



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603-594-1142

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HUDSON PLANNING BOARD MEETING MINUTES September 8, 2010

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:05 p.m. on Wednesday, September 8, 2010, 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, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: Suellen Quinlan (excused).

Alternates

Present: Stuart Schneiderman and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

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Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Schneiderman in place of the absent Ms. Quinlan.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo asked that the Board be ready to do the August 11, 2010, minutes at the next meeting.

VI. CASES REQUESTED FOR DEFERRAL

Chairman Russo noted that no cases had been requested for deferral for this meeting.

VII. CORRESPONDENCE

Chairman Russo stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being 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. OLD BUSINESS/PUBLIC HEARINGS

**A. Presentation and Discussion on the Prime Wetlands Study. Presenters:
Town of Hudson Conservation Commission. Deferred Date Specific
from the August 4, 2010 Workshop.**

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

Town Planner Cashell reported that the Conservation Commission had asked for for deferral; he suggested deferral to the October 6, 2010, meeting.

Selectman Maddox so moved; 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).

**B. 75 River Road (Fueling Station)
SP# 06-10**

**Map 251/Lot 10
75 River Road**

Purpose of plan: Site plan showing the construction of a 3,200-ft² retail building with retail gasoline sales, convenience mart, and drive-through fast food window, together with associated parking at 75 River Road. Application Acceptance & Hearing. Hearing deferred from the August 11, 2010 Meeting.

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

Mr. Hall said he would be stepping down from this case. Chairman Russo noted that there were no other alternates to be seated in Mr. Hall's place.

Town Planner Cashell said he had nothing to add to his staff report, but that the plan was ready for Application Acceptance. Mr. Barnes so moved; Mr. Malley 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 (6-0).

Mr. Brian Milisci, PE, from Whitman Bingham Associates, presented color-coded copies of the plan, noting that he was accompanied by other associated parties, including the applicant.

Selectman Maddox asked for full-size copies of the plan. Mr. Milisci provided one and Town Planner Cashell shared his file copy. Chairman Russo suggested that Mr. Milisci provide five copies when he came back with a revised plan, if that were to occur.

Mr. Milisci described details of the plan, beginning with a copy of the existing conditions plan, identifying the abutters and nearby uses. Turning to the color-coded plan, he described details of the exterior and interior, noting that a drive-through window for fast food service was being proposed, but the type of fast food had not yet been settled upon. He described a breakout lane to allow people to exit from the drive-through line, and he noted that the Fire Department had asked that two fire hydrants be installed. He said there was an on-site septic system, with drainage being handled off-site through a closed system. He said the site was essentially flat, noting that a HISS map had been included in the package.

Recalling the conceptual reviews held last November, Mr. Milisci noted that he would be asking for a waiver of the 100-foot buffer requirement, noting that a heavy

arbor vitae screen was being provided. He said parking would be located out front (ten spaces) with three spaces at the rear for employee parking.

He noted there was a traffic engineer present to go over details if there were any questions.

Mr. Ralph Hubert, of Pelham, owner of the property at 93 River Road, asked what the building would be used for if not a convenience store. He noted that the site was on a curve, and he suggested that it would be difficult for tanker trucks to maneuver, adding that it was very close to the abutter.

Mr. Thomas Sommers, engineer, representing Ms. Doris Ducharme, a resident of the neighborhood, said she had a big concern about drainage runoff on the roadway, with flooding having occurred in the past, and she was also concerned about the turning movements of the traffic. Mr. Sommers said he would be concerned about the protection for the fuel systems.

Mr. Ken McGrath, owner of a business at 79 River Road, said his building was specially designed for radiant radio frequency emission testing, and he was concerned about noise interference with his readings. He referenced the lighting in the canopy, saying it caused resident noise. Chairman Russo asked if Mr. McGrath had any recommendations for the applicant with respect to suppressing these emissions. Mr. McGrath noted that he had had to put wiring under the floor of his own building, and he described the electrical interference he currently experienced, from the existing store across the street, from the BAE facilities behind him, and from the street lights. He noted that he sometimes had to wait until BAE operations were done before he could continue testing in his building. He noted that the reflections from trees also interfered with his work, saying his concern was that the buildings were coming closer to him. He concluded by saying he could not give one solution to fit everything.

Mr. Adam Grath, identifying himself as a resident at 77 River Road, said he had been store manager at McDonalds for the past two years, and he was concerned about the number of parking spaces, as seven employees would be needed, and there was no space for trucks. He noted that there was a four-foot mound that currently stopped lights from coming into his house. He noted that fast food restaurants usually had a door out back, and trucks going to the back would interfere with the drive-through lane. He commented that it usually took more than two hours to unload a truck.

Ms. Jeanette Sennko, 11 Ayers Road, said she had a well and she wanted to know how fuel leakage from the storage tanks would seep, saying she did not want her ground water or well water contaminated. She expressed concern about young drivers leaving their cars running with radios turned loud, saying she would rather see a quiet office building that would not cause problems. She noted that she ran along Route 3-A for exercise and did not want to get hit.

Town Planner Cashell said Ms. Marilyn McGrath had not been able to attend this evening's meeting because of a recent operation, but that she wanted the board to be concerned with signs, lighting at night, and hours of operation, saying businesses in that area usually closed at nine o'clock. He also noted that she had reported problems

with trash pickup at four o'clock in the morning. Ms. Sennko, speaking from the audience, asserted this had happened this morning.

Chairman Russo asked if Mr. Milisici wished to address any of the comments that had been brought up.

Mr. Robert Michaud, from Marlboro, Massachusetts, displayed a software-generated traffic pattern drawing, showing how truck traffic would flow. He contended that this model showed there was ample spacing around the pumps and building. He then showed another model, based on a smaller truck size.

Mr. Hubert asked what kind of vehicle was being discussed. Mr. Michaud said it was an 18-wheeler. Mr. Hubert said he did not believe this. Mr. Hubert then noted that the Board had previously denied a daycare center for 15 vehicles going in in the morning and out in the afternoon, saying this use would have a lot more traffic. He said 18-wheelers had a problem on his own site, having to take up the whole front. He then asked if a third lane were being proposed, and he suggested that tanker trucks might not be allowed to come across the Tyngsboro Bridge. Mr. Michaud said he had not been tied to any specific size, adding that he could not speak for the traffic allowed on the Tyngsboro Bridge. He said there was sufficient space to provide an easement if the DOT ever wanted to widen Route 3-A, but the volume that this site would generate did not warrant a third lane through the next ten years.

Selectman Maddox said Mr. Michaud's description in his summary was vague. Mr. Michaud said the user could be any of a number of different operators. Selectman Maddox said the traffic study had been based on a convenience store with doughnut/coffee service, adding that the Town had had experience with such uses, finding the traffic volume was huge. He said the Board would have to plan for the worst if the applicant could not tell who the user would be. Mr. Michaud said they had actually done that, saying a large portion of business generated for doughnut/coffee places were taken from the existing traffic stream. He said he had calculated a small percentage (10%) of passers by, adding that the actual percentage was about 80%. He said the average delay for motorists would be less than 15 seconds, which he described as a relatively minor delay.

Selectman Maddox asked about traffic coming from the south. Mr. Michaud said the percentage turning from the south was so low as to be irrelevant, with a delay of less than five seconds.

Selectman Maddox noted that traffic from BAE backed up to Massachusetts. Mr. Michaud said the signal by its design was creating gaps, and his calculations (using standard procedures) indicated that there would not be a stacking at this site.

Mr. Ken McGrath said one thing he had not anticipated was a lot of truck turning on the wide entrance, saying they would turn at this site, since he had blocked off the end of the driveway from his property.

Mr. Sommers raised a question as to why there were two entrances, rather than one. Mr. Michaud said the driveways were in conformance with DOT standards for this type of use. He said the need for two driveways was to have adequate maneuvering

area for the trucks delivering fuel and doughnuts—adding that it provided a greater convenience to the customers.

Ms. Jeannette Sennko said she had a question about traffic from the south, noting that she exercised daily and walked/ran along Route 3-A, and she expressed concern about personal injury from vehicles waiting to pull out.

No further public input, Chairman Russo declared this matter before the Board.

Mr. van der Veen asked for the distance from the property line to the existing structure. Mr. Milisici identified it from the plan as being about 22 feet. Mr. van der Veen then asked about the distance from the driveway to the property line; Mr. Milisici said it was 35 feet. Mr. van der Veen asked the truck length of the truck used in the study. Mr. Michaud said it was about 55 feet. Mr. van der Veen asked if a 53-foot trailer had been tested. Mr. Michaud said it could be done but would be difficult, saying they were planning on smaller vehicles. Mr. van der Veen expressed a belief that most delivery vehicles were articulated and longer; Mr. Michaud demurred, saying most fast-food retail users had smaller vehicles, which could maneuver more easily. Mr. van der Veen expressed a belief that many operators would not have control over the size of delivery vehicles coming to their site. He then asked how the fuel unloading process would affect this arrangement. Mr. Michaud said the process normally took 15 to 25 minutes, saying it could be addressed in two ways.

Mr. Milisici identified the location of the fuel tanks. Mr. Michaud said there would a 30-foot offset.

Selectman Maddox asked why the loading zone was put in the space where trucks would be challenged to get around the curve. Mr. Milisici said this would be for the smaller trucks, saying there was a loading zone to the rear. Selectman Maddox noted that the Board had been told before that only small vehicles would be used for other sites, but the Town was finding that deliveries were being made by full-size trailer trucks. He reiterated that the Board had to assume the worst, since Mr. Milisici could not identify the future operator.

Chairman Russo asked about the dimensions of the loading zone. Mr. Milisici measured on the plan and said it was 12 by 35 feet.

Mr. Barnes said the hose from the delivery trucks would stretch out a certain distance, so vehicles would have to get around that. Mr. Michaud said tankers fueled from the right side, with the hoses not extending very far, as they would be very approximate to the tank ports. Mr. Barnes said a truck delivering from the right would be sitting on the pavement. Mr. Michaud said the exact location was somewhat variable right now, to be determined by the fuel manufacturer, but the protocol was that no hoses would be in the path of vehicles.

Mr. Barnes said the drive-up window had a 25-foot wide driveway, which might be blocked by the truck. Mr. Michaud said the nose of the fueling vehicle would not be in a position to block traffic, saying there would not be any interest in the operator's part to block the traffic, adding that these deliveries would only occur twice a week.

Mr. Barnes said the bail-out lane would be essentially blocked if someone were at the window. Mr. Milisici concurred.

Mr. Barnes said the plan showed space for seven vehicles in the pick-up window lane. Mr. Michaud said that was based on an expected demand of 50 pick-ups per hour, which he suggested would be more than would happen at this site, saying 120 transactions per hour could be handled. Mr. Barnes asked if they knew how many transactions occurred at the Dunkin Doughnuts site up the street. Mr. Michaud said Dunkin Doughnuts transactions typically were 100 per hour, with some half dozen in Massachusetts getting to 120 per hour. Mr. Barnes commented that the queues were always longer than what the Planning Board had planned for. Mr. Michaud said that was often true of a new site, where the manager was training his employees; he said this site was unique because it would not have that volume, but it had been designed to hold 13 vehicles without backing out onto the State highway, saying this was twice what was needed. He said this plan had a lot of contingencies built into it, saying he was very comfortable with the design.

Mr. Barnes asked how containment of fuel spills was being planned for. Mr. Milisici said that was done on the concrete pad under the canopy as well as at the point of filling, using devices approved for such uses. He said that was typically done at the Building Permit stage, under Fire Department review.

Mr. Barnes asked about exterior lighting, saying a lighting plan was required, but he did not see it in the plan set. Mr. Milisici said a waiver was not needed, but they were asking for a little indulgence on the part of the Board, saying they were hoping that the Board would condition approval on bringing in that lighting plan prior to the Building Permit stage. He then noted that he had never heard of the concerns that Mr. McGrath had raised, saying he could look into that.

Selectman Maddox asked if triple-wall tanks were planned, noting that Limit Brook ran behind the property. Mr. Milisici said the answer was "Yes," saying a state-of-the-art tank would be provided. Selectman Maddox said the Board had seen plans for these with previous sites.

Selectman Maddox asked about the 35-foot length of the loading zone, saying the regulations specified 60 feet minimum. Town Planner Cashell said the applicant was trying to design for panel delivery trucks. Selectman Maddox said the requirement was 60 feet, adding that the Board had found with respect to other sites that they were getting tractor trailers, not panel trucks.

Selectman Maddox said he thought this plan was undersized with respect to food service requirements. Town Planner Cashell said this was mostly because the applicant did not yet know what use would be in the building. He said they would have to be more specific.

Mr. Emil Houle, the principal, said the intention was a gas station with a minimal convenience store (cigarettes, etc.), with the rest of the building being like a Dunkin Doughnuts drive-[through. He said he had no intention of competing against the other convenience stores, saying he had had discussion with Dunkin Doughnuts, which had been hesitant about the traffic count and volume. He said his intent was to have a

place where people could do what they had to do and get out. Selectman Maddox asked about the hours of operation. Mr. Houle said opening would be at five thirty, getting out of there by ten o'clock. Mr. Houle said he had been looking into this for several years, adding that saying "Dunkin Doughnuts" blew it out of proportion. Selectman Maddox said the Board would have to assume a Dunkin Doughnuts-type operation. Mr. Houle said he had not provided a façade drawing, saying everyone knew what a Dunkin Doughnuts looked like. Selectman Maddox suggested that Town Planner Cashell look at the parking again. Mr. Houle said the convenience store use did not concern him, but he had thought it would be a good fit. Mr. Houle said the capability of having alcohol also did not concern him, saying he was after a gas station with a doughnut/coffee drive-through. Chairman Russo said he could say that, but another owner five years down the road could change that. Mr. Houle expressed a belief that this would require a special permit. Chairman Russo demurred, saying that was not the case in New Hampshire. Mr. Houle said he would not object to a stipulation prohibiting alcohol sales, saying there were plenty of the around and this area did not need another one—adding that this was also true of convenience stores.

Chairman Russo asked if the primary use would be a fueling station with in-and-out food service. Mr. Houle answered in the affirmative. Chairman Russo questioned whether the applicant would have to come back if he put in less than what was being proposed, such as not having a fueling station. Selectman Maddox said he would not think so.

Mr. van der Veen asked why they had not gone deeper into the lot. Mr. Milisici said they had just been trying to pay attention to environmental issues at the rear of the site, noting that there was a drop-off, with Limit Brook running behind the property. Chairman Russo noted that there was a retention area in the back. Mr. Milisici added that there was a conservation easement from earlier approvals. Town Planner Cashell said there was a 50-foot wetlands buffer, as shown on the plan, saying that they were trying to keep; everything, including the retention basin, out of that. Mr. van der Veen said there was still some more room. Mr. Cashell said there was a leaching field back there, also.

Selectman Maddox said the retention pond could be made narrower. Mr. Milisici said the easement called for a 75-foot distance, saying he had looked at all these issues in designing the site.

Chairman Russo said he would want to see a larger-size plan when he saw this again, saying it looked as though they were already encroaching. He said he would be looking for some sort of detail on the fuel tanks. He said he was not convinced that they would not need a left-turn lane, as he was very concerned about traffic stopping on that road.

Selectman Maddox suggested that the developers needed to talk to the neighbors to see if their concerns could be addressed. He said this Board, and especially himself, had been very reluctant to grant a waiver of the 100-foot buffer spacing in past cases. He suggested that something be done to shield the canopy, saying he would like to see a rendering of what that canopy would look like. He said he did not know if there were enough buffering to mitigate the noise, adding that a 4-foot mound did not meet that, in

his mind. He then concluded by expressing concern about traffic turning left from the south.

Mr. Malley asked if Dunkin Doughnuts were considered a fast food establishment. Town Planner Cashell said it was. Mr. Malley questioned how the parking requirements had been established.

Selectman Maddox moved to defer further action on this matter to the meeting of October 6, 2010. 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 (6–0).

Chairman Russo declared a break at 8:34 p.m., calling the meeting back to order at 8:50 p.m., with Mr. Hall returning to his normal place at the table at that time.

Selectman Maddox asked the Board's indulgence, noting that the Town was endeavoring to get a football field on Industrial Drive and needed to get the asbestos mitigated, finding that the 20-year old study was not acceptable to the EPA. He said a new study was needed, and they were asking to take \$12,000 from the Planning Board recreation contribution to put toward the asbestos report, which had to be available by October 15th. Mr. Barnes asked if the recreation department had agreed; Selectman Maddox answered in the affirmative. Mr. Hall asked who owned the land; Selectman Maddox said the Town of Hudson now owned it, saying it would be used by the Bears, much like the Freedom Field was used by the soccer club.

Selectman Massey said the Hudson United Soccer Club had an agreement with the Town of Hudson that they had the control of the field for the soccer season, but it was free for use by the recreation department when they did not use it and in the off-season. He said the arrangement with the Bears was expected to be much the same way.

Mr. Michael Roberts identified the football season, noting that there would be a Babe Ruth baseball field as well. Selectman Maddox said it had not been worked out, but would fit on the land.

Mr. Hall said the reason for the money contributions was for public recreation, and he would have a concern if it were for a private entity. Selectman Maddox said some of that space was needed for football practice, but the baseball field could be used by the Town for a good portion of the time, adding that a year-round playground and perimeter walkway would also be provided. He said very few neighbors would be impacted by this site. He confirmed that the report would have to be ready by October 15th, or the Town would have to wait another year.

Chairman Russo said it sounded as though the field would be available to the Town about 75% of the time. Selectman Maddox noted that winter use would be minimal. Chairman Russo asked if the Bears were willing to spend any money. Selectman Maddox said the foundation was in fact willing to pay for the whole thing—noting that

this was a chance to get Federal tax dollars, and the land would be available for use if the plan fell through.

Selectman Maddox moved to authorize the release of up to \$12,000 from the Planning Board Recreation fund to be used for Phase I study of asbestos removal at 9 Industrial Drive. Mr. Hall seconded the motion. Selectman Maddox apologized for the speed with which they were trying to do this.

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).

XI. DESIGN REVIEW PHASE

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

XII. NEW BUSINESS/PUBLIC HEARINGS

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

XIII. CONCEPTUAL REVIEW ONLY

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

XIV. OTHER BUSINESS

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

XV. 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 9:02 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
September 8, 2010**

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Date: May 9, 2010

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Ed van der Veen, Secretary

These minutes were accepted as amended following review at the 04-13-11 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
September 8, 2010**

Page 12

The following changes were made in accordance with the Board's review of these minutes at its March 13, 2011, meeting:

Page 6, 2nd paragraph from bottom, 4th line — mistyped word “tuck” was corrected to read “truck.”

Page 7, 2nd full paragraph, 3rd line from end — mistyped word “trice” was corrected to read “twice,” so that the phrase now reads “this was twice what was needed.”