



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: SEPTEMBER 27, 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>X</u>	Victor Oates Member <u>X</u>
James Crowley Member <u>E</u>	George Hall Alternate <u>X</u>	Michael Lawlor Alternate <u>X</u>	Autumn Scott Alternate <u>E</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. Crowley.
- V. MINUTES OF PREVIOUS MEETING(S)
 - 13 September 2023 Meeting Minutes

Mr. Ulery moved to approve the September 13, 2023 minutes.
Motion seconded by Mr. Hall. Motion carried 4/0/3 (Malley, Guessferd & Etienne abstained).
- VI. CORRESPONDENCE
 - A. Appointment – temporary appointment of member until next regular municipal election.

Mr. Etienne moved to appoint Mr. Ed Van der Veen as member of the Planning Board until the next regular municipal election.
Motion seconded by Mr. Hall. All in favor – motion carried 7/0/0.

Mr. Ulery recommends that the Board of Selectmen (BOS) appoint Mr. Timothy Lyko as an alternate to the Planning Board.
- VII. OLD BUSINESS
 - A. 279 Lowell Road Change of Use Site Plan
SP# 06-23

279 Lowell Road
Map 234/Lot 032

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.

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 @ the August 23, 2023 Planning Board meeting (postponed for legal review). Motion carried 6/1/0 (Oates).

Mr. Etienne moved to nullify the requirement of the property impact study. Motion seconded by Mr. Ulery. Motion carried 6/1/0 (Oates).

Gregg Jeffrey of Jeffrey Land Survey presents the plan revisions with Bonnie King, applicant.

Public input opened @ 7:26 P.M. No input. Public input closed @ 7:26 P.M.

Waivers:

1. §275-9.A – Stormwater Management Plan

Mr. Etienne moved to grant a waiver from §275-9.A, to not require a Stormwater Management Plan, based on the Board's discussion, and the testimony of the Applicant's representative. Motion seconded by Mr. Hall. All in favor – motion carried 7/0/0.

2. §275-8.C.4 – Parking Space Dimensions

Mr. Etienne moved to grant a waiver from §275-8.C.4, to allow parking space dimensions of less than 10-feet by 20-feet, based on the Board's discussion, and the testimony of the Applicant's representative. Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

3. §275-8.C.2.p – Parking Space Calculations

Mr. Etienne moved to grant a waiver from §275-8.C.2.P, to allow a number of parking spaces less than that required by calculation of 1 per 200 square feet, based on the Board's discussion, and the testimony of the Applicant's representative. Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

4. §275-8.C.5 – Parking Aisle Dimensions

Mr. Etienne moved to grant a waiver from §275-8.C.5, to allow reduced parking aisle dimensions, based on the Board's discussion, and the testimony of the Applicant's representative. Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

5. §276-11.1.B(12) – 100-foot buffer to residential

Mr. Etienne moved to grant a waiver from §276-11.1.B(12), to not require a 100-foot buffer between the improved portion of the commercial use and a residential use, based on the Board's discussion, and the Applicant's representative. Motion seconded by Mr. Hall. All in favor – motion carried 7/0/0.

6. §276-11.1.B(16) – Location of roadways, driveways, travel areas or parking areas within 200-feet.

Mr. Etienne moved to NOT grant a waiver from §276-11.1.B(16), to not require a plan showing all vehicular travel ways within 200-feet, based on the Board's discussion, and the testimony of the Applicant's representative. Motion seconded by Mr. Oates. Motion fails 2/5/0 (Oates & Etienne in favor)

Mr. Ulery moves that the Board finds it is not needed because this requirement has been met by presentation of Town GIS as permitted by the regulation.
Motion seconded by Mr. Hall. Motion carries 6/1/0 (Oates).

7. §276-11.1.B(22) – 35-foot green area between pavement and ROW

Mr. Ulery moved to grant a waiver from §276-11.1.B(22), to not require a 35-foot green area between pavement and ROW, based on the Board's discussion, and the testimony of the Applicant's representative.
Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

8. §276-11.14.B(24) – Open space area equal to 40% of site

Mr. Ulery moved to grant a waiver from §276-11.14.B(24), to not require an open space area of 40% of the site, based on the Board's discussion, and the testimony of the Applicant's representative.
Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

9. §276-11.1.B(25) – Parking and travel ways in side yard setback

Mr. Ulery moved to grant a waiver from §276-11.1.B(25), to allow parking and travel in the side yard setback, based on the Board's discussion, and the testimony of the Applicant's representative.
Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

10. §275-8.C.6(b) – Loading Area

Mr. Etienne moved to grant a waiver from §275-8.C.6(b) to allow loading space dimensions of less than 12-feet by 60-feet, based on the Board's discussion, and the testimony of the Applicant's representative.
Motion seconded by Mr. Hall. Motion carried 6/1/0 (Oates).

Motion to Approve:

Mr. Ulery moved to approve the site plan application for the Site Plan / 279 Lowell Road, Hudson, NH, Map 234 Lot 32; prepared by: Jeffrey Land Survey, LLC, 1 Burgess Drive, Litchfield, NH 03052; prepared for: Yanhong Yang King, Applicant, Lot 234-32, Hillsborough County, NH; consisting of 1 sheet and general notes 1-12; dated May 2023; last revised September 27, 2023; and,

That the Planning Board finds that this application complies with the Zoning Ordinances with consideration of the provisions of Article VIII – Nonconforming Uses, Structures and Lots, and with the Land Use Regulations with consideration of the waivers 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 Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
3. This approval is for 1,805 sf of finished retail space on one floor only and does not constitute approval of retail use of a finished basement.
4. The Planning Board's approval is for a tobacco retail shop only. Given the unique characteristics and limitations of the subject parcel, any future change of use shall be subject to site plan review and approval.

5. Parking spaces shall be restriped prior to issuance of Certificate of Occupancy, including appropriate ADA compliant striping on the plans.
6. Signage shall be placed to indicate employee parking spaces.
7. Approval of business signage shall be reviewed by the Engineering Department for vehicular sight lines and sight distance.
8. The Planning Board recognizes that an apparent encroachment of the retaining wall on 277 Lowell Road, Map 234 Lot 33, is a private issue and approval of this site plan application does not constitute Planning Board approval of the encroachment.
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.

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

Mr. Malley put the Board in recess @ 8:15 P.M.

Mr. Malley continued the meeting @ 8:20 P.M.

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| <p>B. 8 Industrial Drive Site Plan Amendment
 SP# 05-23
 Purpose: to show a proposed 4,200 s.f. automotive addition and access at back of property.
 Continuance of hearing.</p> | <p>8 Industrial Drive
 Map 161/Lot 041</p> |
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Katie Weiss of Bedford Design Consultants & Marco Plante of MDP Realty present the revised plans.

Motion to Approve:

Mr. Oates moved to approve the site plan application for the 8 Industrial Drive / Site Plan Amendment, Map 161 Lot 41, 8 Industrial Drive, Hudson, New Hampshire; prepared by: Bedford Design Consultants, Inc. 592 Harvey Road, Manchester, NH 03103; prepared for: MDP Realty Associates, LLC, 9 Old Derry Road, Hudson, NH; consisting of 5 sheets and general notes 1-14 on Sheet 1; dated May 22, 2023; last revised September 12, 2023; 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. A cost allocation procedure (CAP) amount of \$4,000.00 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. The approval shall be for the storage of vehicles and equipment. Any other use shall be subject to site plan approval by the Planning Board.
6. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
7. 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.

8. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.

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

VIII. NEW BUSINESS

- A. Webster Street 2-Lot Subdivision Plan 32 Webster Street
Map 173/Lot 001
SB# 05-23
Purpose: to subdivide Map 173/Lot 001 into two residential lots. Application acceptance & hearing.
(Deferred from September 13, 2023)

No representative of application present.

Due to lack of representation, Mr. Etienne moved to deny acceptance of the subdivision application for the 32 Webster Street 2-Lot Subdivision SB# 05-23, 32 Webster Street, Map 173/Lot 001, without prejudice.

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

IX. OTHER BUSINESS

- A. Public Hearing & Adoption - Economic Development Chapter of the Master Plan

Public hearing opened @ 8:36 P.M.

There being none – Public input closed @ 8:36 P.M.

Mr. Etienne moved to adopt the Economic Development Chapter of the Master Plan.

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

- B. Discussion of draft Land Use Chapter of the Master Plan

Mr. Etienne moved to forward the Land Use Chapter of the Master Plan to Public Hearing, to date certain, October 11, 2023.

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

X. ADJOURNMENT

Mr. Oates moved to adjourn.

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

Meeting adjourned at 9:10 P.M.

Brian Etienne
Planning Board Secretary

*Mr. Etienne moved to accept the minutes as amended on 10/11/23.
Motion seconded by Mr. Hall. Motion carried 4/0/2 (Crowley & Van der Veen 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).