



# TOWN OF HUDSON

## Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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### HUDSON PLANNING BOARD MEETING MINUTES May 25, 2011

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

Chairman Russo called this Planning Board meeting to order at 7:02 p.m. on Wednesday, May 25, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

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

Chairman Russo asked Mr. van der Veen 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, Jordan Ulery, and Stuart Schneiderman (arrived at 7:17 p.m.).

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**Alternates**

**Absent:** Stuart Roger Coutu (Selectmen's Representative Alternate, excused because at another meeting).

**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 would be seated at this tie.

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

Chairman Russo addressed the minutes for the meetings of 11-10-10 and 10-06-11.

Mr. Della-Monica said he had found nothing major amiss in either set of minutes, other than a couple minor typos. Mr. Della-Monica then moved to approve the minutes for the meeting of November 10, 2010, as submitted; Mr. Malley seconded the motion.

**VOTE:** Chairman Russo called for a verbal vote on the motion to accept the 11-10-10 minutes as submitted. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Della-Monica moved to approve the minutes for the meeting of October 6, 2010, as submitted; Mr. Malley seconded the motion.

**VOTE:** Chairman Russo called for a verbal vote on the motion to approve the 10-06-10 minutes as submitted. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Della-Monica referenced the minutes for the meeting of April 6, 2011, stating that he had not found any thing to be changed.

Ms. Merrill requested the following changes be made:

Page 3, third paragraph from bottom — the word "aid" should be "said."

Page 10, 4<sup>th</sup> paragraph from bottom, 2<sup>nd</sup> line — the word "pan" should be "plan."

Page 16, 4<sup>th</sup> paragraph from top, 2<sup>nd</sup> line — the word "fir" should be "if."

No other changes being brought forward, Mr. Della-Monica to approve the minutes of April 6, 2011, as amended, Mr. Malley seconded the motion.

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**VOTE:** Chairman Russo called for a verbal vote on the motion to approve the 04-06-11 minutes as amended. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Malley referenced the 04-13-11 minutes, requesting the following correction:

Page 17, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line—typographical error “anther” should be changed to “another.”

Ms. Merrill requested the following additional changes to be made:

Page 13, last paragraph, 6<sup>th</sup> line, — typographical error “loot” should be “lot.”

Page 13, last paragraph; 5<sup>th</sup> or 6<sup>th</sup> line — “loot of equipment” should be “lot of equipment.”

Page 15, last paragraph, 3<sup>rd</sup> line — “believe” should be “believer.”

No further changes being brought forward, Mr. Malley to approve the minutes of April 13, 2011, as amended. 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).

Chairman Russo noted that the minutes for the meetings of 09-22-10, 12-08-10, 04-27-11, and 05-11-11 were still waiting for review, and he asked that the members be prepared to address those at the next workshop meeting.

Mr. Malley referenced the minutes for the meeting of April 27, 2011, requesting the following change:

04-27, Page 6, 2<sup>nd</sup> sentence — wrong spelling of Ayotte’s store’s name.

No other changes being brought forward, Mr. Malley moved to approve the minutes for the 04-27-11 meeting as amended, 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).

VI. CASES REQUESTED FOR DEFERRAL

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|---|--|
| <b>A. 13 Park Avenue (Addition)<br/>SP# 01-11</b> | <b>Map 161/Lot 33<br/>13 Park Avenue</b> |
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**Purpose of Plan: To show the proposed 7,960 sq. ft. addition and associated improvements. Hearing. Deferred Date Specific from the April 13, 2011, Planning Board Meeting.**

Town Planner Cashell noted that a written request had been received from the applicant to defer this item, as provided in this evening's handout packet. Town Planner Cashell said this would go with the proposed lot-line adjustment plan, which would add land to the site and provide additional parking.

Mr. Malley moved to defer further review of the Park Avenue site to the meeting of June 22, 2011. Mr. Barnes 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).

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| <b>B. 75 River Road (Fueling Station/Retail/Fast Food)<br/>SP# 06-10</b> | <b>Map 251/Lot 10<br/>75 River Road</b> |
|--|---|

**Purpose of Plan: Site plan showing the construction of a 2,400-ft<sup>2</sup> retail building with retail gasoline sales, convenience mart, and fast-food drive-through window, together with associated parking, at 75 River Road. Hearing. Deferred Date Specific from the April 27, 2011, Planning Board Meeting.**

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

Chairman Russo noted that there had been a request from the applicant for deferral of this item. Town Planner Cashell said the McGrath family had been informed that it would be deferred, and he suggested that the Board defer this item to the June 8<sup>th</sup> meeting.

Mr. Barnes asked if there were enough space on that June 8<sup>th</sup> agenda. Town Planner Cashell said the only other thing scheduled was the T-Mobile application for a conditional use permit.

Mr. Barnes moved to defer further review of the 75 River Road to the June 8<sup>th</sup> meeting. Mr. Hall seconded the motion.

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**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).

**VII. CORRESPONDENCE**

No items of correspondence were addressed this evening, other than the requests for deferral.

**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 Plan: To show the proposed 7,960 sq. ft. addition and associated improvements. Hearing. Deferred Date Specific from the April 13, 2011, Planning Board Meeting.**

This item was deferred to the June 22<sup>nd</sup> meeting, as detailed in Section VI, preceding.

**B. 75 River Road (Fueling Station/Retail/Fast Food) Map 251/Lot 10  
SP# 06-10 75 River Road**

**Purpose of Plan: Site plan showing the construction of a 2,400-ft<sup>2</sup> retail building with retail gasoline sales, convenience mart, and fast-food drive-through window, together with associated parking, at 75 River Road. Hearing. Deferred Date Specific from the April 27, 2011, Planning Board Meeting.**

This item was deferred to the June 8<sup>th</sup> meeting, as detailed in Section VI, preceding.

**C. 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 that approval has since expired. Hearing. Deferred Date Specific from the April 27, 2011, Planning Board Meeting.**

Chairman Russo read aloud the published notice, as repeated above. He then announced that he would step down from this hearing, as he had in the past, and he turned the chairmanship over to Vice-Chairman Hall.

Mr. Pat Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as an engineering representative of the property owner, affixed plans to the wall.

Acting Chairman Hall seated Mr. Ulery in place of Mr. Russo, noting that Mr. Ulery had been seated for the previous hearing on this same matter.

Mr. Schneiderman arrived at 7:17 p.m. and took his seat at the table as a nonvoting alternate.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the primary engineering representative of the property owner, noting that he had done the original plan when he was employed by Hayner/Swanson, Inc. He reviewed questions that had come up at the preceding hearing and discussed changes that had been made on the plans, which he identified as follows:

***Presentation Plan, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, NH***, prepared for Hawthorne Woods Properties, dated Feb 9, 2011, Revised through May 16, 2011.

***Conventional Subdivision Plan, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, NH***, prepared for Hawthorne Woods Properties, dated Feb 9, 2011, Revised through May 16, 2011.

Mr. Basso said the lot line of Lot 1 had been adjusted to widen the width of the access to the open space and to connect to the trail through the back area. He noted that buffer impact was not necessary to do that.

Mr. Basso said they had spent some time on the conventional plan, pulling the cul-de-sac out of the buffer, but he noted that the access to the four acres of upland in the back would have to impact the buffer, no matter what. He said the whole idea of doing a conventional plan was to show that the OSD plan eliminated those potential impacts that would be needed for the conventional layout. He then posted another plan, which he said was based on the original Hayner/Swanson, Inc., plan, noting that it had no

frontage that wasn't in wetlands. He said the new plan was not in that situation, saying the difference was that the new conventional layout would only need one impact on the wetlands and the OSD plan eliminated that. He argued he could not take the conventional plan to the ZBA, as the OSD was an alternative that eliminated the impacts, except for the pinch-point, adding that the concept of the OSD plan was not to increase density but to limit the impact. He said the project still retained the originally proposed drainage system, and he then offered to answer any questions.

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

Mr. Gary Francoeur, 18 Griffin Road, owner of the property, said he had started developing this piece in 1998, working with Mike Grainger, with the plan being developed over a period of two years and completed in 2000—at which time, he continued, his whole life had changed with the actions of a divorce, followed by changes in Hudson's zoning requirements. He said he had hired Mr. Basso in 2003 at Hayner/Swanson, Inc., and the plan had since then been revised to pull the cul-de-sac out of the buffer, with the intent to impact the wetlands and buffers as little as possible. He noted that the road was 180 feet longer to accomplish that. He also noted that the six lots along the front had already been developed, with no abutters making any complaints that he knew of.

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

Mr. Della-Monica said a trail through the open space had to be marked, but this proposal seemed to satisfy all the needs.

Selectman Maddox said he thought the Planning Board had gone to court several times on the same type of plan, saying the frontage was illusory. He then stated that he would ask for a zoning determination, saying the discussion tonight was the same as it had been in 2004, in that Lot 4 was a lot of swamp with a dry land around it and the driveway had to go through the wetlands. Mr. Barnes said he would have to concur, saying he did not see that lot as buildable, noting that a septic system would have to be up there. He said he could accept six lots but not seven.

Acting Chairman Hall said he did not understand the configuration of Lot 3. Mr. Basso said the long narrow segment was to get the needed two acres, acknowledging that it was a "funny-shaped" piece. Acting Chairman Hall said he thought it would look convoluted if the Board asked him to show where the house and septic system would be. Mr. Basso said he had no problem getting a zoning review but it met the requirements, saying the only place he could not do that was at the pinch-point. He said the whole idea was to show that he had legal frontage and he could prove it. He expressed a belief that the cases in the past, which Selectman Maddox had referenced, were when the entire property was behind the wetland, with one of them actually having a pond in front. He said this was a lot that met the requirements and he had a place for a house and a septic and it was absolutely doable; he said he admitted that it was not a stellar lot, but that this was the whole idea of the OSD plan, so that the impacts would be removed and the land would not have to be cleared.

Selectman Maddox said Mr. Basso had to be able to show that it was a buildable lot. Mr. Basso said it was uplands area in excess of what was required, and he was not counting the wetlands area. Acting Chairman Hall said what had been done in the past was to ask the Zoning Administrator if the proposal met requirements—and then, if the Planning Board did not agree, to appeal the Zoning Administrator's decision. Selectman Maddox noted that this process would have to be completed within the timespan of three meetings.

Mr. Basso said he had a completely different plan this time, saying the earlier proposal had a cul-de-sac sitting in the middle of the wetlands and accessed in the wetland, whereas this was in a buffer area that could not be avoided, which he thought was a major difference.

Mr. Francoeur said if the OSD approach was not available, he would be in with a grid, and the only way he could use that land was to impact the buffer. He said there were lots of houselots in Hudson that were in the back, with 200 feet or more of driveway, saying there were people who liked that sort of environment. He said they could get into that area to build a house through the trail, but had to impact the buffer for a driveway.

Acting Chairman Hall said they probably would also have to ask for waiver for having a driveway in the side setback. Mr. Basso said he thought he could do it. Acting Chairman Hall suggested that a drawing to show that was needed. Mr. Basso said he would provide a drawing if the Board wanted it, saying he would turn it in to the Zoning Administrator for an opinion.

Mr. Della-Monica asked if the Zoning Administrator's opinion could be pushed up. Mr. Della-Monica then moved to request that a set of plans showing seven buildable lots to the Zoning Administrator to confirm that there were seven buildable lots. Mr. Malley seconded that motion.

**VOTE:** Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Mr. Hall, who abstained, and Acting Chairman Hall declared the motion to have carried unanimously (6–0–1).

Mr. Barnes moved to defer further action on this matter to the meeting of June 22<sup>nd</sup>; Mr. Ulery seconded the motion.

**VOTE:** Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Mr. Hall, who abstained, and Acting Chairman Hall declared the motion to have carried unanimously (6–0–1).

Mr. Russo returned to his seat and resumed the chairmanship, with Mr. Hall resuming his regular role as a voting member and Mr. Ulery resuming his nominal role as a nonvoting alternate.



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D. 27 Hurley Street LLR (Horadan)                      Map 182/Lot 186  
SB# 04-11    27 Hurley Street

**Purpose of plan:** To illustrate an equal-area land exchange between the owners of Tax Map 182/Lot 186 and Tax Map 182/Lot 185. Application Acceptance & Hearing. Deferred Date Specific from the May 11, 2011, Planning Board Meeting.

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

Town Planner Cashell said the plan was finally ready for Application Acceptance. Selectman Maddox so moved; Mr. Barnes 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).

Town Planner Cashell reviewed the past hearings, noting that the copy of the plan in the handout package did not include the survey information, but that he had a full set. He then provided a large copy to those who wanted it, noting that the abutters' signatures had finally been added to the plan.

Mr. Michael Horadan, the applicant, said he had been too close to the property line but had arranged a swap in land with his neighbor, so that his proposed house was now 16.5 feet from the lot side lot line.

Mr. Barnes said adding this distance provided enough buffer so that the existing dwelling was no longer in the setback, but there was an overlap into the front setback, which the Zoning Board had allowed.

Chairman Russo noted that he had driven by the site and there was a new foundation. Mr. Horadan said the foundation a reconstruction, adding that he had built the foundation for the "existing" building back in 1997 or so,

Chairman Russo said the plan seemed to show that the front encroachment had been made larger. Mr. Horagan said he had gone through the zoning process and had obtained a variance, along with one for the garage on the right side of the lot, which was encroaching into the side setback. Chairman Russo asked if Town Planner Cashell had a copy of the Zoning Board of Adjustment's decision; Mr. Cashell said he did not have one in the file but would have to acquire it. Mr. Horadan said he thought that had been obtained in March of this year.

Selectman Maddox said the variances needed to be reflected on the final plan that would be recorded. He then moved to approve the Lot Line Relocation Plan entitled ***Lot Line Relocation Plan of Properties at # 27 Hurley Street & #3 Lions Avenue, Hudson, NH Tax Map 182, Lots 186 & 185***, prepared by Jeffrey Land Survey LLC, 1 Burgess Drive, Litchfield, NH 03052, dated: January 2011 (no revisions), consisting of Sheet 1 of 1 and Notes 1 through 5, 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 endorsing the Plan-of-Record.
3. The ZBA variances shall be inscribed on the Plan-of-Record prior to Planning Board endorsement of same.

Mr. Hall seconded the motion.

Chairman Russo asked if the proposed dwelling unit would be all dwelling. Mr. Horadan said the far left would be a two-car garage. Mr. Hall asked if there would be two driveways. Mr. Horadan said there was not a driveway in front of the existing garage, and he was not planning on doing anything with it.

Mr. Horadan then posted a copy of the plan on the meeting room wall and discussed details of the view displayed on the projection screen, saying the only driveway would come into the new garage, to be located on the left side of the home. Chairman Russo said the existing garage would be accessed via the front setback, saying that would require a waiver for two driveways. Mr. Horadan said the use of the existing garage would be minimal. Mr. Ulery asked what its purpose was; Mr. Horadan said it was there when he originally purchased the property. Mr. Ulery asked for the date of the projected view; Town Planner Cashell identified the date as being 2005.

Selectman Maddox added stipulation 4, that there would be only one driveway on the property from Hurley Street and clarifying that this was a driveway to the main building.

4. A note shall be inscribed on the Plan-of-Record providing for only one driveway for the subject lot.

Mr. Hall said he would agree to that as the seconder of the motion, making it a friendly amendment.

Mr. Malley pointed out that the property was allowed to have a 50-foot driveway width.

There being no further discussion. Chairman Russo then called for a verbal vote on the motion.

**VOTE:** All members present voted in favor except for Mr. Russo, 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**

Town Planner Cashell noted that a workshop was scheduled for next week, with the LMRLAC (Lower Merrimack River Local Advisory Committee) coming in to discuss the current status of the river, with the second item being open items on planning reviews or the Zoning Ordinance, saying anyone having ideas of changes could bring them up at that time. He said he and Chairman Russo also wanted to add an amendment to require a zoning determination for site plan submittals.

Mr. Della-Monica suggested adding a short section on traffic, saying he had observed on four recent site plans that there were two very distinct views on traffic patterns,

Selectman Maddox questioned whether the Zoning Administrator would know what the Planning Board was thinking about with respect to such things as the Hawthorne Woods plan, and he felt the proposed change of requiring a zoning determination for site plan submittals would set up the Planning Board for the claim that the Zoning Administrator had already approved it. Chairman Russo said the idea had been aimed more toward site plans, rather than subdivision plans.

Selectman Maddox noted that the ice cream social would be held that same evening (June 1<sup>st</sup>)—but acknowledged that he did not recall the starting time.

**XVI. ADJOURNMENT**

All scheduled items having been addressed, Selectman Maddox 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 8:10 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes  
May 25, 2011**

**Page 12**

Date: June 11, 2011

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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 submitted following review at the 01-04-12 Planning Board meeting.