



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman Marilyn McGrath, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

MINUTES/DECISIONS OF THE PLANNING BOARD MEETING DATE: DECEMBER 8, 2021

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Tim Malley Chair <u> X </u>	Ed Van der Veen Vice-Chair <u> X </u>	Elliott Veloso Secretary <u> X </u>	Jordan Ulery Member <u> X </u>
Dillon Dumont Member <u> X </u>	William Collins Member <u> X </u>	Victor Oates Alternate <u> X </u>	
Michael Lawlor Alternate <u> X </u>	Marilyn McGrath Alt. Select Rep. <u> E </u>	David Morin Select. Rep. <u> X </u>	Brian Groth Town Rep. <u> X </u>



- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

IV. SEATING OF ALTERNATES

None.

V. MINUTES OF PREVIOUS MEETING(S)

- 09 June 2021 Meeting Minutes – Decisions

Mr. Ulery moved to accept the 09 June 2021 Meeting Minutes (as written/amended).

Motion seconded by Mr. Collins. Motion carried 6/0/0.

- 10 November 2021 Meeting Minutes – Decisions

Mr. Ulery moved to accept the 10 November 2021 Meeting Minutes (as written/amended).

Motion seconded by Mr. Van der Veen. Motion carried 5/0/1 (Collins abstained).

- 17 November 2021 Meeting Minutes – Decisions

Mr. Dumont moved to accept the 17 November 2021 Meeting Minutes (as written/amended).

Motion seconded by Mr. Ulery. Motion carried 4/0/2 (Veloso & Van der Veen abstained).

VI. CONCEPTUAL REVIEW ONLY

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| A. Strickland Brothers Oil Change Conceptual Site Plan
CSP# 02-21 | 100 Lowell Road
Map 198/Lot 147 |
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Purpose of Plan: to propose a 10-minute oil change business at 100 Lowell Road. Application acceptance & hearing.

After discussion, Mr. Dumont made a motion to end the design review. Motion seconded by Mr. Collins. All in favor – motion carried 6/0/0.

VII. OLD BUSINESS

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| A. Bobcat of New Hampshire Conditional Use Permit
CUP# 10-21 | 2 Rebel Rd & 345 Derry Rd
Map 101/Lots 018 & 019 |
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Purpose of Plan: to allow a stormwater management system within the Wetland Conservation Overlay District. Application acceptance & hearing.

See motion below.

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| B. Bobcat of New Hampshire Site Plan
SP# 11-21 | 2 Rebel Rd & 345 Derry Rd
Map 173/Lot 29 |
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Purpose of Plan: to propose a new parking lot/access drive for both lots, as well as adding outdoor display and storage areas. The construction of two building additions with associated site improvements and outdoor display areas. Application acceptance & hearing.

Mr. Collins moved to approve the conditional use permit and site plan for Bobcat of New Hampshire at 2 Rebel Road & 345 Derry Road; Map 101 Lot 018-000 & Map 101 Lot 019-000, entitled: Site Development Plans, Tax Map 101 Lot 18 & 19 / Tax Map 2 Lot 34A, Bobcat of New Hampshire, 2 Rebel Rd & 345 Derry Rd (Hudson, NH) 307 Nashua Rd (Londonderry, NH); prepared by TFM, 48 Constitution Drive, Bedford, NH 03110; prepared for owner/developer Mal-Mar, LLC, 9 Dover Rd, Chichester, NH 03258, and Bobcat of New Hampshire; consisting of 15 sheets with General Notes 1-15 on Sheet 2 (C-2) and Notes 1-30 on Sheet 5 (C-4); dated July 26,

2021 and last revised November 12, 2021; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision and the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. All improvements shown on the Plan shall be completed in their entirety and at the expense of the applicant or the applicant's assigns.
3. A cost allocation procedure (CAP) amount of \$2,601.30 shall be paid prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, an L.L.S. Certified "as-built" site plan shall be provided to the Planning Department, confirming that the site conforms to the Plan approved by the Planning Board.
5. The specifications of the stormwater retention pond drainage and oil separator, as agreed by the Town Engineer, will be reflected on the final Plan.
6. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
7. The applicant shall schedule a pre-construction meeting with the Town Engineer prior to applying for a building permit.
8. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.
9. Blasting or ramming activities shall be limited to the hours between 9:00 A.M. and 5:00 P.M., Monday through Friday. Blasting activities are prohibited on Saturday and Sunday.
10. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 9:00 P.M., Monday through Saturday only. This condition shall also be noted on the final Plan.

Conditions Recommended by the Conservation Commission

11. Construction and restoration shall comply with Best Management Practices set forth in *New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control*.
12. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

13. The Town Engineer or his representative shall be allowed to inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding to the applicant and the Conservation Commission for remediation.

14. “No Cut/No Disturb” signage shall be installed along the wetland buffer boundary prior to issuing Certificates of Occupancy per Hudson Zoning Ordinance, Article IX §334-35 (E.).

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

C. MacThompson Site Plan
SP# 12-21

48 Lowell Road
Map 190/Lot 191

Purpose of Plan: to re-develop the site as a multi-use commercial site to include business or professional office, retail business and personal service establishment, and eating & drinking establishment. Application acceptance & hearing.

WAIVERS GRANTED:

Mr. Dumont moved to grant a waiver from § 275-8:C(2), to allow fewer than required off-street parking spaces to be provided, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Dumont moved to grant a waiver from § 275-8:C(4), to allow for 9-foot by 20-foot and 9-foot by 18-foot parking spaces, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Van der Veen moved to grant a waiver from § 275-8:C(6), to not require a dedicated loading space, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Van der Veen moved to grant a waiver from § 275-8:C(7)(a), to allow less than 10% of the interior of a parking lot to be landscaped, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Dumont moved to grant a waiver from § 276-11.1(B)(22), to not require the minimum 35-foot green area along the frontage, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Van der Veen moved to grant a waiver from § 276-11.1(B)(25), to allow portions of the parking area and travelway to be located within setbacks, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Van der Veen moved to grant a waiver from **ETGTD 920.3.13 & 930.4**, to allow the existing and non-conforming stormwater drainage (regarding Minimum Stormwater Drainage Pipe Slope & Velocity) to be used as part of the proposed site plan, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

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

Mr. Ulery moved to continue the public hearing for the site plan application for the MacThompson Site Plan at 48 Lowell Road, Tax Map 190 Lot 191-000 to date certain, December 22, 2021.

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

VIII. OTHER BUSINESS

A. Zoning Amendment Discussion

REPEAL ARTICLE XIII - HOUSING FOR OLDER PERSONS

Ballot Question:

Are you in favor of repealing, in its entirety, Hudson Zoning Ordinance Article XIII – Housing for Older Persons? This would have no effect on age-restricted developments that currently exist or have been approved. The effect of the repeal would be to stop incentivizing future development of age-restricted developments.

Mr. Veloso moved to send this question to public hearing, date specific, December 22, 2021.

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

REDUCE SETBACKS FOR ACCESSORY STRUCTURES IN THE TR ZONE

Ballot Question:

Are you in favor of reducing the side-yard and rear-yard setbacks for accessory structures, such as sheds in the Town Residential zone? These neighborhoods are in the core of Town and have much smaller lots than elsewhere in Town.

The Board decided that garages still follow principal setbacks.

Mr. Collins moved to send this question to public hearing, date specific, December 22, 2021.

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

BUILDING HEIGHT IN INDUSTRIAL ZONES

Ballot Question:

Are you in favor of reducing the allowable building height of industrial buildings near residential zones by requiring additional separation for buildings that exceed 38-feet in height?

It was decided that buffering between industrial/commercial uses from residential could be better addressed in site plan regulations.

Mr. Collins made a motion NOT to move forward with sending to public hearing because the board decided that buffering between industrial/commercial uses from residential could be better addressed in site plan regulations.

Motion seconded by Mr. Veloso. All in favor – motion carried.

DEFINITION: BUILDABLE AREA AND/OR AMEND 334-27.1.B

Ballot Question:

Are you in favor of revising the description of minimum buildable lot area for new subdivisions to require contiguous dry land that is not within the wetland conservation overlay district?

Mr. Collins made a motion NOT to move forward with sending to public hearing because the board feels it should be treated the same as land area within building setbacks.

Motion seconded by Mr. Van der Veen. All in favor – motion carried.

MIXED USE IN BUSINESS ZONES

Ballot Question:

Are you in favor of revising the mixed use requirements in the Business zones to allow for mixed use buildings with residential without requiring special exception? Such proposals would still require site plan review.

Mr. Ulery moved to send this question to public hearing, date specific, December 22, 2021.

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

TABLE OF USES

The table of permitted uses is slightly outdated and eventually needs to be modernized. In the short term, it would be wise to separate Distribution Facilities from the Self-Storage & Warehouse category, E.8.

This item will be sent to public hearing, date specific, December 22, 2021.

HOME OCCUPATION – DAYCARE

Ballot Question:

Are you in favor of changing the home occupation ordinance to allow outdoor activity for daycares as required by state licensing of daycare operations?

Mr. Collins moved to send this question to public hearing, date specific, December 22, 2021.

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

IX. ADJOURNMENT

Motion to adjourn by Mr. Collins. Seconded by Mr. Veloso. All in favor – motion carried 7/0/0.

Meeting adjourned at 10:19 p.m.

Elliott Veloso
Secretary

*Mr. Collins moved to accept the minutes/decisions on 1/19/22.
Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.*

Note: Planning Board minutes are not a transcript. For full details on public input comments, please view the meeting on HCTV (Hudson Community Television).