



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



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MINUTES OF THE PLANNING BOARD MEETING DATE – JANUARY 14, 2026

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

Tim Malley Jordan Ulery Ed Van der Veen Victor Oates
Chair E Vice-Chair X Member X Member X

James Crowley Julia Paquin Timothy Lyko George Hurd
Member E Member X Alternate E Alternate S

Todd Boyer Bob Guessferd Brooke Dubowik
Alternate S Select. Rep X Town Rep. X

I. CALL TO ORDER BY CHAIRPERSON

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

II. PLEDGE OF ALLEGIANCE

Mr. Ulery 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. Ulery asked the Clerk to call for attendance.

IV. SEATING OF ALTERNATES

Mr. Boyer was seated for Mr. Malley and Mr. Hurd was seated for Mr. Crowley.

V. MEETING MINUTES

- 10 December 2026 Meeting Minutes

Mr. Boyer moved to approve the 10 December 2026 meeting minutes.

Motion seconded by Mr. Van der Veen. Motion carried 7/0/0.

VI. CORRESPONDENCE

- A. Update and Request for Corridor Funds – Elvis Dhima, Director of Development Services
 - Lowell / Birch / Belknap Road – Right of Way Purchase*

Elvis Dhima, Director of Development Services, announced that the Belknap Road Extension has been added to the 10-Year Plan. The Town has been completing evaluations by a third-party assessor for the properties that will be impacted by this project. 76 and 88 Lowell Road have agreed to sell the properties that are required for this project for a total amount of \$210,000. An additional

\$50,000 is needed to complete the purchase. This includes the right of way permanent and temporary easements. Both owners were great to work with.

Mr. Boyer asked if these will be lot line adjustments to the properties. Mr. Dhima stated that approximately 9,000 s.f. will be taken from each lot for the project. This will create a 50' right of way with associated easements.

Ms. Paquin asked when the project may move forward. Mr. Dhima stated that the Town will have a shovel-ready project and will wait to hear from the State regarding a start date, potentially summer 2027.

Mr. Van der Veen moved to recommend to the Board of Selectmen the expenditure of up to \$260,000 for the purchase of the right of way using Zone 1 Traffic Improvements Corridor Account 2070-000-701 and Zone 2 Traffic Improvements Corridor Account 2070-000-702 as requested by the Development Services Director Elvis Dhima. Motion seconded by Mr. Boyer.

Discussion:

Mr. Oates stated that he believes the motion should recommend an increased expenditure of up to \$50,000 for a total of \$260,000 based on previous motions made.

Mr. Van der Veen **amended** his motion to recommend to the Board of Selectmen to increase the expenditure by \$50,000 to \$260,000 for the purchase of the right of way using Zone 1 Traffic Improvements Corridor Account 2070-000-701 and Zone 2 Traffic Improvements Corridor Account 2070-000-702 as requested by the Development Services Director Elvis Dhima. Motion seconded by Mr. Boyer.

Motion carried 7/0/0.

Mr. Oates stated that the Board's bylaws require advanced provision of materials of seven days or greater for cases it is to hear. The bylaw was not followed for this evening's meeting and so there is a procedural defective record. This could open any of the cases being heard tonight to legal risk should they be approved or denied. He received an email from the Town Planner approximately five days prior to the meeting stating that all Board members were not included on the original digital communication, including himself.

Ms. Dubowik stated that the Board knows that all packets are available on Wednesday by the end of the day. Mr. Oates stated that this view is not the bylaw requirement which the Board runs by. The bylaw states that materials will be received in one way or another seven days or more prior to a meeting. His materials were not even dated seven days prior to the meeting, and his electronic copy was received five days prior to the meeting. Mr. Ulery explained that the Town Planner stated that the packet was available online on Wednesday, seven days prior to this meeting. Mr. Oates noted that this is not what the bylaw states. At this time, the bylaws do not state that the Board has to figure this out on its own but that materials will be provided to members. Due to a violation of the bylaws, this could leave all cases opened tonight at potential legal risk.

Ms. Paquin noted that she also had not received her packet. Upon contacting the Town Planner, the packet was sent over immediately. She reviewed the packet online, but it is easier to do so

using a physical copy. She received the printed copy only late last night. She asked if materials could be sent earlier.

Mr. Boyer suggested continuing with the meeting. Mr. Oates stated that this would put every applicant heard this evening at legal risk due to the violation of the bylaws. He is not comfortable putting the applicants at risk. Mr. Ulery stated that it does not; it puts the Board at risk if the applicant decides to take action.

Mr. Boyer moved to continue with the meeting and for the Board to hear the cases in front of it. Motion seconded by Mr. Van der Veen. Motion carried 6/1/0 (Oates).

VII. NEW BUSINESS

- A. Colbea Gas Station & Convenience Store 91-97 Lowell Road
SP# 12-25 Map 198/Lots 11, 12, 14, 15, 16
Purpose to depict a gas station and convenience store consisting of six (6) dispenser islands for a total of twelve (12) fueling station, and associated improvements including but not limited to access, grading, stormwater management, utilities, lighting, and landscaping. Application acceptance & hearing.

Mr. Ulery asked if the applicant is comfortable with the terms of the Board hearing the case this evening. Chris Drescher, attorney for the applicant, stated that the applicant accepts.

Mr. Boyer moved to accept the application package as complete.
Motion seconded by Mr. Van der Veen. Motion carried 7/0/0.

Attorney Drescher explained that the intended project is a gas station/convenience store to be constructed at 91-97 Lowell Road in Hudson. This is a new application from what was previously presented to the Board, including the removal of a previously proposed car wash. The Atwood Avenue entrance has also been removed, through a storage building is still proposed along this area as a maintenance shed. In terms of the daycare abutter, the plans still include a large fence with a vegetative buffer to make sure the area is adequately screened. The plan is zoning complaint for the most part, with the exception of two minor waivers being requested.

Chris Rice, TFMoran, explained that the project site consists of five existing properties which are intended to be merged as part of the proposal. The total acreage, once merged, will be 3.4 acres. There are no wetlands on the property. All of the properties are located in the Business Zoning District. Of the five existing properties, all are vacant, with the exception of Tax Map 198 Lot 11. This lot currently contains a single-family home and two garage buildings. These buildings are not currently in use. All the existing structures are proposed to be demolished, with the exception of the storage building which will be utilized. There are two existing curb cuts on Lowell Road, two curb cuts on Atwood Drive, and one curb cut on Temple Street. As part of the proposed plan, the curb cut on Temple Street and one alone Atwood Drive will be removed. The curb cut on Atwood Drive which services the existing building is to remain. As it is much wider than regulations currently allow, this will be shrunk down from approximately 100' to 60'. There are two commercial abutters to the north between the site and Birch Street. To the northeast, there is an existing single-family home. To the east is Lowell Road. To the southeast is a plaza, which

contains a daycare. Further to the south is a car storage area and adjacent to that is a single-family home. Along the west side of that, the Town Residential Zoning District begins. The applicant went before the Zoning Board of Adjustment in June 2024 and received a few variances related to signage.

Mr. Rice stated that the proposed project consists of a one-story 5,400 s.f. gas station/convenience store. There will be a pickup window and a drive-through lane with 12 stacking spaces. There will be a separate fueling canopy with six dispenser islands, for a total of 12 fueling stations and four EV charging stations. There will also be a generator on site in case of a power failure. Access to the site is purely from Lowell Road. The building location will be set back on the property. The face of the building will be approximately 220' from the edge of pavement on Lowell Road. The fueling canopy is approximately 115' and the closest pavement on site to Lowell Road, other than the two access drives, is approximately 70'. 47 parking spaces are required and 49 are shown on the plan. The site will be serviced by municipal sewer and water, Liberty Gas, and Eversource Electric. Regarding stormwater and drainage design, the existing site does not currently have any stormwater treatment or detention. Small portions of the site drain toward Atwood Drive, Temple Street, and the abutting property to the north. A majority of the site drains toward Lowell Road. There are no existing roadside swales along Lowell Road. During preliminary design and consultation with staff, the applicant was made aware of existing drainage problems along Lowell Road and has been working with DPW as part of the offsite improvements plan to show a drainage line running all the way down Lowell Road. Catch basins were added to help alleviate the issue. Pretreatment of stormwater runoff is shown on the plans. The analysis shows that the proposal will decrease the peak rate of runoff and volume to all discharge locations, with the exception of a minor increase to Lowell Road. There will be no increase in the 2-Year storm and a very minor increase to the remaining storm events. He stated that Mr. Dhima wrote a letter as part of the Alteration of Terrain permit application which has been approved stating that he had no issue with the additional flow. A robust landscaping plan was provided, including 59 new trees and 237 shrubs to be planted throughout the property. A sound study and traffic report were also provided.

Mr. Rice stated that the two waiver requests include one for the increased runoff onto Lowell Road, including installation of off-site improvements to handle that. The second waiver request is for the residential buffer on the property. As this is located in the Business Zoning District and surrounded by residential uses, there is a buffer on the property, and a portion of the development is proposed within that buffer. Most of the site activities will be located outside the buffer. A small portion of the canopy of the building and some of the parking is within it. The project proposes the implementation of landscaping and dark sky lighting to minimizing impacts to abutting properties. There will also be a fence and landscaping along the abutting daycare building edge. The recommendations from a second sound study include installation of a fence along a portion of Temple Street to assist with some sound concerns.

In response to a question from Mr. Ulery, Attorney Drescher explained that the previously granted variances run with the land and so are still considered to be applicable to the revised application.

Ryan Callahan, Epsilon Associates, explained that his company performed a noise study which included an ambient sound level measurement program, to document existing sound levels on the site and in the surrounding neighborhoods. It also included acoustic modeling to predict the impact

from the project on surrounding parcels. The sound study resulted in a technical report that compared the results of the ambient sound level measurement program and the acoustic modeling to the Town's sound limits. The Town of Hudson has ten different sound limits, which is quite robust. The report reviews each in terms of its applicability to the project. The conclusions of the report are that the project as designed will comply with all of the requirements of the Town's sound limits. The initial study was peer reviewed by the Town's consultant who issued a request for additional information which was provided via a revised report and a cover letter. The peer reviewer provided a follow up letter to the revised version of the report. The conclusions of that follow up letter indicate that the report was comprehensively and conservatively prepared and addresses all pertinent local noise regulations. The sound study was done using microphones at the site to document existing sound levels and acoustic modeling software to view the proposed site using the site specific terrain and the site plan. The report is available through the Town.

Bob Duval, TFMoran, explained that the new project trip generation is approximately 240 trips during the peak hours, entering and leaving the site. However, as this is a gas station/convenience use with a very high rate of pass by trips, the actual number of new cars on the road is likely closer to 62 in the AM and 66 in the PM. Anyone standing upstream or downstream of the site would see thirty additional trips in the road volume, or roughly one new trip every two minutes. The study reviewed a total of eight intersections. The new Birch Street intersection is a prospective intersection. As this project will only be adding one trip every two minutes or so in the peak hour at any one of these intersections, it is not proposed to have much effect. The conclusion of the study is that the project will only add a few seconds of delay to any of the intersections and one or two cars to the queue. The impacts will be essentially imperceptible to the average person at any of the intersections. A review memo prepared by Fuss & O'Neill notes that the procedures used in the report are reasonable. The analysis properly determines new trips versus pass by trips generated by the site and also properly analyzes current and future year no build and build conditions. Adjustments that needed to be made have already been submitted. There is not yet a second review of those responses available. Some of the intersections reviewed as part of the study are already overcapacity, due to the volume of existing traffic. Notwithstanding that, the proposed impacts are minimal.

Ms. Paquin noted that the south driveway concerns her in terms of safety. All accidents at County Road happen in the intersection with Lowell Road and these are fairly frequent.

Mr. Oates stated that the applicant should not include discussion regarding future potential intersection traffic items that are not part of the plan set. Mr. Ulery noted that this will go into effect in the future and should be discussed.

Mr. Oates asked how Atwood and Birch can have poor sightlines, yet the driveways show no potential issue in the study. Mr. Duval stated that these are facts. Mr. Oates stated that it sounds like an assumption.

Mr. Oates stated that Board members had difficulty making turning movements during a previous site visit and the traffic impact study does not reflect this. Mr. Ulery noted that the applicant has submitted a new plan and previous information does not necessarily come into play. Mr. Oates

asked why previous information is not valid, while new potential information is. Mr. Ulery stated that the future information is included as a speculative analysis.

Mr. Duval stated that Mr. Dhima asked that Birch Street and its data be included. Mr. Oates asked if the Town staff provided the applicant team with data on Birch Street in order to make its case. Mr. Duval stated that the data was provided to help analyze the traffic in this corridor. There is no intersection yet in which to collect data from and so Mr. Dhima provided data from the consultant that designed the Birch Street intersection. Mr. Oates stated that the applicant is using someone else's data and did not create their own analysis. Mr. Duval stated that, during a traffic study, his company either takes its own counts or counts are provided. This is the data on which an analysis is carried out.

Mr. Oates asked where the queuing analysis for the left and right hand turns at both driveways is located in the report. Mr. Duval stated that the data comes from counts which were provided to them. A traffic count firm was hired for the data collection at certain intersections. For other intersections that are signalized, the Town's records were used.

Mr. Oates asked the 95th percentile queue length for left and right hand turns at the site driveways. Mr. Duval stated that using the PM peak hour, at the north driveway this would be 14' and south driveway would be 46' or approximately two cars, inside the site. Mr. Oates asked what happens when the queues exceed the storage length. Mr. Duval stated that the storage length on site is expansive, approximately ten car lengths. Less than one car is the queue length if the storage exceeds.

Mr. Boyer stated that he is also concerned about the driveway to the south due to safety items and would prefer a plan showing only the northern driveway.

Mr. Van der Veen asked the typical crash pattern at the County Road intersection. Mr. Duval stated that this information was not provided. The data for the County Road intersections is lumped together. Between the two, there were 22 crashes in approximately three years which is comparable to the other intersections. It does not stand out as a generator.

Mr. Van der Veen asked why Atwood's sight distance is worse than the south driveway's sight distance. Mr. Duval stated that the angle is much steeper.

Mr. Van Der Veen asked the number of cars that could queue from the drive through window to the north driveway. It was noted that this is approximately 22 cars.

Ms. Paquin suggested a right hand only turn at both driveways. She noted that a previous applicant had data for the County Road intersection which could be reviewed. She is concerned with the safety of trying to cross the traffic pattern at this intersection. The center lane traffic already causes problems in this location.

Mr. Ulery explained that the applicant team has not addressed whether a left hand turn at the south or north entrance would cause extra delays. Attorney Drescher noted that the applicant has no objection to making the south driveway right in/out only.

Mr. Oates asked if the Birch Street access was formally studied as an alternative. The applicant team noted that there is no direct access from Birch Street. Mr. Duval stated that further study is needed to see the interaction of certain queues. This information will be brought to the Board.

Mr. Boyer stated that a right in/out does not usually work and is not enforceable. One driveway at the north is adequate and the other can be removed. Mr. Oates stated that staff seems to be allowing the south driveway to move forward and it is unclear if the Board has any ability to change this. According to staff, the applicant's requested waivers are not required. The applicant team explained that there were previously waivers with regard to the driveway design which staff stated were no longer applicable due to recent rule changes. Mr. Boyer stated that the suggestion is to design something better.

Mr. Van der Veen asked about widening the north driveway. This could be an option from an egress standpoint, if the south driveway is eliminated.

Attorney Drescher noted that the applicant is proposing to add an 8' tall, 100 linear feet long, solid stockade fence along the rear property line to account for any noise level increases.

Public input opened @ 8:26PM.

Patty Langlois, 22 Stonewood Lane and owner of the Stonewood School, stated that she has had meetings with the applicant team. She is concerned regarding the fence and buffer proposed by the applicant and making sure it will be maintained. The property has infringed on her fence and not been well maintained in the past. She would like the new fence installed prior to any construction occurring as this is located right next to her playground.

Brian Sojka, 11 Atwood Ave, expressed concern that the applicant could still move forward with a car wash and additional vacuum stations in the future. The applicant team stated that the vacuum island is still included on the plan in order to meet the parking requirement. The applicant has no intention at this time to include a car wash or vacuum stations and would need to come back before the Board in order to ever do so.

Mr. Sojka expressed concern regarding noise and lighting from the project. He would like to see a fence on Temple Street and Atwood Avenue. He expressed concerns from a nearby abutter regarding similar items. The requested 100' variance [waiver] should not be granted to the applicant.

Daryl Noble, 12 Atwood Avenue, expressed concern regarding the traffic in this area and the ability to enforce certain traffic measures.

Martha Lachance, 89 Lowell Road, stated that she would like a fence built between the two properties. The center lane is a suicide lane, and the Birch Street intersection may help some, but not entirely.

Ed Thompson, 22 Burns Hill Road, stated that this is already a busy intersection. He would like to know if the Police Department records regarding accidents in this area have been reviewed by the Board and/or Town Engineer. He asked about potential air quality issues as part of the project and asked if air quality testing has been considered. There are already seven gas stations in Town, six within 3.9 miles of each other. The road is already a level D of service, which indicates difficult to failing conditions. This is on top of the concerns in potentially converting parts of Couty Road into a one-way road. The applicant is requesting a waiver from the residential use buffer. The applicant states that, despite being within the Business District, the site is abutted by residential homes on three sides. Due to this, enforcement of the 100' buffer would generate significant hardship for any site development for business uses. He asked if granting the hardship is in any way a hardship for the residential homes that abut it. The plan does not meet zoning, as evidenced by the waiver. There is a lot of this property in the buffer.

Public input closed @ 8:45PM.

Mr. Van der Veen asked the anticipated hours of operations. Mr. Rice stated that the current proposal is for 24/7. Mr. Van der Veen asked how lighting will be handled within the 100' buffer zones. Mr. Rice stated that there will be reduced lighting after a certain time after hours. The project meets all of the requirements for Town lighting.

Mr. Oates stated that the new Town regulations around lighting include that it should be dark sky compliant and no light should leave the site at any time. In terms of the hours of operation, he would like to explore the storefront closing at a certain time, with the pumps allowed to be open 24/7. He asked why the emergency generator was excluded from the sound study. The proposed generator is not allowed within the 100' buffer due to Town code, Section 276-11.1.B.12.C.

Mr. Oates stated that he would like to see that the fence along the daycare abutter be no less than 10'-12' tall in order to help mitigate noise decibels from the project. It should be installed prior to any construction.

Mr. Boyer moved to continue the proposed Site Plan Application for Colbea Gas Station & Convenience Store, SP# 12-25, Map 198/Lots 11, 12, 14, 15, 16, 91-97 Lowell Road, Hudson, NH, to 25 February 2026 at 7PM.

Motion seconded by Mr. Oates. Motion carried 7/0/0.

The Board took a five minute recess.

- B. Erickson Foundation Solutions Lot Line Relocation & Site Plan 14-18 Clement Road
SB# 08-25 Map 161/Lots 49 & 50
Purpose: to depict a lot line adjustment of Map 161/Lots 49 & 50. Application acceptance & hearing.

SP# 13-25

Purpose: to depict the proposed parking expansion and associated improvements on Lot 49, and the proposed gravel laydown yard and associated improvements on Lot 50.
Application acceptance & hearing.

Mr. Boyer moved to accept the **Lot Line Relocation Application** for Erickson Foundation Solutions, SB# 08-25, Map 161; Lots 049 & 050, 14 & 18 Clement Road, Hudson, NH. Motion seconded by Mr. Hurd. Motion carried 7/0/0.

Pete Madsen, Keach Nordstrom Associates, explained that the lot line adjustment is proposed to facilitate a parking expansion on Lot 49. The proposal is to take 11,000 s.f. taken from Lot 50 and add it to Lot 49. The plan shows a proposed slope and drainage easement.

Public input opened and closed at @ 9:02 PM. – No input.

Mr. Boyer moved to approve the **Lot Line Relocation Application** for Erickson Foundation Solutions, SB# 08-25 Map 161; Lots 049 & 050, 14 & 18 Clement Road, Hudson, NH; prepared by: Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110, for: Clement Warehouse LLC, 14 Clement Road, Hudson, NH 03051, and 18 Clement Road, LLC, 29 Boyd Road, Hudson, NH 03051, Consisting of sheets 1-17, with general notes 1-34 on Sheet 1; Dated October 27, 2025; and:

That the Planning Board finds that this application complies with the Zoning Ordinance, 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 Approval, which shall be recorded at the HCRD along with the site plan.
2. Prior to Planning Board endorsement of the Plan, the easement depicted to the favor of the Town shall be subject to final administrative review by the Town Planner, and Town Engineer.
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. Van der Veen. Motion carried 7/0/0.

Mr. Van der Veen moved to accept the Site Plan application for Erickson Foundation Solutions, SP# 13-25, Map 161/Lots 49 & 50, 14-18 Clement Road, Hudson, NH.

Motion seconded by Mr. Boyer. Motion carried 7/0/0.

Mr. Madsen explained that Lot 49 contains the existing Erickson Foundation Solutions business. Lot 50 has an existing single-family house and a gravel laydown area. The proposal for Lot 49 including adding additional parking spaces on the site to help expand the business. The proposed parking space dimensions are 18'x9'. This reduced size is proposed in order to gain as many spaces as possible, while also reducing impervious area. Additional work includes upgrading the ADA area in front of the building. This will be restriped and made more compliant with current ADA standards. For Lot 50, the proposal includes expanding the gravel laydown yard by approximately 8,000 s.f. To the right of the laydown yard is will be an infiltration pond which will service the drainage for both lots. The proposed subsurface stormwater detention system will take runoff from the parking lot expansion and detaining it. This will then pipe to an infiltration pond on Lot 50.

The infiltration pond will provide treatment for both properties. There is a significant grade change between the properties which the applicant is looking to push a bit further using a 1.5:1 rip rap line slope. This will be good for erosion control. There is an area of an asbestos disposal site on the property which NHS flagged. Approximately 20 years ago. This area had asbestos which was capped and filled. The applicant is looking to place additional fill on top of this which is usually acceptable. Note 34 on the plan mentions that the owner shall employ a licensed contractor to perform that work.

Mr. Madsen reviewed the landscape plan. Landscaping was added in the few areas which are available for landscaping. The applicant is proposing two shade trees and 34 shrubs. The lighting plan shows building mounted fixtures proposed on the backside to light up the proposed parking lot. All lighting will be downcast and full cut off. The Town's peer reviewer had one comment which can be addressed. The applicant is requesting five total waivers, with the explanation that this is an existing lot with some nonconformities. In terms of landscape waivers, one is requested from Section 275.8.7-C for shade trees. The other is from Section 275.3.7-D for shrubs. Due to the existing restrictions on the parcel, including the steepness of the topography and the fact that there is little undeveloped space, the applicant is requesting waivers to allow for two shade trees where nine are required and 34 shrubs where 27 or 83 are required. The difference in the required number is due to the fact that this is either based on parking spaces or on total parking lot area. The shrub calculation by parking spaces leads to 27 required. The shrub calculation by total parking lot area leads to 83 required. Granting these waivers would not be contrary to the spirit and intent of the regulations as the proposed landscaping, in conjunction with the existing landscaping, will provide aesthetic relief and adequate shade for the proposed improvements.

Mr. Madsen stated that the next waiver is from Section 276.11.1 B.24 for open space. The current open space on Lot 49 is 39.6 where 40 is required; it is currently non-conforming. With the lot line adjustment and the parking addition, the proposed open space will be reduced to 30.7. The open space could be made conforming by granting more lot area with the land adjustment but, as the property is already non-conforming, granting this waiver would not be contrary to the spirit and intent of the regulations, as open space is still being provided to the maximum extent practicable when considering existing conditions and restrictions of the lot. The next waivers are from Section 276.11.1.B.22 for green area and Section 276.11.1-B.12.C for the 100' residential buffer. The applicant is restricted by the existing conditions of the parcel. For the green area, 35' of green area is required along the property's frontage. Granting this waiver would not be contrary to the spirit and intent of the regulations as the green areas are still maintained to the maximum extent practicable. In the Industrial Zone, there are many adjacent properties that do not have any green area at all. In terms of the residential buffer, there are existing features on the site within the 100' residential buffer. If this regulation was strictly followed, the applicant would not be able to access the property because the driveway would be within the 100' residential buffer. Granting this waiver would not be contrary to the spirit and intent of the regulations, as the majority of site development lies outside of the buffer and the only areas within the buffer are existing access points.

Mr. Van der Veen moved to extend the meeting to 11PM.
Motion seconded by Mr. Boyer.

Discussion:

Ms. Paquin expressed concern with continuing the meeting to 11PM. Mr. Ulery stated that the meeting would hopefully conclude before that, but the Board has to take action to continue the meeting past 10PM.

Mr. Oates asked the purpose of continuing the meeting past 10PM. He does not see value in this as the hearings will not be able to be completed this evening.

Mr. Boyer explained that this is being done as a safety valve. Board members made a commitment and have a duty to hear the items on the agenda. Mr. Oates stated that the Town's business can be done by stopping at 10PM. The hearings will not be completed this evening. He is far more familiar with this process than others. He asked how many Board members are needed in order to continue the meeting. Mr. Ulery stated that the number is four.

Ms. Dubowik stated that this is not the only time the Board has gone past 10PM for a meeting. Mr. Oates stated that the last Board meeting did not go past 8PM so the planning is pretty poor. A vote is not needed; it will go the way it always goes.

Motion carried 6/1/0 (Oates).

Public input opened and closed at @ 9:23 PM. – No input.

It was noted that a waiver would be needed for the requested 18'x9' parking spaces.

Mr. Oates asked which specific ordinance goal is being preserved by granting any of the waivers. He asked what the applicant is attempting to accomplish. Mr. Madsen stated that the waivers are required in order for the applicant to be compliant due to existing conditions of the site. Mr. Oates asked that the applicant read the definition of 'hardship' and then comment on it. Mr. Madsen stated that he submitted a written record and has spoken at length regarding the waivers requested and how they meet the spirit and intent of the regulations. In response to a question from Mr. Oates, Mr. Madsen stated that the condition of these waivers was absolutely not self-created. Mr. Oates stated that most of the requests are self-inflicted due the proposal. He asked if the constraints were known to exist prior to the plan to expand the use. Mr. Madsen stated that the items were known, which is why the waivers are being requested. Mr. Oates asked why the Town should absorb those consequences. Mr. Madsen stated that it is the Board's prerogative to approve or deny any waiver request. Mr. Oates asked if a reasonable use of the property would still exist without the waivers. Mr. Madsen stated that it would as it exists today. Mr. Oates stated that the statement shows that the waivers are not required per the law in order for the property to be used reasonably.

Mr. Ulery stated that Mr. Oates should not attack the applicant. He asked him to suspend his line of questioning.

Mr. Oates continued his line of questioning. He asked if the requested waivers are cumulative. He stated that he is only asking questions of the applicant. The only person attacking anyone is Mr. Ulery who is raising his voice and barking. Mr. Ulery stated that personal attacks are a

measure of low mentality. Discussions between the Board and applicant go through the Chair. As such, as has taken that ability away from Mr. Oates.

Mr. Van der Veen asked who will use the parking spaces. Mr. Madsen stated that the majority will be used by employees. The parking spaces out front measure 8'x18.5'.

Mr. Oates asked the applicant why the 100' buffer exists. Mr. Madsen stated that the abutting property has a residential house on it. Mr. Oates asked who the buffer is meant to protect. Mr. Madsen stated that the buffer is meant to provide a buffer for adjacent abutting uses. Mr. Oates asked what harms the buffer prevents. Mr. Madsen stated that the waiver requests have been made. He would prefer not to discuss why the Ordinance was created and why the regulations exist. Mr. Ulery stated that this would be speculative on behalf of the applicant. Mr. Oates asked if a preexisting encroachment justifies new encroachment. Mr. Ulery stated that this would be speculative on behalf of the applicant.

Mr. Oates stated that he has 15 more questions around this topic. Mr. Ulery asked that the questions be centered around the waiver request itself. Mr. Oates stated that they are. It is the applicant's prerogative if he chooses not to answer.

Mr. Oates asked if nonconformity allows intensification. If the answer is yes, he asked that the applicant cite the provision. Mr. Madsen stated that he is unsure how to answer that.

Mr. Oates asked what specific hardship makes compliance impossible. Mr. Madsen stated that, due to the 100' buffer, if the waiver is not granted, there would be no way to access the property.

Ms. Paquin asked if the existing house is occupied. Mr. Madsen stated that it is not. The house is currently used for training for the business. If the lot were to be sold in the future, it would comply with the necessary zoning setbacks to make it a livable property.

Ms. Paquin asked how steep of a slope the property has. Mr. Madsen stated that the easement includes the ability to construct and maintain the slope. It would be difficult to get landscaping to take on the slope.

Mr. Boyer moved to grant a waiver from **§ 275-8.7.(C) – Landscaping Requirements – Shade Trees** to allow the existing trees and proposed landscaping to provide sufficient cooling for the property, 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. Hurd. Motion carried 6/1/0 (Oates).

Mr. Oates stated that he had additional questions to ask of the applicant, though it appears Mr. Boyer would like to speed through the process. The Board did not discuss the topic on which a waiver was just granted. He asked if all of the votes were going to be handled in this way. Mr. Ulery stated that he asked for discussion during the last vote and none was heard. Mr. Oates stated that the motion was seconded and so there was no point. The Board has now moved onto another waiver, and he has more questions to ask. It is not appropriate to fast forward through the planning process. The Board could instead continue the hearing.

Mr. Oates moved to continue the **Site Plan Application** for Erickson Foundation Solutions, SP# 13-25, Map 161; Lots 049 & 050, 14 & 18 Clement Road, Hudson, NH, to date certain February 11, 2026.

Motion seconded by Mr. Guessferd.

Discussion:

Mr. Guessferd stated that he seconded the motion because it is unclear if the Board will be able to make progress on the application this evening. It would be good for the Board to begin to hear the next application on the agenda as well. Mr. Ulery agreed that he would be in favor of continuing this hearing at this time.

Motion carried 5/2/0 (Boyer and Hurd).

Mr. Oates exited the meeting at 9:46PM.

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| C. Nottingham Square Fast-Food Restaurant | 142 Lowell Road |
| SP# 14-25 | Map 204/Lot 73 |
| Purpose: to depict the layout of a proposed fast-food restaurant with drive-thru and the accompanying parking lot modifications on the property. Application acceptance & hearing. | |

Mr. Boyer moved to accept the site plan application for the Non-residential Amended Site Plan Nottingham Square Fast-Food Restaurant, SP# 14-25, Map 204; Lot 073-000, 142 Lowell Road, Hudson, NH. Motion seconded by Mr. Van der Veen.

All in favor – motion carried 6/0/0.

Pete Madsen, Keach Nordstrom Associates, stated that the Nottingham Square Plaza is seeking to construct a 4,200 s.f. fast food restaurant with a drive-through. This will include some parking modifications and utility improvements. The project is located in both the Business and the Residential Zones. All work for the building construction will be done within the Business zone. In terms of parking, the site has 264 existing spaces. The required parking for all uses in the retail center including the proposed fast food use is 327 spaces. The applicant is proposing 222 and seeking a waiver request for this. A trench will be cut across the main driveway for the sewer. The Town requires 12 queuing for the drive-through and 20 are shown on the plan. There is no proposed tenant at this time. There is not much proposed for grading and drainage, aside from a few new catch basins and drain manholes. The existing drainage system collects runoff from the parking lot and pipes it behind the building to a stormwater management pond that has been in existence since the site was constructed in 2005. There are no additional stormwater management BMPs or features required. The project leads to an overall reduction in impervious area through the introduction of a grass area. There is existing water and sewer on the property which the project will tie into. A grease trap is proposed as required for the kitchen service. The erosion control plan includes a chain-link fence around the limits of the project with the strawbale barrier. In terms of the landscape plan, one waiver is requested for shrubs. The applicant is proposing 69 shrubs where 123 shrubs are required. The lighting plan shows a number of building mounted lights and existing light poles in the parking lot which will be reused.

In terms of waivers, Mr. Madsen stated that the first is from the landscaping for the shrubs. The applicant is proposing 69, where 63 are required if calculating by parking spaces. If calculating by total parking lot area, the requirement is 123. The landscape plan shows that existing landscaping on site will be retained. Granting this waiver would not be contrary to the spirit of the regulations as the proposed landscaping is in conjunction with the existing landscaping and will still provide aesthetic relief for the proposed improvements. The applicant submitted a traffic study and parking counts, along with some drone footage taken on Saturday, October 18th and Friday, October 17th.

Manny Souza Jr., representing Nottingham Square, stated that no tenant has yet been set for this location. The most extensive use was considered in terms of parking and traffic.

Christine Trearchis, VHB, explained that the parameters of the study focused on the signalized intersection at the site driveway, Lowell Road at Nottingham Square. The Town provided VHB with 24-hour counts for a weekday and a Saturday, both occurring towards the end of September 2025. In examining future conditions, VHB followed New Hampshire DOT's practice of looking at two future outlook years, the first in 2026 and the second in 2036, assuming a 1% annual background growth rate. This allowed for the creation of a no-build volume for the future conditions, representing what traffic is expected to look like in 2026 and 2036, even if the proposed use is not constructed. The next step is to estimate the traffic generated for this proposed restaurant, using the Institute of Transportation Engineers (ITE) trip generation manual and the industry standard rates for a high-volume fast food restaurant with a drive-through. The rates for a high-volume fast food restaurant are typically between 45%-85% higher than the land use code for a standard fast food restaurant with a drive through so. Fast food restaurants have approximately a 50% pass by rate. An analysis for intersection performance was completed at the study area intersection. The key takeaway from the analysis is that intersection is congested under existing conditions, especially in the morning headed southbound, and in the evening headed northbound. The intersection operates with some delays and queues under existing conditions, which is not expected to change with or without this project. The addition of a proposed restaurant would produce some minor changes in delay and queuing, specifically in the Saturday midday primarily on the Nottingham driveway approach, as well as at the southbound left turn into the driveway. The parking study was completed using drone aerial photography to capture the parking demand at the existing site. The rear parking behind the building, where employees tend to park, is typically busy. The main customer lot on the street front, is regularly operating well below capacity. The peak occurred on a Friday evening around 6:00PM-7:00 PM. It was under 50% capacity with approximately 135 spaces still available for parking. To evaluate the future parking needs of a restaurant, VHB used ITE's parking generation manual for a fast food restaurant with a drive through. The peak parking demand would be approximately 70 spaces on a Friday and 50 spaces on a Saturday. An internal capture rate is also included in the analysis. The result is that the projected peak parking demand for the Plaza on a Friday would be approximately 190 spaces, and on a Saturday would be 144 spaces. The proposed site plan provides 222 parking spaces, with 18 spaces in the rear for employees and 204 spaces in the main lot. The projected peak parking demand remains comfortably within that supply. The overall traffic and parking impacts were characterized as fairly minor. The study recommends a few measures to help ensure safe and efficient operations moving forward. One of which is to coordinate with the Town and the Town's Engineering Department on the signal timing. There was also a recommendation for monitoring

during the initial opening period of the restaurant. The restaurant itself may need to assign staff to help manage drive through queues and keep access points clear. Finally, some site design and safety features for the drive through to make sure those exiting are clearly under a stop control and have to yield to other vehicles within the parking lot. Site landscaping and building placements should preserve adequate sight lines for drivers.

Mr. Ulery made the applicant aware of a Fox Hollow letter expressing some concerns. This should be addressed at the next meeting.

Public input opened at @ 10:14 PM.

The owner of 21 Sunland Drive stated that his daughter was almost hit head-on in this area earlier this week. He asked the Board to consider that there are currently three applications being heard by the Board all within a small area of Lowell Road. The traffic is already congested. He noted the number of nearby residents and asked the Board to consider their safety.

Ed Thompson, 22 Burns Hill Road, stated that it appears another fire hydrant is included in this plan and he asked if that brings the total on site up to three. The applicant has stated that the tenant is unknown but there can be a big difference between tenants in terms of traffic patterns and queuing. He asked if all nearby tenants have been directly notified, especially Luks. He asked if this would stall or hurt Luks' business. He stated that he did not see any handicapped spaces marked on the drawing. He asked what could happen during large events at Luks. The existing site was approved with a given number of parking spaces. The applicant is now stating that a requirement of the site plan approval will be contingent on a waiver to reduce that number. He did not see any new trip generation counts for Lowell Road. Different tenants will lead to different traffic patterns. He expressed concern for Luks.

Jason Fiore, owner of Luks, stated that he understands the desire to expand the plaza. However, he is already trying to do that. For the past month, each Friday and Saturday, he has been at fire capacity, or 220. The proposed entrance would take up the front of his restaurant and function room. It will put his patrons at risk as they have to cross the parking lot. He respectfully requested that this approval wait until his lease is up. This will impact his business, his employees, and his patrons. He has no desire to leave Hudson.

Anna Marie Watson, 21 Sunland Drive, expressed concerns regarding traffic and the intersection at Pelham Road. There are three lights heading northbound for one lane. This is an issue. The Town needs to fix the traffic is already has on Lowell Road before adding more traffic to Lowell Road. The Town does not need another fast food restaurant.

Cathy Keenan stated that the pictures displayed of the parking lot do not represent what it looks like during certain events at Luks. Luks is a great family restaurant, and it would be a shame for a fast food restaurant to block access to it.

Public input closed at @ 10:30 PM.

Ms. Paquin stated that the net loss of 42 parking spaces proposed is concerning during busier events at Luks.

Mr. Van der Veen stated that the project seems to be proposed to be located in the most congested part of the parking lot. All of the customers for Luks will have to walk through the project area. It appears that vehicles would be able to backup into the travel lane, which seems unsafe.

Mr. Boyer asked about a potential divider for the project's travel lane from other traffic in the parking lot. The applicant team stated that this has not been suggested at this time.

Mr. Ulery noted that there would be a requirement for another site plan application for a future specific tenant.

Mr. Van der Veen moved to continue the Non-Residential Amended Site Plan Nottingham Square Fast Food Restaurant Application, SP# 14-25, Map 204; Lot 073-000, 142 Lowell Road, Hudson, NH, to date certain March 11, 2026, with the applicant waiving the associated deadlines. Motion seconded by Mr. Boyer.
All in favor – motion carried 6/0/0.

VIII. ADJOURNMENT:

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

Meeting adjourned at 10:40 P.M.

Ed Van der Veen
Secretary

*Mr. Oates moved to approve the minutes as presented on 02/11/25.
Motion seconded by Mr. Ulery. Motion carried 5/0/2 (Crowley and Malley).*
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.