



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: MARCH 23, 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> X </u>	Jordan Ulery Member <u> X </u>
Dillon Dumont Member <u> X </u>	James Crowley Member <u> X </u>	Victor Oates Alternate <u> X </u>	
Michael Lawlor Alternate <u> X </u>	Marilyn McGrath Select Rep. <u> E </u>	David Morin Alt. Select. Rep. <u> X </u>	Brian Groth Town Rep. <u> X </u>



- I. CALL TO ORDER BY CHAIRPERSON AT 7:01 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF PREVIOUS MEETING(S)

Mr. Morin moved to defer review of the February 23, 2022, and March 4, 2022 Meeting Minutes to the end of the meeting. Seconded by Mr. Veloso. Motion carried 7/0/0.

- V. SEATING OF ALTERNATES
- VI. OLD BUSINESS

A. Friars Drive Site Plan
SP# 10-21

Friars Drive/161 Lowell Rd.
Map 209/Lot 001-000

Mr. Crowley recused himself at 7:03 for reasons that he has participated so much as a member of the public, and although he does not feel he has pre-judged the case, he recuses himself to avoid the appearance of impropriety or anything that could be construed as undermining the decision of the board.

Mr. Oates was seated for Mr. Crowley.

Purpose of plan: to show a proposed 504,000 SF single-story state-of-the-art industrial facility with 104 loading doors on two sides, 362 car parking spaces and 71 trailer spaces.
Continuance of hearing.

Morgan Hollis of Gottesman & Hollis, 39 East Pearl Street, presented on behalf of the GFI Partners, beginning with a recap of the application, followed by a discussion of the peer review of the property value analysis.

Hayley Palazola of GFI Partners, contributed additional information on their property value analysis.

Public input opened at 7:44, restricted to the topic of the property studies.

Jordan Gosselin, 617 Fox Hollow Drive; cited “Impact of the Commercial Development on Surrounding Residential Property Values” Johnathan A. Whiley PhD Associate Professor at Georgia State University (2015)- regarding property value reduction statistics.

Xen Vurgaropulos, 5 Muldoon Drive; concerns regarding the over occupancy of the meeting space.

Louise McNulty, 601 Fox Hollow; feels property studies were out of date, alleges that the sound study was done illegally.

Dana Planck, 523 Fox Hollow; her rental decision was made primarily based on the use of trails on applicant’s property as promised by property manager. Also stated dissatisfaction with lack of notification by landlord.

Scott Phelps, 438 Fox Hollow; concerned with 24/7 noise.

Ron Brown 5 Hickory Street; suggests there was no public announcement of the project. Claims 6 of 8 recent Fox Hollow buyers were unaware. Also, buildings and businesses of this size did not exist in the time of the drafting of the study.

Stephanie Canavas, 3 Locust Street; said there is emotional and human impact on the community, bucolic character. Concerned with 24/7 noise.

Rita Banatwala, 29 Fairway Drive; had concerns about holes in the Hudson Logistics Center real estate analysis. Asked if Board would choose to live next to Industrial Park or a forest

Joan MacSweeney, 10 Hickory Street; Has concerns with the construction of the berm, burying of stumps in the berm visually shielding the neighborhood, and the maintenance of the fence being placed.

Recess called by Chairman Malley at 8:07, citing complaints about the size of the room occupancy. The fire Chief stated that capacity was 75, being within capacity at 52 attendees, meeting resumed at 8:11.

Denise Hulse, 16 Hickory Street; Appreciated that additional efforts to mitigate impacts to the neighborhood. Stated that 2 new neighbors on Aspen Street, were unaware of the project when they bought property in the fall. Would not want to buy her property if she knew that the development would take place, and was concerned about impacts to resale.

Brian O'Donnell, 942 Fox Hollow Drive; Appealed to Board to use "common sense," questioning the value of the study in relation to character of this proposal.

John Dubuc, 11 Eagle Drive; felt that the Board was testifying for developers, and appealed to the Board to "ask the tough questions." Critical of the Hudson Logistics Center studies, he read from the peer review report, stating concerns about issues within.

Colleen Vurgaropulos, 5 Muldoon Drive; Hudson Logistics Center's Reek's report didn't find any comparable developments.

Kristine Holzhauser, 517 Fox Hollow Drive; People who moved in 4 of 5 say they wouldn't have bought if they knew about the development. Meeting the ordinance is not enough. There are other proposals that would be better suited.

Ron Brown, 5 Hickory Street; Value is more than monetary, need to consider the nostalgic and emotional value.

Scott Phelps, 436 Fox Hollow; we won't be able to stop anything.

Xen Vurgaropulos, 5 Muldoon Drive; Desired that the Board listen to the people, this is about more than money.

End of public input at 8:31

Morgan Hollis, Gottesman & Hollis, responded to public comments, and agreed that the berm shall be composed of soil, no stumps shall be buried, and that the fence shall be maintained on a regular basis.

Chairman put the matter before the Board for deliberation.

Recess at 9:13. Resumed at 9:17.

Mr. Veloso moved to approve Site Plan, Friars Drive, Parcel 209-001-000, @ Sagamore Industrial Park, Hudson, New Hampshire; prepared by the Dubay Group, Inc., 136 Harvey Rd, Bldg B101, Londonderry, NH 03053; prepared for owners: GFI Partners / Lowell Road Property Owner, LLC, 133 Pearl Street #300, Boston, MA 02110 & 5 Way Realty Trust (Peter Horne, Trustee) PO Box 1435, N. Hampton, NH 03862; consisting of 97 sheets (including proposed elevations prepared by aF+S), with general notes 1-10 on Sheet 4; dated August 3, 2021, last revised January 11, 2022; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan and the protective covenants.
2. All improvements shown on the Plan, including notes 1-10 on Sheet 4, shall be completed in their entirety and at the expense of the applicant or the applicant's assigns.
3. Prior to the issuance of a final certificate of occupancy, an LLS Certified "as-built" site plan shall be provided to the Town of Hudson Land Use Division, confirming that the site conforms to the Plan approved by the Planning Board.
4. A cost allocation procedure (CAP) amount of \$357,840.00 shall be paid prior to the issuance of a Certificate of Occupancy.
5. Applicant shall provide in depth detail of the right-turn slip lane that exits Lowell Road onto Friars Drive including soil testing and cross section of the slip lane, which will be subject to final approval by Engineering & Public Works Department. The design and construction of this off-site improvement will be completed at the expense of the applicant or the applicant's assigns. This work shall be completed prior to issuance of a certificate of occupancy.
6. A note shall be added to the plan stating: "There shall be no overnight occupancy of trucks on site. Vehicle idling shall comply with the requirements of Env-A 1100, as amended."
7. The onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
8. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
9. 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.
10. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.
11. Between the hours of 7pm and 6am the Applicant agrees to employ electric terminal tractors, also known as yard trucks.
12. All terminal tractors shall be equipped with smart, ambient sensing, multi-frequency back-up alarms.
13. Applicant shall maintain fences on a regular basis.

14. A note shall be added to the plan stating that stumps will not be buried on site and the berm will be made of soil.

Motion seconded by Mr. Dumont. Motion carried 6/1/0 (Mr, Oates opposed)

Mr. Crowley reseated at 9:28pm. Mr. Oates returned to alternate position.

Motion by Mr. Dumont to continue the meeting beyond 9:30pm. **Seconded** by Mr. Van der Veen. All in favor - motion carried, 7/0/0

B. Proposed Urgent Care & Commercial Use Site Plan
SP# 01-22

3 Flagstone Drive
Map 222/Lot 014

Purpose of Plan: to propose a 5,100 +/- square foot building containing a 3,600 +/- square foot urgent care and additional 1,400 +/- square feet of commercial space, with associated site improvements. Continuance of hearing.

Matt Bombaci, Bohler Engineering on behalf of Lannan Compares presented plan updates and revisions. The applicant is no longer seeking approval for a restaurant use, reconfigured parking and is seeking reconsideration of off-street loading space waiver request.

Mr. Veloso moved to reconsider the denied waiver request from §275-8.C(6). Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

WAIVER GRANTED:

Mr. Veloso moved to grant a waiver from § 275-8.C.(6), off-street loading 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. Dumont moved to approve Proposed Urgent Care & Commercial Use; Map 222 Lot 14, 3 Flagstone Drive, Hudson, NH, 03051; prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772; prepared for The Lannan Company, 7D Taggart Drive, Nashua, NH 03060; consisting of 17 sheets with General Notes 1-30 on Sheet C-102; dated January 17, 2022 and revised March 10, 2022; 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 1-30 on Sheet C-102, shall be completed in their entirety and at the expense of the applicant or the applicant's assigns.
3. Prior to the Planning Board endorsement of the Plan, the Plan and agreement with the owner of Map 222 Lot 12 shall be subject to final administrative review by Town Planner, Town Engineer and Town Counsel.
4. Prior to applying for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
5. Adequate test pit data for a test pit shall be provided to the Town, to the satisfaction of the Town Engineer. The test pit shall be performed and witnessed by a P.E. in the Engineering Department prior to installation of the underground chamber.
6. The Applicant shall submit the agreement granted by the owner of Map 222 Lot 13 to enable the proposed work to take place on that parcel.
7. A cost allocation procedure (CAP) amount of \$24,390.30 shall be paid prior to the issuance of a Certificate of Occupancy.
8. Prior to the issuance of a final certificate of occupancy, an LLS Certified "as-built" site plan shall be provided to the Town of Hudson Land Use Division, confirming that the site conforms to the Plan approved by the Planning Board.
9. 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.
10. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.
11. A check dam will be added to the plan as indicated in the applicant's testimony. However, the inclusion of this check dam is subject to the review and approval of the Town Engineer.
12. The applicant agrees to cooperate with the Town in the event the Town wishes to build a sidewalk along this property.

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

VII. OTHER BUSINESS

A. Master Plan Update Schedule.

Town Planner Groth stated that the Nashua Regional Planning Commission will have the project website online by April 13, 2022 that will include the draft Master Plan chapters and will have a draft survey for the purposes of feedback on

the draft chapters for Board review and comment by April 27, 2022. Additional outreach will follow the survey effort.

VIII. ADJOURNMENT

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

Meeting adjourned at 11:00 p.m.

Dillon Dumont
Secretary

*Mr. Dumont moved to accept the minutes/decisions on 4/13/22.
Motion seconded by Mr. Veloso. 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).