



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 OF THE PLANNING BOARD MEETING DATE – SEPTEMBER 24, 2025 - DRAFT

In attendance = X Alternate Seated = S Partial Attendance = P Excused Absence = E

Tim Malley
Chair X

Jordan Ulery
Vice-Chair X

Ed Van der Veen
Member X

Victor Oates
Member X

James Crowley
Member X

Julia Paquin
Member E

George Hall
Alternate X

George Hurd
Alternate E

Todd Boyer
Alternate S

Bob Guessferd
Select. Rep E

Brooke Dubowik
Town Rep. X

Jay Minkarah
NRPC Rep. X

I. CALL TO ORDER BY CHAIRPERSON

Mr. Malley called the meeting to order at 7:01 PM.

II. PLEDGE OF ALLEGIANCE

Mr. Malley invited all to participate in the Pledge of Allegiance and read through the Chairperson's introduction/order of business and cited housekeeping items.

III. ROLL CALL

Mr. Malley asked the Clerk to call for attendance.

IV. SEATING OF ALTERNATES

Mr. Boyer was seated for Ms. Paquin.

V. MEETING MINUTES

- 10 September 2025 Meeting Minutes

Mr. Ulery moved to approve the 10 September 2025 meeting minutes

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

VI. PUBLIC INPUT (NON-AGENDA ITEMS)

Public input opened & closed @ 7:03 P.M. – No public input.

VII. CORRESPONDENCE – *The Board took up this agenda item at this time.*

A. Frenette Gardens – 2 Year Maintenance Bond Request by Elvis Dhima, Town Engineer

Mr. Ulery moved to approve a maintenance bond in the amount of \$68,517.00 for the Frenette Gardens subdivision, 65 Central Street, Map 182 / Lot 003, as presented in the memorandum from the Town Engineer, Elvis Dhima, to Brooke Dubowik, Town Planner, dated September 12, 2025. Motion seconded by Mr. Crowley. All in favor – motion carried 6/0/0.

VII. NEW BUSINESS

A. Barretts Hill Road 8-Lot Subdivision Plan SB# 04-25

3 Barretts Hill Road
Map 159/Lot 028

Purpose: to depict the subdivision of Map 159/Lot 028 into seven (7) residential duplex lots, and one (1) proposed conservation lot to be owned by the Town. Application acceptance & hearing.

Mr. Hall recused himself @ 7:04 P.M.

Mr. Ulery moved to accept the subdivision application for Barretts Hill Road 8-Lot Subdivision Plan, SB# 04-25, Map 159 / Lot 028, 3 Barretts Hill Road, Hudson, New Hampshire, 03051. Motion seconded by Mr. Crowley. All in favor – motion carried 6/0/0.

Doug MacGuire, The Dubay Group, Inc., explained that this is a proposed frontage lot subdivision. The property in question is off Barretts Hill Road and is 24.5 acres. The property is undeveloped. There is an existing utility easement which bisects the property from north to south. Approximately 15 acres of the property abuts existing conservation land in the rear. The Conservation Commission is interested in that land, and the proposal is to deed it to the Town. The remaining land across the frontage of Barrett Hill Road is being proposed for seven duplex lots. The proposal is to divide the frontage fairly equally along the roadway to create the lots. Potential lot grading and erosion protections are shown on the plans, along with potential septic locations. These lots will have on-site wells and septic systems. Sight distance profiles were completed and show viable sight distance on the perimeters of the lots in both directions.

Mr. Crowley asked about an Alteration of Terrain (AoT) permit for the project, as the peer engineer estimated 200,000 s.f. of disturbance. Mr. MacGuire stated that these will be individual, subdivided lots and so each lots' grading is not factored into an overall square footage of disturbance calculation. This project does not qualify for an AoT permit.

Mr. Crowley reviewed items of note that he would like included and/or amended on the materials.

Mr. Oates asked about the pull-off location on the plans. Mr. MacGuire stated that a 10' pull-off is shown between the driveways on Sheet 6. Mr. Oates stated that he would like to hear the Fire Chief's opinion on the proposed location. Mr. MacGuire stated that the pull-off can be adjusted as needed per the Chief's recommendation.

Mr. Crowley asked about an existing dug well on the property. Mr. MacGuire stated that this will be eliminated.

Regarding stormwater, Mr. MacGuire explained that all water currently flows from the property to Barrett Hill Road and into a DOT area. A pond system, with a pipe, will ensure that any water

from the site will maintain the existing drainage flow patterns. The drainage from these lots will lead to the same DOT area as the runoff currently does. Some of the Town's drainage regulations do not apply to this type of frontage lot subdivision, and this was confirmed by the Town Engineer. Many of the Fuss & O'Neill comments do not apply to this application. Mr. Malley explained that the Town Engineer indicated in an email to Ms. Dubowik that the Fuss & O'Neill items are more applicable to a full site plan or subdivision review; as no roads are proposed for this application, his recommendation is that these items do not apply.

Mr. Oates expressed concern regarding the difference between the opinion expressed by the Town Engineer and Town Code. Mr. MacGuire noted that the Town Engineer has stated his opinion that the stormwater regulations, Section 290 does not apply to a frontage lot subdivision.

Mr. Boyer stated that the owner of this property could subdivide one lot at a time over multiple years and then none of these items would come before the Board. The Board does not have a legal standing to state that the applicant must handle stormwater from the lots in a particular way, as most of the regulations do not apply to this type of development. The Town Engineer has stated as much. Mr. Malley agreed that the Board is not approving building projects at this time; it is approving lot lines for the subdivision. There is no disturbance currently being proposed.

Mr. MacGuire stated that an infiltration pond is shown within the right of way, in order to be maintained by the Town. The proposed pipe will help any runoff from the driveways be conveyed in the same manner that it currently is to the DOT property.

Mr. Oates stated that RSA 674:36 gives extensive guidelines as to what the Board can review. Fuss & O'Neill's comments cite Chapter 289, overall land use performance, and the subdivision rules in Chapter 290. Fuss & O'Neill's report was extensive because they followed the RSA for the subdivision. Mr. Minkarah stated that the applicability of Section 290 is a matter of interpretation. Fuss & O'Neill reviewed the cumulative impact of developing all of the lots in question. Section 290 requires a stormwater management and erosion control plan and provides a series of triggers. One trigger is a cumulative disturbed area exceeding 20,000 s.f. The applicant is proposing only a subdivision plan and there is no disturbance proposed as part of it. As there is no road proposed within the subdivision, the Town Engineer's interpretation is that the proposal does not trigger the stormwater regulations.

Mr. Van der Veen stated that this is a proposed subdivision of a lot. The applicant has worked with the Town Engineer who has the largest vested interest in making sure the plan's drainage features are appropriate.

Public input opened & closed @ 8:10 P.M. – No public input.

Mr. Crowley asked if the Board should be concerned with an increase in saturation of the adjacent roadbed from the infiltration proposed. Mr. MacGuire stated that he does not believe so. The plan promotes a bit of recharge in addition to maintaining the same drainage flow pattern.

Mr. Oates expressed concern regarding the proposed precast cistern. Other towns have moved to a cast-in-place model for cisterns located close to blasting. Mr. Minkarah suggested that the design be evaluated by the Fire Department.

Mr. Boyer moved to grant a waiver from **Section 276.11.1.B-(2)** - Plan scale to allow for a planned scale of 1"=60' where 1"=50' would otherwise 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. Van der Veen. All in favor – motion carried 6/0/0.

Mr. Boyer moved to grant a waiver from **Section 276.11.1.B-(4)(b)** – that the Planning Board approval block shall be located on the lower left corner of each sheet in the plan set would otherwise be required, based on the Board's discussion, and the testimony of the applicant's representative.

Motion seconded by Mr. Van der Veen.

Discussion:

Mr. Van der Veen explained that this plan set is a unique situation, and the approval block was placed in such a way to not distract from other information provided on the plan.

All in favor – motion carried 6/0/0.

Mr. Oates moved to approve the Subdivision Plan entitled: Barretts Hill Road 8-Lot Subdivision Plan SB#04-25, Map 159 / Lot 028, 3 Barretts Hill Road, Hudson, New Hampshire, 03051; prepared by: The Dubay Group, Inc., 136 Harvey Road Bldg. B101, Londonderry, NH 03053; prepared for: Beowell, LLC, 134 Turkey Hill Road, Merrimack, NH 03054; consisting of 9 sheets and general notes 1-10 on Sheet 3; dated August 13, 2025, revised September 15, 2025; 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 Hillsborough County Registry of Deeds (HCRD), together with the Plan.
2. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by the Town Planner and Town Engineer.
3. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
4. A cost allocation procedure (CAP) amount of \$5,715.00 per two-family residential duplex unit shall be paid prior to the issuance of a Certificate of Occupancy for the new unit. This fee is comprised of traffic, school, and recreation impact fees.
5. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.

6. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 Am and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
7. Deeds, plan notes, purchases and sales agreements, and HOA documents shall state that “This property is near an active quarry with regular blasting. Residents should expect noise, vibration, and related impacts which are ongoing and permitted by law.” No building permit shall be issued until the Planning Department confirms the disclosure has been recorded.
8. Easement for the drainpipe across lot 1 to be favorably reviewed by the Town, prior to recording.
9. Fire Chief to review and approve cistern design (precast versus cast-in-place) and cistern placement.

Motion seconded by Mr. Crowley. Motion carried 5/1/0 (Crowley).

Mr. Malley noted that there will be a ZORC meeting on September 29, 2025, at 3P.M.

IX. ADJOURNMENT:

Mr. Boyer moved to adjourn. Motion seconded by Mr. Oates.
All in favor – motion carried 6/0/0.

Meeting adjourned at 9:09 P.M.

Ed Van der Veen
Secretary

*Mr. Hall moved to approve the minutes as amended on 10/08/25.
Motion seconded by Mr. Crowley. Motion carried 5/0/1 (Morin).*

Note: Planning Board minutes are not a transcript. For full details a video of the meeting is available on HCTV (Hudson Community Television) www.hudsonctv.com.