



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: JANUARY 12, 2022

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> E </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 7:15 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL

IV. SEATING OF ALTERNATES

Mr. Lawlor seated for Mr. Veloso.

V. OLD BUSINESS

A. 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.

Mr. Van der Veen moved to defer 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, February 9, 2022.

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

VI. NEW BUSINESS

A. Stuart Street Change of Use
SP# 15-21

7 Stuart Street
Map 234/Lot 048

Purpose of Plan: to change the use of the southerly building on the property from a dog training facility to a residential home [Variance granted by the ZBA on 12/09/21].

Mr. Collins moved to accept the site plan application for McGibbon Property at 7 Stuart Street; Tax Map 234/Lot 048-000.

Motion seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

Public input opened @ 7:20 p.m. Public input closed @ 7:20 p.m.

Mr. Ulery moved to approve Change of Use Site Plan, McGibbon Property, Map 234; Lot 48, Stuart Street / River Road, Hudson, New Hampshire, Hillsborough County; prepared by Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110; prepared for Lori McGibbon, 7 Stuart Street, Hudson, NH 03051; consisting of a single sheet with notes 1-12 on Sheet 1; dated November 11, 2021, last revised January 3, 2022; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan and the Variance Notice of Decision
2. The Town Engineer's comments regarding water and septic service shall be addressed prior to Planning Board endorsement of the Plan.
3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
4. 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.
5. This approval is conditioned upon satisfaction of the conditions of the variance.
6. This site plan is only valid so long as the variance for the use remains valid. This approval will terminate by operation of law when the variance expires. A separate notation shall be included in the plan, separate from the general conditions, in bold face type, which states that: "The change of use authorized by the this site plan is permitted by a variance granted in accordance with RSA 674:33, V, which was deemed necessary to provide a reasonable accommodation to allow a person or persons with a recognized physical disability to reside in or regularly use the premises. Pursuant to RSA 674:33, V (b), the variance shall survive only so long as the particular person has a continuing need to use the premises. At such time as the particular person no longer has a continuing need to use the premises, the variance will expire, and the change of use authorized by this site plan shall no longer be deemed a permitted use of the premises."

Motion seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

B. Roystan 5-Lot Subdivision Plan
SB# 08-21

10 Caldwell Road
Map 194/Lot 002

Purpose of Plan: to show the proposed subdivision of the existing 34.65-acre lot into five residential lots.

Mr. Dumont moved to accept the subdivision plan application for Roystan-Speare Road Subdivision at 10 Caldwell Road; Tax Map 194/Lot 002-000.

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

Public input opened @ 7:30 p.m.

Donald Dion, 28 Speare Road – concerned about the water, stormwater drainage, existing culvert, possible flooding of his driveway and the duplex's next to him.

Kevin Partridge, 22 Speare Road – concerned with the number of driveways, stormwater, and questions about the water supply.

Eric Crear, 74 Bush Hill Road – concerned about stormwater and wetlands.

Paige Schaller, 213 Fox Hollow Drive – asked about the public road status & questioned a wildlife study.

Public input closed @ 7:41 p.m.

Mr. Dumont moved to approve the plan entitled: Residential Subdivision, Speare Road, Map 194, Lot 2, 10 Caldwell Road, Hudson, New Hampshire; prepared by Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110; prepared for Wendy Roystan, 82 Bush Hill Road, Hudson, NH 03051; consisting of 9 sheets with an additional Cover Sheet, and notes 1-15 on Sheet 1; dated September 2, 2021, and last revised December 10, 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, including notes 1-15 on Sheet 1, shall be completed in their entirety and at the expense of the applicant or the applicant's assigns.
3. Approval of this plan shall be subject to final administrative review by the Engineering Department and Planning Department.
4. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
5. A cost allocation procedure (CAP) at the current rate for the housing type at this date, shall be paid prior to the issuance of a Certificate of Occupancy for the new housing units.

6. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
7. Installation of markers at the 50' wetland buffer on the proposed Lot 2-1 prior to the issuance of a Certificate of Occupancy.
8. Any proposed development activity on these lots shall comply with §290 of the Hudson Land Use Code, including adequate stormwater management and erosion control measures and, if applicable, an approved Stormwater Management and Erosion Control Plan.
9. There shall only be one driveway per lot.
10. Ramming & blasting activities involving the proposed undeveloped lots shall be limited to the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday.

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

C. Petitioned Zoning Amendments Public Hearing

- i. To amend the Table of Permitted Uses to remove wholesale, warehouse, self-storage mini-storage and distribution facility from the permitted uses under Industrial, General and General-1 zones.

James Crowley presented the petitioned zoning amendment.

Public input opened @ 8:17 p.m.

Jay Leonard, local attorney for a few land owners in town & the Friels – does not support the article & states this would apply to 60% of land in town, and the purpose being growth control.

Tom Farrelly, Cushman & Wakefield – does not support the article, manufacturing has over 50% of the floor area is warehouse, and said this would eliminate economic development.

Jim Dobens, 4 Eagle Drive – supports the article & feels we will become a dumping ground for industrial parks & warehouses without the proper infrastructure.

Dean Sakati, 11 Fairway Drive – supports the article & feels we don't need laissez faire development, and that we need the planning boards protection for development like this.

Paige Schaller, 213 Fox Hollow Drive – supports the article & is worried about the residents in town, buffers matter, need to look for the right type of business for the parcel, 200 foot buffer is not enough.

Heidi Jakoby, 94 Gowing Road – supports the warrant article, variances & waivers are the right path.

Public input closed @ 8:41 p.m.

Mr. Collins moved to not recommend the petitioned zoning amendment “To amend the Table of Permitted Uses to remove wholesale, warehouse, self-storage mini-storage and distribution facility from the permitted uses under Industrial, General and General-1 zones.”

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

- ii. In places where a 50-foot building height is allowed, to add a minimum 400-foot setback from residential zones for buildings exceeding 38-feet, with an additional 10-feet of setback for every 100,000 square feet of building footprint.

James Crowley presented the petitioned zoning amendment.

Public input opened @ 8:57 p.m.

Jim Dobens, 4 Eagle Drive – supports the article & feels the board needs to protect the residents of the town.

Dean Sakati, 11 Fairway Drive – supports the article & feels the board should listen to the residents.

Jay Leonard, attorney – doesn’t support the article & feels the 400 foot buffer is unreasonable, we need to go through the Master Plan, and this would strip property owner rights.

Paige Schaller, 213 Fox Hollow Drive – supports the article & talks about how much buffers matter.

Heidi Jakoby, 94 Gowing Road – supports the article.

Public input closed @ 9:08 p.m.

Mr. Collins moved to not recommend the petitioned zoning amendment “In places where a 50-foot building height is allowed, to add a minimum 400-foot setback from residential zones for buildings exceeding 38-feet, with an additional 10-feet of setback for every 100,000 square feet of building footprint.”

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

- iii. To amend the land use regulations to increase the buffer for commercial & industrial development in General and General-1 zones from 200-feet to 400-feet between commercial or industrial development and a residential use or zone.

James Crowley presented the petitioned zoning amendment.

Public input opened @ 9:26 p.m.

Jim Dobens, 4 Eagle Drive – supports the article & feels we will become an industrial town, and will have high density housing.

Ron Brown, 5 Hickory Street – supports the article & feels the board is working for the developers and not the residents.

Heidi Jakoby, 94 Gowing Road – supports the article & feels the residents need to be heard.

Jay Leonard, attorney – doesn't support the article & believes there is an obligation on developers to prove impacts are mitigated, and that the 400' buffer is arbitrary.

Dean Sakati, 11 Fairway Drive – supports the article & feels the town need to pump the breaks, pause and rewrite the regulations.

Public input closed @ 9:35 p.m.

Mr. Dumont moved to not recommend the petitioned zoning amendment “To amend the land use regulations to increase the buffer for commercial & industrial development in General and General-1 zones from 200-feet to 400-feet between commercial or industrial development and a residential use or zone.”

Motion seconded by Mr. Ulery. All in favor – motion carried 6/1/0 (Van der Veen).

- D. Zoning Amendment Public Hearing: To amend the Table of Permitted Uses to separate and define several types of Distribution Facilities and Warehouses and to restrict said uses to Industrial Zones.

Public input opened @ 9:45 p.m.

Jim Crowley, 4 Fairway Drive – old business table of permitted uses allows warehouses and new amendment is different. What if both are approved?

Jay Leonard, attorney – feels we need an updated master plan.

Public input closed @ 9:49 p.m.

Mr. Dumont moved to not move the amendment to the ballot.

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

- B. Zoning Amendment hearing continued: To amend the Table of Permitted Uses to separate Distribution Facilities from Self-Storage and Warehouses, and to restrict Distribution Facilities to Industrial Zones.

Public input opened @ 10:01 p.m.

Jim Crowley, 4 Fairway Drive – feels should have used VHB to do definitions.

Paul Inderbitzen, 2 Timothy Lane – procedural question on the amendment for the warrant article.

Jay Leonard, attorney – concerned with the definitions, with limiting to industrial, and the master plan process.

Susan Gosselin, 9 Fairway Drive – wants to see balance in development.

Public input closed @ 10:09 p.m.

Mr. Ulery moves to reinstate the word “wholesale”.

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

Mr. Collins moved to continue the public hearing on the proposed changed to date specific, January 26, 2022.

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

VII. 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.

Brian Groth
Town Planner

*Mr. Ulery moved to accept the minutes/decisions on 2/23/22.
Motion seconded by Mr. Dumont. Motion carried 6/0/1 (Veloso Abstained).*

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