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**HUDSON PLANNING BOARD
MEETING MINUTES
March 24, 2010**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, March 24, 2010, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

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

Members

Absent: Tierney Chadwick (excused).

Alternates

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

Alternates

Absent: Dennis White.

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Malley in place of the absent Ms. Chadwick.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of 09-09-09, asking if there were any changes or corrections.

Mr. Hall noted that all regular members were listed as present for the roll call on the first page, but several alternates were listed as being seated in place of absent members.

Mr. Hall referenced Page 13, noting that there was a typo in the next-to-last paragraph, saying "thee" should be "there."

No other changes being brought forward, Mr. Hall moved to accept the 09-09-09 minutes as amended; 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).

Mr. Hall referenced Page 10 of March 3rd minutes, saying he wanted to request a change in case he was not present when they were reviewed. He then referenced the third full paragraph, 3rd line, saying he had meant the current Planning Board. A couple lines further in the text, he added, he had said he agreed with Mr. Quinn that Brox was not exempt from the reclamation standards and the text should be changed accordingly.

Mr. Hall then referenced Page 4, 3rd paragraph, 3rd line, saying the word "mean" should be changed to "meant."

Chairman Russo asked members to be prepared to review the 02-24-10 and 03-03-10 minutes for the next meeting.

VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

VII. CORRESPONDENCE

No items of correspondence were addressed at this 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. Bockes Road Proposed Retail Develop. Map 145/Lot 001**
SP# 04-09 1 Bockes Road

***Purpose of plan:* Construction of a 12,800 square foot single-story multi-tenant retail building with associated access driveway, paved parking, drainage, landscaping and lighting improvements. Hearing. Deferred Date Specific from the February 24, 2010, Planning Board Meeting.**

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

Town Planner Cashell said the initial public hearing was held on June 24th, 2009, with Application Acceptance at that time. He said the only outstanding issue had to do with the concerns that the Fire Department had raised, as listed in Deputy Fire Chief Paul Buxton's memo, which he had provided in the packet—adding that the traffic concerns had been resolved, as seen in the CLD report.

Mr. David Jordan, representing the property owner, Dr. Deepak Sharma, said they had satisfied CLD's concerns about site drainage and traffic. Referring to a copy of the plan mounted on the meeting room wall, he discussed the Intersection Improvement Plan, which he said had come about because of the traffic study. He said they were proposing an addition of a dedicated right-turn lane on the westbound side of Route 111, to enable a right-hand turn onto Lawrence Road—adding that Lawrence Road would be widened to provide two full-width exit lanes. He discussed the travel lanes and two exit lanes, one providing for left-hand turns into the eastbound lane of Route 111 and the other to westbound traffic on Route 111. He said the plan had been reviewed by NH-DOT, which had granted conceptual approval. He noted that they would be adding STOP signs.

Mr. Jordan noted that the Fire Department had an outstanding comment, saying the developers would have to comply with both the Town's Fire Code, NFPA 1-2000, and the State's Fire Code, FNRPD 1-2003. This being a multi-tenant building, he continued, they would be required to sprinkle the building and would be required to provide a cistern for that system, as the site was not currently on Town water—adding that the cistern needed to be about 26,000 or 27,000 gallons, and they were proposing 30,000 gallons. He noted that they also would have to have an automatic fire alarm system, tied into the Town system. He then stated that there was an unresolved issue of water supply, as they were being requested to provide additional water in accordance with Appendix H, which was the State code--adding that he understood the FNRPD appendices had not been adopted as code but were simply accepted as guidance, and adding further that his office had done a lot of fire protection systems throughout the State of New Hampshire, but this was the first time that, for a project

such as this, they had been requested to go to Appendix H for additional water supply. He said the initial supply requirement was in excess of 500,000 gallons of water but they got a credit for the sprinkler system, reducing the requirement by 75%, to 130,000 gallons, which was a significant amount. He said cost of the additional water would be about \$150,000, saying the complicating factor was that this was an asbestos disposal site, which meant the costs would go up significantly if there were any disturbance, but the Fire Department had specific requirements as to where the storage should be, and there was not sufficient storage space on the site without getting into the asbestos. He said there were no other cisterns in the area that he was aware of, with none nearer than Park Avenue. He contended that people at the site would be protected because they would leave when the sprinklers kicked on. He said they were trying to work with the Fire Department, but it was getting to the point that, if they were required to install that amount of water, it would kill this project, as the cost would be cost-prohibitive. He said his client wanted to develop the property, but it might become economically unviable. He said the improvements on Route 111 would be about \$150,000, adding that they understood that the Fire Department issues would have to be resolved before they could get any building permits. He said that was the only remaining issue at this point, so they were here with what they believed to be final plans and would like to get conditional approval from the Planning Board.

Selectman Maddox said the Fire Chief had called him today, saying his issue was not the quantity but that the cistern would be under the building. Mr. Jordan said they were looking for a place to put the cistern without disturbing the asbestos, explaining that the building would be on a slab, above grade, with the water under the building, but the Deputy Chief had expressed concern that he would not be able to get to the water in the eventuality of a fire. He said there were ways to get around that, in that the connection point could be brought to a location away from the building, but that solution also would have a fairly significant cost. He said the Town required that the connection to the water be no less than 100 feet and no more than 200 feet from the building, so that the Fire Department could charge the system and pump water from the cistern. He said their proposal was to put the cistern connection in an area in the rear, where no cars would be parked, saying it was the only place on the site that met the criteria. He confirmed that the Fire Department wanted an additional 135,000 gallons beyond the initial 30,000 gallons, saying this would require the entire space under the 60-ft by 200-ft building. Chairman Russo pointed out that the Planning Board could not waive any of that, so the applicant was looking for a conditional approval.

Ms. Stewart said the back area was also the loading zone, and she questioned if trucks would interfere with the Fire Department. Mr. Jordan described the situation, saying he would meet the Fire Department specification. Ms. Stewart suggested that it could be an issue if trucks or trailers were left in that area.

Mr. Barnes asked if the tenants or types of business were known. Mr. Jordan said there were no specific tenants in mind, but it would be a mom-and-pop store, a cellphone store, etc. He said there was a difficulty in determining this, in that no one was interested in talking about the site until the plans were approved.

Mr. Barnes asked how the parking had been established. Mr. Jordan said it was based on retail business, so 64 spaces for the 12,000-ft² size of the building. He noted

that the septic system was designed for a certain amount per day, and restaurants or fast-food paces would have higher requirements, preventing them from coming in.

Mr. Barnes noted that there was underground drainage involved, asking how this worked with the asbestos. Mr. Jordan referred to details on the wall-mounted plans, saying the grade between Bockes Road and Route 111 dropped down significantly; he said there would be drainage catch basins in the front parking lot but it was elevated above the current grade, as fill would be brought in so that they would not have to get into the asbestos material. He confirmed that there would be enough fill to allow the drainage detention area below the building slab without touching the asbestos, which would be sealed over. He noted that they might have to get into the asbestos just a little at the back of the site, in which case the removed material would be put back under the building and sealed over.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one came forward, with some members of the audience saying they were here just for observation.

Chairman Russo asked if any members of the Board had any questions.

Selectman Maddox commented that this was only the second time that the Fire Chief had called him in twelve years; he said he would want more details about the cistern being under the building. Chairman Russo said he had also discussed this with the Fire Chief, and he was not sure the concern was with the cistern being under the building so much as the fact that the point of connection to the cistern would be against the building—adding that Mr. Jordan had explained that the Fire Department needed to be able to connect to the cistern in order to recharge it. Selectman Maddox noted that the Fire Department also needed to be able to take water out of the cistern.

Ms. Quinlan expressed a belief that the Planning Board should not deal with this until the Fire Chief was satisfied. Chairman Russo asked if Mr. Jordan were close to resolution with the Fire Chief. Mr. Jordan said they were working on it.

Town Planner Cashell discussed projects that would be coming before the Planning Board in the near future, saying the probable dates for continuing this discussion were June 14th (late) or on the 28th. Chairman Russo expressed a belief that the plan was so near to completion that it would not take long. Mr. Hall suggested it should be the 28th, saying he felt there might be further discussion on the traffic, adding he felt the offsite impact needed a little work. Chairman Russo suggested that concern be discussed now.

Mr. Hall referenced the property across the street, saying it was designated as Residential, and he asked if it were R-2. He then stated that the zoning district on the other side of Route 111 was marked Industrial on the plan, but his map said it was G-1. He said retail had to be the highest-trips-per-hour in the peak traffic hours. Town Planner Cashell brought in the Zoning Map, confirming it was R-2 and G-1, respectively, which was not how it was labeled on the plan. Mr. Hall questioned whether the uses had been calculated correctly, saying the ratio by straight acreage did not work for him, as he felt it should be a much higher percentage of the total value for

this lot. He said the numbers on the impact fee chart had Industrial as low but Retail was highest, so he could not go along with the per-acre basis.

Town Planner Cashell said the Town could be looking at a supermarket in that area in the near future. He said he had no real firm opinion, other than that the traffic consultant had reviewed it, as had NH-DOT, and they had suggested the right-turn lane was sufficient, together with a double lane coming out. Mr. Hall said the assumed value of \$150,000 to \$200,000 was probably reasonable but that he had a problem with the strict ratio. Mr. Cashell said this area had a lot of development potential, noting that the immediate area was underdeveloped. He noted that the intersection already had a flashing light and already included a sizeable queuing capacity on Route 111. He said the traffic consultant had felt this would be sufficient for the amount of traffic associated with this particular project. He said he knew the Board would like a traffic light, but it was not warranted yet, and he then stated that there would be opportunities for the Planning Board to require additional funds for a traffic light in the future. He said the Town could only give the applicant so much to bear.

Ms. Quinlan said this was why she was only recommending a little something, noting that a 12,000 ft² building with four units would not generate a tremendous amount of traffic, but more than what was there, so she would be looking for some small contribution for a traffic light that would be needed if something such as a shopping center came into the area in the future.

Selectman Maddox said he would go the other way, saying the developers would have to put in a sizeable cistern, which was an improvement for that end of Hudson, as the nearest cistern was a mile away, and the Fire Department would be able to use this cistern for that whole area.

Mr. Hall said Selectman Maddox should find out from the Fire Department and the developer if this would be considered a community system, noting that it was on the other side of Route 111 from where the supermarket was being predicted. Mr. Jordan said they were required to provide 30,000, but the Fire Department was requesting an additional 135,000 gallons, to be made available for the Fire Department's use in that area. Mr. Hall said there should be a program set up as a way to get other users to pay for their proportional share, saying he felt it was wrong to tell an applicant they had to do it alone. Mr. Jordan said this was in Appendix H, which was not adopted but was used as a reference—adding that it was not a requirement.

Selectman Massey said he was finding it difficult to understand how a municipality could use its police powers to require capacity for an off-site use, saying he would have to talk to the Fire Chief, as he felt the Town should be paying for that, not the developer. Chairman Russo suggested the Board needed to have the Fire Chief come in and talk with the Board. Selectman Maddox said the Fire Department needed a certain amount of water for anything outside of the sprinkler system; he then acknowledged that he was having trouble understanding why 135,000 gallons should be required. Mr. Hall said this would be the first time this issue had come in this town, noting that other developers had simply had ponds. Selectman Maddox suggested that the developer and the Fire Department work this out and come back with a chart explaining what was needed.

Ms. Quinlan moved to defer further action on this item to the meeting on April 28th; 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).

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

Selectman Maddox noted that the Board was going to start getting busy again; he suggested that the applications tracking system needed to be enhanced, saying he wanted to see explanations of why things were deferred. Town Planner Cashell expressed agreement.

Selectman Maddox said he had discussed with Mr. Hall an idea of some sort of signage being placed on a property 14 or more days prior to something coming before the Planning Board for a public hearing, so that abutters and passersby would know what was going on, as most citizens did not recognize assessing map and lot numbers. Mr. Hall expressed agreement; Chairman Russo said this would be something that could be added to the regulations. Mr. Hall suggested finding out what the City of Nashua did for planning and zoning sites of this sort.

Selectman Maddox suggested it was time to look for a replacement for Dennis White. Town Planner Cashell said Mr. White had written that he was having to spend a great deal of his time in Texas or similarly remote locations. He expressed a belief that Mr. White had resigned, since he had said he would not be available.

Selectman Massey said another member was absent as a voting member more often than not. saying he felt this was an injustice to the alternates, who were regularly

present. Chairman Russo said the person in question was on vacation, saying he felt she was here fairly regularly.

Mr. Barnes said he felt the Planning Board needed to work on the fence ordinance, based on the changes because of the recent voting. Chairman Russo said Mr. Hall had been very strongly stated that this was what the townspeople wanted and it was what they got. Mr. Hall said the Planning Board had recommended that the voters not approve this, but the voters had done so, so he felt it would be inappropriate for the Board to change it now, saying he had gotten the message. Mr. Barnes said he thought the Board would be faced with situations in which businesses or people would come in and want to put up a fence and the Town would have nothing to say about that. Chairman Russo said he agreed, saying he felt it would be a good idea for Town Planner Cashell to look for any conflicts.

Mr. Barnes said he would ask Mr. Cashell to record any complaints that might be received from abutters or other town residents about this issue, saying his whole intent in taking a fresh look was not to reduce the height of fences, but that his concern was that the Town would have no control over fences less than 10 feet high on business and industrial lots. Mr. Hall suggested waiting to see if there were a rash of 7.5-ft fences, although people might put them on berms or on walls to get around the ordinance restrictions.

Selectman Massey said there were two ambiguities in the ordinance, with the first being that every other use was zone-sensitive, but this just said "Residential," so it was ambiguous whether it could be applied to non-residential areas. The second problem, he continued, was that the language simply said any fence over 10 feet was subject to Planning Board review, but gave no mechanism as to why the Planning Board should say YEA or NAY. He said he was also concerned about the fee schedule, which had to be established for the fence permits.

Town Planner Cashell noted that Walgreen's had put up a beautiful fence, last year, but five sections were already ready to fall down, noting that fences became structurally unsound as they got higher, because of wind impact. He said high fences were more costly and also required more maintenance.

Town Planner Cashell referenced the Chamber of Commerce event at the Castleton, saying members could register to attend.

Town Planner Cashell referenced the article he had provided in the handout packet about porous pavement. Mr. Hall said he would want it if he were a developer wanting to build a cheap site but not if he would be responsible for maintaining it over a long period of time.

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Ms. Quinlan asked about registration for the annual Zoning and Planning Conference. Mr. Schneiderman said people could register and then submit the payment to the Town. Town Planner Cashell said members could let him or Ms. Lavoie know which sessions they wanted to attend.

Selectman Massey noted that the Week of May 1st would be Volunteer Appreciation Night, and the annual Ice Cream Social would be Thursday, May 6th, to be held at the Hudson Community Center. He said reservations had to be made through Chairman Russo, so that the Board of Selectmen would know how many people were coming and could purchase the required amount of ice cream.

Selectman Maddox said he was now the official Board of Selectmen member for the next three years, but he wanted to recognize Selectman Massey's service as the alternate member, noting that Selectman Massey was present at almost every Planning Board meeting—adding that Selectman Massey might not be able to continue, as he was as the new chairman of the Board of Selectmen, as of the preceding evening. Selectman Massey said he had not determined as yet whether he would continue as the alternate.

XV. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Barnes 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 8:23 p.m.

Date: April 1, 2010

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

These minutes were accepted as submitted following review at the 06-02-10 Planning Board meeting.