



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 – FEBRUARY 11, 2026 - FINAL

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>	Ed Van der Veen Member <u>X</u>	Victor Oates Member <u>X</u>
James Crowley Member <u>X</u>	Julia Paquin Member <u>X</u>	Timothy Lyko Alternate <u>X</u>	George Hurd Alternate <u>X</u>
Todd Boyer Alternate <u>X</u>	Bob Guessferd Select. Rep <u>X</u>	Brooke Dubowik Town Rep. <u>X</u>	

I. CALL TO ORDER BY CHAIRPERSON

Mr. Mallery called the meeting to order at 7:00 PM.

II. PLEDGE OF ALLEGIANCE

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

IV. SEATING OF ALTERNATES

No alternates were seated at this time.

V. MEETING MINUTES

- 14 January 2026 Meeting Minutes

Mr. Oates moved to approve the 14 January 2026 meeting minutes.
Motion seconded by Mr. Ulery. Motion carried 5/0/2 (Crowley and Malley).

VI. CORRESPONDENCE

None at this time.

VII. OLD BUSINESS

- A. Erickson Foundation Solutions Lot Line Relocation & Site Plan 14-18 Clement Road
SP# 13-25 Map 161/Lots 49 & 50
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
(Continued from January 14, 2026).

Pete Madsen, Keach Nordstrom Associates, explained that the applicant is seeking conditional approval of the site plan which was presented to the Board in January. Since the January meeting, the applicant has cleaned up the plans per Fuss & O'Neill and staff comments. The Board previously asked about pulling the slope back around the existing foundation of the existing house and this has also been adjusted on the plans. The engineer comments flagged three additional items within the regulations that waivers were recommended for and so three additional waiver requests have been submitted. These mostly relate to existing site conditions that are non-conforming to the current regulations.

Mr. Madsen stated that the first waiver is from § 275-8.(C).4 Parking Space Dimensions. This is regarding seven spaces which are proposed as 9'x18'. This waiver also includes reduced parking space dimensions for existing spaces, specifically along the northern side of the building and northern property line. These spaces are currently undersized. If they were to be brought into compliance with the regulations, the applicant would have to increase the pavement and encroach over the side setback line. The second waiver, from § 275-8.(C).5 Driveway Aisle Dimensions, is for minimum aisle widths. The existing aisle width is approximately 22.5' where 24' is required. To bring this into compliance, the applicant would have to encroach on the side setback and alter the existing parking lot, which would be a financial hardship. Many of these waiver requests deal with existing conditions of the building which predate many site plan requirements. The site's parking and maneuverability have operated successfully for many years. Finally, the requested waiver from § 276-11.1.(B).(25) Parking in Setbacks deals with two spaces in the front setback. These are parallel spaces and the proposal is to remove them in order to make a drive aisle. There will still be a bit of encroachment into the front setback for a couple of the proposed spaces, as well as some of the existing spaces. There is nowhere else to put the aisle in order to gain access to the backside of the building. Fire access is proposed to be provided, where it was not originally provided.

Mr. Crowley asked if there is a NH DES inactive asbestos site number assigned to this site. Mr. Madsen stated that there is, though he does not have the number at hand. Mr. Crowley asked if the site has been capped. Matt Erickson, owner, stated that when the rear portion of the building was built, additional fill was added on top of the cap. The area is covered with a specific type of rip rap. Mr. Crowley asked about making sure asbestos will not spread onto Lot 50. Mr. Madsen stated that this was factored into the design. Additional fill will be brought onto the site. There is a note on the plan that the owner shall employ a contractor licensed by NH DES to perform work on asbestos disposal sites, as necessary. A test pit was dug on site and no asbestos was found. This is located close to where the sediment forebay is proposed.

Mr. Crowley asked if the applicant would agree to have a NH DES certified asbestos abatement supervisor on site at the start of excavation of the forebay and infiltration basin areas to determine if abatement procedures are necessary. Also, during placement of the asbestos cap materials.

Mr. Ulery stated that migration of material is limited by the "tub" of the cap, which is packed clay in this case. Fill and rip rap are then placed on top of this. The known asbestos pits in the

area are encapsulated. Only if the encapsulation is broken would a supervisor be needed on the site.

Ms. Paquin noted that the applicant is not digging or building in the area of the cap but instead adding more fill to it. Mr. Madsen agreed.

Mr. Crowley noted that the plans show an 8,000 s.f. laydown area on Lot 50 for the benefit of Lot 49. He asked if this is a new use for Lot 50. Mr. Madsen stated that this area is currently an edge of gravel and used as a laydown area. The proposal is to expand the area a bit. Mr. Erickson stated that some trucks, small equipment, and miscellaneous dirt materials are proposed to be stored in this area.

Mr. Malley noted that the Zoning Ordinance requires any location used for the parking of vehicles or equipment to be paved. Mr. Crowley noted that it also has to be provided on the same lot as the principal use. Mr. Oates asked if other types of parking material could be acceptable. There was a suggestion to stipulate that vehicles and equipment cannot be stored in the area.

Ms. Dubowik noted that this reminds her of the laydown yard approved for SL Chasse which was not paved. Material and construction machinery were proposed for that area.

Mr. Crowley asked about driveway profiles. Mr. Madsen stated that these are existing driveways, and neither is proposed to be altered. Site distance plans were provided for both, though additional information was not requested.

In terms of the requested waiver from the open space requirement, Mr. Oates stated that eliminating nine of the parking spaces in the setback would likely make up for the requirement. Mr. Madsen stated that, based on the existing conditions such as the location of the building to the street, there is not enough room on the site to create additional parking without impacting the open space. The existing parking spaces vary in size. Mr. Oates suggested shrinking down the parking spaces to eliminate the open space waiver. Mr. Madsen explained that he does not believe the applicant can meet the open space requirement if additional spaces are being proposed on the site.

Ms. Paquin explained that the purpose of the proposal is to allow for additional parking. Mr. Erickson stated that there is currently no access to the back of the building and there was a small fire last summer which led to concerns regarding this access.

Mr. Oates stated that the proposal is approximately one parking space away from meeting the open space requirements, if the other spaces are not added. The plan could likely be amended slightly in order to meet the 40% requirement. Mr. Madsen stated that the site is currently at 39.6% open space where 40% is required. The site is already out of compliance, and the proposal is an opportunity to gain more spaces. Losing nine spaces would hurt the applicant's growing business.

Mr. Crowley stated that the proposal would reduce the open space to 30.7%. He suggested changing the lot line relocation in order to make the open space requirement work. Mr. Madsen

explained that this was considered but the lot lines were drawn in order to make sure the building setbacks were met and the laydown yard was adequately sized. Creating an odd-shaped lot to meet open space requirements may not be the best idea in this situation. The open space created would not be valuable for landscape areas.

Mr. Malley noted that the site is required to have 47 parking spaces, but 86 are proposed. He asked the need for the proposed number of spaces. Mr. Madsen stated that the applicant has had parking issues on the site as the business has expanded. Mr. Erickson stated that the extra spaces will hopefully allow him to stay in Town for years to come.

Mr. Van der Veen noted that the Board should consider that the existing conditions of the building are not safe for fire personnel and there should be some leniency due to the access proposed.

Mr. Crowley expressed concern with moving forward with a waiver request when there may be works around it. Mr. Madsen noted that the existing leach field also weighed into the lot line adjustment.

Mr. Oates asked if the proposed fire access road to the back of the building is independent of the parking. Mr. Madsen stated that the fire access is a secondary benefit of the plan. Mr. Oates asked if the fire truck will be able to access the rear of the building, if all of the proposed parking spots are filled. Mr. Madsen stated that the plan has been reviewed by the Fire Department and there were no exceptions taken to it. Mr. Oates stated that he did not see that the Fire Chief made a statement commenting on the rear fire access. Ms. Dubowik noted that concerns are normally commented on by the Department.

Mr. Crowley asked about there being an additional buffer line from the residential area shown for Lot 49. Mr. Madsen stated that the house on the lot is not currently used residentially, but instead for the business' training program. The plan focused on a buffer for a residential use across the street.

Mr. Oates asked that the applicant consider strengthening the buffer along the line to help mitigate the view for abutters. Mr. Madsen stated that the revised landscape plan includes an additional row of arborvitaes in this area for screening.

Ms. Paquin asked about the elevation of the building site above the street level. Mr. Madsen explained that the existing single-family house is at elevation 290 and the parking area is at elevation 306. Headlights would not likely shine directly into any of the windows.

Mr. Erickson noted that the existing home has been mothballed to allow for it only to be used for training exercises.

Mr. Oates moved to grant a waiver from **§ 275-8.7.(D) – Landscaping Requirements - Shrubs** to allow for 34 shrubs where 83 would 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. Motion carried 7/0/0.

Mr. Oates moved to grant a waiver from **§ 276-11.1.(B).(24) – General Plan Requirements - Open Space** to allow 30.7% open space where 40% open space is 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. Motion carried 5/2/0 (Oates and Crowley).

Mr. Oates moved to grant a waiver from **§ 276-11.1.(B).(22) – General Plan Requirements – Green Space** to allow impact to the green space buffer in order to access the proposed parking expansion, 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. Motion carried 6/1/0 (Oates).

Mr. Oates moved to grant a waiver from **§ 276-11.1.(B).(12).(C) – General Plan Requirements - 100' Residential Buffer** to allow access and improvements within one-hundred-feet of a residential 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. Van der Veen.

Discussion:

Mr. Oates stated that he supports this waiver because this has been an existing condition of the site for quite some time.

Motion carried 7/0/0.

Mr. Oates moved to grant a waiver from **§ 275-8.(C).4 – Site Plan Review - Parking Space Dimensions** to allow for reduced size parking spaces where 10'x20' spaces 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.

Discussion:

Mr. Crowley stated that the smaller spaces make sense for this site. Mr. Van der Veen agreed that this is for business parking.

Motion carried 7/0/0.

Mr. Oates moved to grant a waiver from **§ 275-8.(C).5 – Site Plan Review - Driveway Aisle Dimensions** to allow for a reduced width aisle of 22.5' where 24' 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.

Discussion:

Mr. Crowley noted that this only applies to 1.5 parking spaces on the site.

Motion carried 7/0/0.

Mr. Oates moved to grant a waiver from § 276-11.I.(B).(25) – **General Plan Requirements - Parking in Setbacks** to allow for four parking spaces in the front setback where none would otherwise be allowed, 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.

Discussion:

Ms. Paquin asked if the four parking spaces are needed and if removal of these four would meet the green and open space requirements. Mr. Madsen stated that the spaces are needed and many more parking spaces would need to be removed in order to meet those requirements.

Mr. Oates stated that he believes removal of these four spaces and those next to them would meet the requirements.

Motion carried 4/3/0 (Paquin, Crowley, and Oates).

Mr. Oates moved to approve the **Non-residential Site Plan** for Erickson Foundation Solutions, SP# 13-25 Map 161; Lots 049 & 050, 14 & 18 Clement Road, Hudson, New Hampshire; 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, last revised January 27, 2026; 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 Development Agreement, which shall be recorded at the HCRD along with the site plan.
2. All improvements shown on the Plan, including notes 1-34, shall be completed in their entirety and at the expense of the Applicant or his/her assigns.
3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
4. Prior to the issuance of a final certificate of occupancy, a L.L.S. certified “As-Built” site plan shall be provided to the Town of Hudson Development Services Department, confirming that the site conforms with the Planning Board approved plan.
5. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall be allowed on Sundays.
6. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.

7. The applicant shall employ a contractor licensed by NHDES to perform any work on the asbestos disposal site.
8. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
9. Applicant shall install Conservation markers at 50-foot intervals along the 75-foot wetland buffer.
10. In the event that ownership changes between Lots 049 and 050, an easement related to the detention basin shall be drafted and subject to final administrative review by the Town Planner, and Town Engineer prior to recording, for the benefit of Lot 049.

Motion seconded by Mr. Van der Veen.

Discussion:

Mr. Crowley asked about stipulation #8, as a building permit is likely not needed for this work. He suggested that there be a preconstruction meeting with the Town Engineer and a NH DES certified asbestos abatement supervisor prior to mobilization of construction personnel and equipment entering the site to perform onsite grading.

Ms. Paquin stated that the supervisor may not be needed as no excavation or disturbance of the asbestos area is proposed. Mr. Crowley noted that Lot 50 was never fully examined for asbestos.

Mr. Malley stated that requiring the applicant to meet with someone who may never need to be hired may not be appropriate.

Mr. Ulery noted that if digging begins on the site and asbestos is seen, all work must halt, based on State law.

Mr. Oates stated that he believes a building permit encompasses the entire site and any improvements on it.

Mr. Madsen suggested that this stipulation be made prior to any mobilization of construction activities or prior to pulling any other permits for work on the site.

The Board agreed that the wording for stipulation #8 be amended to read, “Prior to the mobilization of construction activities, the applicant shall schedule a preconstruction meeting with the Town Engineer.”

Motion carried 7/0/0.

VIII. NEW BUSINESS

- A. The Meadows Mixed Use Development 206 Central Street
SP# 02-26 & CUP# 02-26 Map 176/Lots 41, 44, 45
Purpose: to propose a residential and mixed-use development that includes three (3) residential apartment buildings within the south-central portion of the property, and one (1) mixed-use building located on the northern portion of the property. This Site Plan

Application also includes a separate Conditional Use Permit Application, which is a request to allow encroachments into the wetland buffer areas. Application acceptance & hearing.

Mr. Boyer recused himself at 8:19 PM.

Mr. Oates asked to confirm if any Board members have a personal, family, or professional relationship with the applicant, their authorized agent, or their immediate family that could create an appearance of bias. No Board members addressed this item further.

Ms. Dubowik stated that, as of February 10, 2026, the applicant for 207 Central Street has submitted variance applications to address the portions of the proposal not in compliance with the Zoning Ordinance, as identified in the staff comment section of the staff report. The hearing on those variances is scheduled for February 26, 2026. If the submitted variance applications are approved by the Zoning Board of Adjustment (ZBA), staff believes the Site Plan and Conditional Use Permits will then be in compliance with the Zoning Ordinance. Acceptance of these applications are at the Board's discretion.

Mr. Crowley expressed concern that the plan at hand is not what was submitted to the ZBA. He cannot support a motion to accept the applications at this time.

Mr. Van der Veen asked if there is a State law which states that the Planning Board cannot hold up a Site Plan while the applicant is also exploring other permissions, such as from the ZBA. Mr. Malley stated that this was included as part of the attorney's determination. Mr. Van der Veen stated that he does not believe the Board can deny approval of this application due to this law.

Mr. Oates noted that he has not yet had enough time to review the application materials. It is unclear if the ZBA applications will be approved. If they are not, these plans will not move forward to the Planning Board.

Mr. Oates moved to not accept the Non-Residential **Site Plan** for the Mixed-Use Development Meadows Non-Residential Site Plan, SP# 02-26, Map 176 Lots 041, 44, 45, 207 Central Street, Hudson, NH. Motion seconded by Mr. Crowley.

Discussion:

Mr. Ulery noted that motions need to be made in the affirmative. The Board cannot vote to not even consider accepting the plan. The applicant has the right to present the project. The conceptual plan was only that.

Mr. Oates stated that Town staff has stated that an acceptable motion is to not accept a plan. The motion was made and seconded based on staff comments.

Ms. Paquin stated that the staff report noted that staff recommended deferral of the application at this time in order to work through some of the concerns. Mr. Malley explained that the current motion is to not accept the application. This sends the applicant back to the beginning of the process. Ms. Paquin suggested deferring the application to after the next ZBA meeting, to see if

any of the concerns could be alleviated. Mr. Oates stated that the staff's recommendation was to not accept the plan.

Mr. Crowley stated that staff's recommendation was to defer the plan. Mr. Oates stated that there is no point to defer something that has not yet begun. Not accepting the plan does not put the applicant back to square one, as the process has not yet begun.

Ms. Paquin stated that she would like clarification on this. Mr. Malley explained that an application has been submitted and is technically complete. If the Board chooses not to accept the application, the application is gone and the applicant has to reapply. He will not support the motion as the applicant has completed due diligence in the process by obtaining a zoning determination from staff. This determination did not state that the applicant is in violation. This was determined after the applicant had applied. The applicant then applied for the proper variances which have yet to be heard.

Mr. Guessferd stated that denial of the motion at hand would not mean that the Board is thus accepting the application. Mr. Malley agreed and stated that there could be a further motion to defer the application. Mr. Guessferd stated that the zoning issues may not be the only reason to defer. There were other outstanding technical review items mentioned by staff. Correction of these items could make the plan more palatable.

Mr. Malley stated that there is a checklist of criteria for application acceptance. If an application meets the criteria, it is typically accepted. The application made it through an initial review but, upon further review, zoning issues were flagged. The Board has the discretion to accept the application and begin the review process. Mr. Guessferd stated that he would prefer to defer the application.

Mr. Van der Veen stated that, if the application checklist has been completed and State law says that the Planning Board cannot hold this back for other board approvals, then it should be accepted.

Ms. Paquin stated that there are other issues than zoning items. It may be better to defer the application for now to fill the missing pieces. Mr. Malley noted that every plan received by the Board has issues to work through and this usually occurs during the Board's review process.

Mr. Crowley stated that it appears any applicant can present the Board with information in a shortened timeframe from the required seven days and have to accepted.

Mr. Ulery stated that the issue is acceptance of the application. If the application is accepted or deferred, the information provided becomes part of the record. The Board generally grants conditional approvals, with one condition being to obtain other necessary approvals and permits. He noted that the last minute information was not provided by the applicant, but by Town staff for the Board's benefit. That can be provided at any time before the meeting starts.

Mr. Van der Veen stated that he does not see how the seven day requirement argument holds water.

Mr. Oates stated that RSA 673:14 states that a Board member with a personal or financial relationship which could affect impartiality must disqualify themselves. He respectfully requested that the Board address this before moving forward because participation by any conflicted member(s) could invalidate the decision. Any resident could use RSA 673:14 to have a decision invalidated in court. There are some potential conflicts on the Board.

Mr. Hurd stated that other applicants have come before the Planning Board before going to the ZBA and it was not an issue.

Mr. Ulery asked that the potential conflicts of interest mentioned be called out specifically. Mr. Oates asked if anyone on the Board is friends or has personal relationships with any members of the applicant team. Mr. Ulery stated that this is not a conflict of interest. He stated that he is off the Board in one month and has nothing else to do. He knows where this case will go and has RSAs on his side.

Motion failed 3/4/0 (Guessferd, Malley, Ulery, and Van der Veen).

Mr. Oates moved to defer the Non-Residential **Site Plan** for the Mixed-Use Development Meadows Non-Residential Site Plan, SP# 02-26, Map 176 Lots 041, 44, 45, 207 Central Street, Hudson, NH, to date April 8, 2026. Motion seconded by Mr. Crowley.

Discussion:

Mr. Oates stated that the April 8th date appears appropriate based on staff's comments. The applicant team stated that the next available Board meeting is adequate timing. This has already been before the ZBA and there are two allowable uses for the site. There was a mix-up between staff and the applicant team. The ZBA is favorable of this. He was directed differently than by staff in order to redo the ZBA items, which he did. Mr. Oates asked which staff members were involved. The applicant team asked if this was relevant. He asked if he should pick out a personal vendetta. Mr. Oates stated 'sure.' The applicant team stated that Mr. Oates knows exactly what he has done.

Mr. Oates asked why he is being threatened by the applicant. The applicant team stated that they were not presenting any threats, nor did they intend to. Mr. Oates asked why he was told by the applicant 'you know what you've done.' The applicant stated that this was a general comment.

Mr. Oates asked if when the applicant would like a deferral to. The applicant stated that, in fairness to him, he would like a deferral to the next meeting in March.

Mr. Oates **AMENDED** his motion to read deferral to March 11, 2026. Motion seconded by Mr. Crowley.

Discussion:

Mr. Malley noted that the Conservation Commission has decided that it would like a site walk for this application in conjunction the Planning Board. The applicant cannot return to the Conservation Commission until a site walk is scheduled with the Planning Board.

Mr. Guessferd asked if there is a completed checklist for the application and it is ready for acceptance. Ms. Dubowik agreed with this.

Motion carried 4/3/0 (Van der Veen, Guessferd, Malley).

Mr. Ulery asked Mr. Guessferd what the process is when Board members are threatened with official intimidation. He asked if there is access available to the Town Counsel. Mr. Guessferd stated that he would believe so.

Mr. Boyer rejoined the meeting at 8:59 P.M.

IX. ADJOURNMENT:

Ms. Paquin moved to adjourn. Motion seconded by Mr. Van der Veen.
All in favor – motion carried 7/0/0.

Meeting adjourned at 8:59 P.M.

Ed Van der Veen
Secretary

Mr. Ulery moved to approve the minutes as presented on 03/25/26.

Motion seconded by Mr. Lyko. Motion carried 6/0/0.

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.