



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Robert Guessferd, 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: AUGUST 23, 2023

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Tim Malley Chair <u>X</u>	Jordan Ulery Vice-Chair <u>X</u>	Brian Etienne Secretary <u>E</u>	Victor Oates Member <u>X</u>
James Crowley Member <u>X</u>	George Hall Alternate <u>X</u>	Michael Lawlor Alternate <u>X</u>	Autumn Scott Alternate <u>X</u>
Bob Guessferd Select. Rep <u>X</u>	Dave Morin Alt. Select. Rep. <u>E</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
Mr. Hall seated for open seat.
Mr. Lawlor seated for Mr. Etienne.

Ms. Scott arrived at 7:01 P.M.

- V. MINUTES OF PREVIOUS MEETING(S)
- 26 July 2023 Meeting Minutes

Mr. Crowley moved to approve the July 26, 2023 minutes.
Motion seconded by Mr. Oates. Motion carried 5/0/2 (Ulery & Lawlor abstained).

VI. OLD BUSINESS

- A. 84 Lumber Company Site Plan 3 Sullivan Road
 SP# 09-22 Map 145/Lot 015
 Purpose: to depict a proposed lumberyard, which includes 55,500 square feet of proposed lumber sales and storage buildings, and associated site improvements. Continuance of hearing.

Guy Flament, 84 Lumber; Chad Brennan, Fieldstone Land Consultants; Ben Bonnice, Noise Control Engineering; and Scott Thornton, Vanasse & Associates presented updates on the application and answered questions from the Planning Board members.

Town Planner Groth asked the applicant if NH DOT determined a traffic signal was needed at the intersection of NH 111/Sullivan Road/Lawrence, is 84 Lumber willing to fund any improvements

needed. Guy Flament, 84 Lumber replied yes, he would need to get final approval from his boss but he is 99.9% sure she would agree to it because it is going to be contingent on building site plan approvals, etc. etc., so if they didn't abide by that it is just not good business.

Public Input was opened at 7:49 P.M.

Daniel Rodier, 15 Sullivan Road

Mr. Rodier was not aware that the applicant decided not to install a privacy fence on his property as previously agreed and presented.

Public Input closed at 7:58 P.M.

The applicant agreed to install the privacy fence at 15 Sullivan Road as previously agreed to with Mr. Rodier in addition to both the noise wall and the screening fence located on top of the berm adjacent to the stormwater pond.

Waiver Approval:

Mr. Ulery moved to grant a waiver from **§276-11.1 B(12)c** to allow a portion of the storm water management area within the 100-foot buffer, 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. Hall. Motion carried 5/2/0 (Crowley & Oates).

Site Plan Approval:

Mr. Ulery moved to approve the Site Plan application for 84 Lumber Company, Map 145 Lot 15, 3 Sullivan Road, Hudson, New Hampshire; prepared by: Fieldstone Land Consultants, PLLC, 206 Elm Street, Milford, NH 03055; prepared for 84 Lumber Company, 1019 Route 519, Building 4, Eighty Four, PA 15330; consisting of 11 sheets and general notes 1-26 on Sheet 2 and 3 Exhibit sheets; dated August 2, 2022; last revised August 10, 2023.

That the Planning Board finds that this application complies with the Zoning Ordinances, and with the Land Use Regulations; in consideration of the waiver granted, and for the reasons set forth in the written submissions, together with the testimony and factual representations made by the applicant during the public hearing;

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.
2. A cost allocation procedure (CAP) amount of \$87,135.00 shall be paid prior to the issuance of a Certificate of Occupancy.
3. Prior to the issuance of a final certificate of occupancy, an L.L.S. Certified "as-built" site plan shall be provided to the Town of Hudson Land Use Division confirming that the development conforms to the Plan approved by the Planning Board.
4. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.

5. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
6. 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.
7. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.
8. No woodcutting or wood processing shall occur on site.
9. Noise barriers recommended in the sound study shall be implemented according to manufacturer's specifications
10. Forklifts shall not be diesel powered and shall be equipped with ambient sensitive white noise backup alarms.
11. Tractor Trailer or other Heavy Trucks shall not be present on Saturdays.
12. Offsite improvements as presented at the intersection of Sullivan Road/Bridle Bridge Road/Site Driveway shall be completed to the satisfaction of the Engineering Department, and the DPW, prior to the issuance of a Certificate of Occupancy.
13. The applicant shall comply with NHDOT's decision on the traffic signal warrant analysis, and shall fund any improvements as necessary.
14. A fence that is 100-feet in length fence shall be placed at 15 Sullivan Road to provide visual screening. The material shall be 6-foot wooden stockade, and the placement of the fence shall be chosen by the owner of 15 Sullivan Road.

Motion seconded by Mr. Hall. Motion carried 5/2/0 (Crowley & Oates).

The Chair put the Planning Board in recess at 8:25 P.M; reconvened at 8:37 P.M.

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| B. | 279 Lowell Road Change of Use Site Plan
SP# 06-23 | 279 Lowell Road
Map 234/Lot 032 |
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- Purpose: to illustrate the existing and proposed conditions for a change of use to convert an existing veterinarian clinic to a vape shop. Continuance of hearing.

Gregg Jeffrey of Jeffrey Land Survey, and Bonnie King, Applicant, continue presenting the application.

Wendell Skidgel, friend of Ms. King, speaks on her behalf in regards to the property impact study request, and noting that no commercial use could exist if the 100-foot buffer is imposed.

There was discussion to clarify the type of use requested be studied by the property impact study. The discussion concluded that the type of use to be studied was specific to impacts on residential property values by tobacco/vape related shops.

Mr. Guessferd made a motion to reconsider the requirement of the property impact study due to the type of business abutting a residential neighborhood. Motion seconded by Mr. Ulery.

Mr. Oates moved to table the motion to reconsider until legal counsel has been received. Motion seconded by Mr. Crowley. Motion carried 5/0/2 (Malley & Ulery).

Public input opened @ 9:02 P.M.

Soren Komma, owner of 279 Lowell Road – Doesn't believe there is a big difference between proposed use and previous use, and doesn't understand why the board is forcing the applicant to spend the money on a housing study.

Melissa & Don Wong, 18 Linda Street – Doesn't think a vape shop belongs in this location and feels it will negatively affect their property value with or without a property study. Concern with impact on children and customers it would attract. Would like a bike shop because it something healthy. A convenience store it would not be ideal but at least it would have bread and milk even if they sold cigarettes. They asked why relief from the 100' buffer is being considered.

Public input closed @ 9:09 P.M.

Mr. Malley expressed concern with parking spot dimensions and layout.

Mr. Jeffrey said they were open to reconfiguring parking.

Mr. Crowley requested a detail for the proposed fence, and that the waiver request for location of roadways, driveways etc. within 200-feet should not be needed because it can be provided.

Mr. Jeffrey estimated the additional cost to the applicant and questioned the purpose for a project of this size. Mr. Jeffrey discussed the need for waivers due to the hardships of this site created by NHDOT takings and history of the site.

Mr. Oates expressed concern with parking layout and request for waiver to require a loading space.

Jawed Shaikh, partner in Smoker Choice, stated that deliveries are from UPS and FedEx in small boxes like a residential delivery in boxes or a small dolly, not palettes.

Mr. Oates moved to schedule a site walk on Saturday August 26, 2023 at 9 A.M.

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

Mr. Ulery moved to continue the hearing on SP# 06-23, Site plan / 279 Lowell Road, Hudson, NH, Map 234/Lot 032, to date certain, September 13, 2023.

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

VII.

NEW BUSINESS

- A. West Road 2-Lot Subdivision Plan
SB# 01-23

19 West Road
Map 101/Lot 006

Purpose: to subdivide the existing 10.52-acre lot into one 1.51-acre lot, leaving the existing lot with 9.01 acres. Application acceptance & hearing.

Mr. Crowley moved to determine that the subdivision application for the 19 West Road 2-Lot Subdivision Plan SB# 01-23, 19 West Road, Map 101/Lot 006 , is NOT a development of regional impact.

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

Mr. Crowley moved to accept the subdivision application for the 19 West Road 2-Lot Subdivision Plan SB# 01-23, 19 West Road, Map 101/Lot 006.

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

John Yule, LLS, Maynard & Paquette; Ben Bosowski, Bosowski Properties, LLC represented the application.

Public input opened & closed at 9:43 P.M., with no one wishing to speak.

There was discussion on different requirements between subdivision and site plan. The application currently before the Planning Board was for a subdivision only.

Mr. Crowley moved to require wetland buffer markers.

Motion seconded by Mr. Oates. Motion failed – 2/5/0 (Malley, Ulery, Guessferd, Hall & Lawlor opposed).

Mr. Ulery moved to continue the meeting passed 10:00 P.M.

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

Mr. Ulery moved to approve the subdivision application for the Bosowski Subdivision, Map 101 Lot 6, 19 West Road, Hudson, New Hampshire; prepared by: Maynard & Paquette Engineering Associates, LLC, 31 Quincy Street, Nashua, NH 03060; prepared for: Bosowski Properties, LLC, 40 Temple Street, Nashua, NH 03060; consisting of 2 sheets and general notes 1-11 on Dwg. No. 1; dated March 21, 2023, last revised July 10, 2023; and:

That the Planning Board finds that this application complies with the Zoning Ordinances, and with the Land Use Regulations; and for the reasons set forth in the written submissions, together with the testimony and factual representations made by the applicant during the public hearing; 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.
2. All monumentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.

Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

The Chair put the Planning Board in recess at 10:08 P.M; reconvened at 10:13 P.M.

- B. 8 Industrial Drive Site Plan Amendment 8 Industrial Drive
SP# 05-23 Map 161/Lot 041
Purpose: to show a proposed 4,200 s.f. automotive addition and access at back of property.
Application acceptance & hearing.

Mr. Ulery moved to determine that the site plan application SP# 05-23, 8 Industrial Drive / Site Plan Amendment, 8 Industrial Drive, Map 161/Lot 041, is NOT a development of regional impact.

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

Mr. Ulery moved to accept the site plan application for the 8 Industrial Drive / Site Plan Amendment, 8 Industrial Drive, Map 161/Lot 041.

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

Katie Weiss, Bedford Design Consultants; Marco Plante, MDP Realty Associates, LLC presented the application.

There was discussion and a request to clarify the proposed use of the building addition.

Public input opened & closed at 10:25 P.M., with no one wishing to speak.

Waivers:

1. Mr. Crowley moved to grant a waiver from § 275-8.C.(7), Parking Lot Landscaping, to not require any additional landscaping where landscaping would typically be required, 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.

2. Mr. Crowley moved to grant a waiver from § 276-11.1.B.(17), Benchmarks on Plan, to not require a survey company to calculate and locate benchmarks when they are typically required, 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.

3. Mr. Crowley moved to grant a waiver from § 275-8.(G), Parking Calculations and Requirements, to not require 142 parking spaces that are typically required, 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.

4. Mr. Crowley made a motion to grant, for purpose of discussion, a waiver from § 276-11.1.B.(9), Licensed Land Surveyor Stamp, to not require a licensed surveyor stamp where one is typically required, 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 (for purpose of discussion). Motion failed 0/7/0.

Mr. Ulery moved to continue the site plan application for the 8 Industrial Drive / Site Plan Amendment, 8 Industrial Drive, Map 161/Lot 041, to date certain, September 27, 2023.

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

VIII. OTHER BUSINESS

A. Proposed Amendment to §276.11.1B(5)

Mr. Ulery moved to schedule a public hearing on September 13, 2019, for an amendment regarding plan validity in accordance with RSA 674:39 to delete § 276-11.1.B(5) of the Hudson Land Use Regulations because it is redundant with § 276-11.1.B(4) .

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

IX. ADJOURNMENT

Mr. Ulery moved to adjourn.

Motion seconded by Mr. Hall. All in favor - Motion carried 7/0/0.

Meeting adjourned at 11:00 P.M.

Brian Groth
Town Planner

*Mr. Hall moved to accept the minutes as amended on 09/13/23.
Motion seconded by Mr. Crowley. Motion carried 5/0/1 (Morin 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).