

**MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: DECEMBER 12, 2018**

In attendance = X; Alternates Seated = S; Partial Attendance = P; Excused Absence = E

Timothy Malley Chairman <u> X </u>	Jordan Ulery Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charles Brackett Member <u> X </u>
Dillon Dumont Member <u> X </u>	Ed Van der Veen Alternate <u> X </u>	Elliott Veloso Alternate <u> X </u>	
Roger Coutu Select. Rep. <u> X </u>	David Morin Alt. Select. Rep. <u> E </u>	Brian Groth Town Planner <u> X </u>	

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Meeting called to order at approximately 7:04 p.m.

- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES- None
- V. ELECTION OF OFFICERS

- VI. MINUTES OF PREVIOUS MEETING(S)

- 14 November 18 Meeting Minutes – Decisions

Mr. Coutu motioned to defer the November 14, 2018 Meeting Minutes Decisions to be reviewed at the Next Planning Board Meeting scheduled for January 9, 2018.

Motion seconded by Mr. Dumont. All in favor – motion carried 7/0//0.

- VII. CASES REQUESTED FOR WITHDRAWAL
- A. Cumberland Farms, Inc.

SP# 17-18

225-227 Lowell Rd.,
2 Flagstone Dr.
Map 222/Lots 3, 4, 5 and 6

Letter dated 11/21/18 from Smolak & Vaughan, Attorneys At Law on behalf of applicant TMC CF New England LLC to Brian Groth, Town Planner requesting to withdraw the Site Plan Application filed with the Board.

The Planning Board acknowledged the withdrawal of the Cumberland Farms case.

VIII. CORRESPONDENCE

A. Clement Industrial Park

Property located Off Rte 111A
Map 161 /Lots 53 & 54; Map 170 Lot 41

Correspondence from Gottesman & Hollis Professional Association to Brian Groth, Town Planner regarding property located off of Route 111A, Clement Industrial Park. Applicant proposes an amendment to the Town of Hudson Zoning Ordinance which would allow multifamily dwellings within industrial districts in the Town of Hudson by a conditional use permit to be granted by the Planning Board.

Discussion to include:

1. Applicant's Proposed Amendments to Chapter 334 of Hudson Town Code
2. Clement Industrial Park-Zoning Map Exhibit
3. Conceptual Development Plan

Morgan Hollis of Gottesman & Hollis Professional Association and Tony Basso of Keach Nordstrom Associates presented a zoning amendment proposal to allow multi-family residential development in industrial zones by Conditional Use Permit on behalf of their client, an industrial property owner. Mr. Hollis and Mr. Basso requested that the Board move the proposal to a public hearing. They presented mixed-use projects as precedent examples, discussed the development characteristics of their client's site, and master plan items regarding the Town's housing stock.

The Board found that the precedent examples provided in the presentation did not match the zoning proposal and that there was not enough time to adequately review the proposed zoning amendment to move to public hearing at the January 9, 2019 meeting. However, the Board found the concept of a conditional use permit to allow for mixed-use development to be a potentially innovative concept.

Mr. Brackett suggested that the Planning Board explore conditional use permit zoning over the next calendar year. There was consensus among the Planning Board in agreement with Mr. Brackett's suggestion.

- IX. PERFORMANCE SURETIES
- X. ZBA INPUT ONLY
- XI. PUBLIC HEARINGS
- XII. OLD BUSINESS/PUBLIC HEARINGS

- XIII. DESIGN REVIEW PHASE
- XIV. CONCEPTUAL REVIEW ONLY
- XV. NEW BUSINESS/PUBLIC HEARINGS

XVI. OTHER BUSINESS

- A. Review of Suggested Modifications from The Zoning Board of Adjustment to the Planning Board for possible Zoning Ordinance Amendments.

Brian Groth, Town Planner explained that the Board would be reviewing zoning amendments addressing the following items:

- 1) Gross Living Area
- 2) Corner Lot
- 3) Tiny Houses
- 4) Habitable vs Occupiable
- 5) Use Table Clarification
- 6) Multiple Uses
- 7) Multiple Uses Special Exception
- 8) Description of Districts
- 9) Septic Design for ADU's
- 10) Permitted vs Accessory Uses

1) **Gross Living Area**

Groth explained that the ZBA proposed a definition for GROSS LIVING AREA (as it is used in the ordinance for Accessory Dwelling Units but it currently undefined) as follows:

GROSS LIVING AREA- Gross Living Area is defined as the total area of finished, above-grade residential space; calculated by measuring the outside perimeter of the structure and includes only finished, habitable, above-grade living space. Finished basements and attic areas are not generally included in total gross living area unless they are to be habitable.

Groth recommended the Board refer to §334-73.3 which is the Provisions section of Accessory Dwelling Units. Item H is the only instance in with the GLA term is used. Creating this definition causes the need for another definition, which will have a ripple effect throughout the Zoning Ordinance, affecting several other passages. Groth recommended replacing the word "habitable" with "size" and referring to established Town practice for determining size.

Motion was made by Mr. J. Ulery to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-73.3 (H) as written below, with language to be removed in strikethrough print and language to be added in bold print:

"The ~~gross living area (GLA)~~ **size** of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The ~~above-grade GLA~~ **size** of the principal dwelling shall not

be reduced to less than 850 square feet in order to accommodate the creation of an ADU.
Measurement of size shall be consistent with Town Assessor's practices."

Motion was seconded by C. Brackett. All in favor- Motion carried 7/0/0

2) **§334-6 Definitions**

Groth explained that the ZBA proposed to add a definition for: CORNER LOT – see LOT, CORNER and to modify the definition for LOT, CORNER to read as follows, with language to be removed in strikethrough print and language to be added in bold print:

"A corner lot is defined as a lot located at the intersection of two HIGHWAYS that has frontage on each public or private HIGHWAY with two adjacent sides abutting intersecting public streets (HIGHWAYS)."

Groth explained the intent of this change is to eliminate confusion and address the frontage and front setback requirements for corner lots and need to cross reference, but recommended striking "public or private" from the ZBA's proposed definition since it is redundant when accounting for the definition of HIGHWAYS.

Motion was made by Mr. J. Ulery to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-6 (Definitions) as written below, with language to be removed in strikethrough print and language to be added in bold print:

"A corner lot is defined as a lot located at the intersection of two HIGHWAYS that has frontage on each public or private HIGHWAY with two adjacent sides abutting intersecting public streets (HIGHWAYS)."

Motion was seconded by C. Brackett. All in favor- Motion carried 7/0/0

3) **Tiny Houses**

There was consensus among the Board that amendments related to Tiny Houses were not ready to be discussed in the context of a public hearing, and therefore did not discuss the proposal.

4) **§ 334-14 Building Height**

Groth explained that habitable should be replaced with occupiable. Habitable in other sources usually indicates residential use, while the intent of the Town's ordinance is occupiable, which indicates a structure that can be occupied by a human.

Motion was made by R. Coutu to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-14 Building Height as written below, with language to be removed in strikethrough print and language to be added in bold print:

“No ~~habitable~~ **occupiable** structure may exceed 38 feet in height in any district, except as provided in Subsection A below. [...] ~~Nonhabitable~~ **Non-Occupiable** structures such as church spires, steeples, smokestacks, flagpoles, light poles and other similar structures may not exceed 100 feet in height....Facilities.”

“In the following described zoning districts/parcels, the maximum allowed ~~habitable~~ **occupiable** building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for manufacturing, warehouse, distribution and office space ancillary to said principal uses.”

Motion was seconded by D. Dumont. All in favor- Motion carried 7/0/0

5) **§334 Attachment 1 - Table of Permitted Principal Uses**

Add asterisk and note to table of permitted uses as follows:

USE	R-1	R-2	TR	B	I	G	G-1
D. Commercial Uses							
31. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P *	P*	P*

P* = Permitted only in accordance with Section 334-15 (B) 2 on Commercial sites within the I, G and G1 zones

Groth explained the intent of this amendment is that the Table and written Section 334-15 (B) 2 were not in alignment. The Town of Hudson allows for the parking of heavy commercial vehicles and equipment on commercial sites within the I, G, and G-1 zones even though those zones are mixed with residential parcels.

Motion was made by D. Dumont to table the issue for further discussion in 2019.

Motion was seconded by E. Van der Veen. All in favor – Motion carried 7/0/0

- 6) **§334-10. Mixed or dual use on a lot. &**
- 7) **§334-26. Reduction of Requirements for mixed and dual uses; compatibility of uses.**

Groth explained that the 2018 change to mixed or dual use on a lot was intended for business and commercial applications only i.e. strip malls; the intent was never to include residential

lots, especially in the R1 and R2 zones. This Section needed to be addressed to specify only Business or Commercial uses on a lot.

Motion was made by D. Dumont to conduct a public hearing on the 9th of January 2019 for the proposed amendment to “§334-10 Mixed or dual use on lot.” and to “§334-26 Reduction of Requirements for mixed and dual uses; compatibility of uses.” with language to be removed in strikethrough print and language to be added in bold print:

§334-10 Mixed or dual use on a lot.

A. Multiple **Principal** Uses on a lot **in the Industrial or Business Zones** lot are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter **and the Hudson Land Use Regulations** pertaining to that use.

(1) The Business or Industrial lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage.

(2) The Business or Industrial lot is of sufficient size to satisfy the minimum lot size requirement for the principal use requiring the most lot area.

B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.

C. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of the property.

D. Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, Section 334-23. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual uses shall be compatible.

~~§334-26. Reduction of Requirements for mixed and dual uses; compatibility of uses. (Reserved)~~

~~A. The minimum frontage and lot size requirements, as required in Article III, §334-10, for mixed or dual use on a lot in the Industrial or Business Zones may be reduced by special exception, to the sum of the minimum frontage and/or lot size requirement for the principal use requiring the most frontage, plus not less than 50% of the minimum frontage and/or lot size requirement for each additional principal use.~~

~~B. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual use shall be compatible. An example of a compatible mixed or dual use would be a single residence and a business, where the residence would be occupied by the business owner or manager.~~

commercial vehicle							
29. Garaging or parking of two or more light commercial vehicles	N	N	N	P	P	P	P
31. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P
32. 28. Retail sale of agriculture, horticulture, floriculture and viticulture products.	N	N	N	P	N	P	P
33. 29. Tattoo parlor	N	N	N	P	N	N	N
34. 30. Body art/piercing	N	N	N	P	N	N	N

Table of Permitted Accessory Uses

Accessory Uses	R-1	R-2	TR	B	I	G	G-1
Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
Garaging or parking of two or more light commercial vehicles	N	N	N	N	P	P	P
Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P

Motion was seconded by C. Brackett. All in favor- Motion carried 7/0/0

- B. Discussion of hiring a meeting recorder
 Mr. Collins made a motion to ask the Board of Selectmen to hire a meeting recorder whose responsibility will be to record all discussion taking place at the scheduled Planning Board meetings. The motion was seconded by Mr. C. Brackett. All in favor –Motion carried 7/0/0.
- C. Sidewalk maintenance
 Mr. Van der Veen distributed materials related to the extent of the Town’s responsibility for sidewalk maintenance, as well as a portion of the Master Plan that identifies the corridor leading to Alvirne High School as a sidewalk priority area.

XVII. ADJOURNMENT

Motion to adjourn by Mr. D. Dumont. Seconded by Mr. R. Coutu. All in favor – motion carried 7/0/0

Meeting adjourned at 9:18 p.m.

 William Collins
 Secretary