeting.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
June 22, 2011**

**Page 21**

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 01-04-12:

Page 10, 3<sup>rd</sup> text paragraph, 1<sup>st</sup> sentence — corrected misspelling of “buildability.”

Page 20, 1<sup>st</sup> paragraph, last word—corrected misspelling of “situation.”