



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 25, 2026 - FINAL

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

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

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

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

I. CALL TO ORDER BY CHAIRPERSON

Mr. Malley called the meeting to order at 7:00 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. Mallery asked the Clerk to call for attendance.

IV. SEATING OF ALTERNATES

Mr. Lyko was seated for Ms. Paquin.

V. MEETING MINUTES

- 11 February 2026 Meeting Minutes

None at this time.

VI. CORRESPONDENCE

- A. Elvis Dhima, Director of Development Services
 - Bond Establishment - T-Bones additional On-Site & Off-Site Improvements

Mr. Dhima explained that bonds are being recommended for the Board’s approval. One is for \$12,000 and another one is \$169,239. These are related to the final coat of pavement required, the sidewalk, a pipe associated pipe with the sidewalk, and a handicap ramp by the main entrance. These items cannot currently be finished due to the weather, but the owner is looking to obtain a Certificate of Occupancy at this time. All other safety items are in place, and it is recommended that the Board approve these bonds. There is an existing \$70,500 bond for landscaping. The total amount of bonding proposed is \$251,739.

Mr. Oates moved to approve an additional bond amount of \$181,239.00 relative to On-Site and Off-Site Improvements for T-Bones Restaurant, 256 Lowell Road – Map 145/Lot 015-000, bringing the total bond amount to \$251,739.00, for outstanding improvements that cannot be completed due to weather conditions prior to the applicant applying for a Certificate of Occupancy, as presented in the memorandum from the Elvis Dhima, Development Services Director, to Brooke Dubowik, Town Planner, dated February 12, 2026, together with the Town of Hudson Road Guarantee Estimate Form. Motion seconded by Mr. Crowley.
All in favor – motion carried 7/0/0.

- Request Corridor Funds – Lowell / Birch / Belknap Road Lot Line Relocation & Dredge and Fill Permit

Mr. Dhima explained that the purchase and sales agreement has been signed by both abutters. These purchases require reference to recorded plans associated with the lot line relocations for both properties. The requested additional funds are related to the preparation of surveying plans for the lot line relocations, installations of monumentation, and the administrative Dredge and Fill permit. These additional efforts necessitate a change order in the amount of \$21,600.00, to be funded through available corridor funds.

Mr. Oates moved to recommend to the Board of Selectmen the expenditure of an additional \$21,600.00 for efforts associated with the lot line relocations and the Dredge and Fill application, utilizing corridor funds from (2070-000-701) Zone 1 Traffic Improvements and (2070-000-702) Zone 2 Traffic Improvements, as recommended by the Development Services Director. Motion seconded by Mr. Crowley.
All in favor – motion carried 7/0/0.

VII. OLD 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. Continued from January 14, 2026.

Chris Drescher, attorney for the applicant, explained that he reached out to the abutting daycare's legal counsel and received the abutter's wish list, including that a fence by the daycare be installed prior to any construction. This was indicated to be a stockade fence, 6' tall, in a color other than white as that can be hard to keep clean. The applicant has agreed to comply fully with those terms.

Mike Gazdacko, Colbea Enterprises LLC, explained that the fence for the daycare was requested to return along the storage garage, which has been added to the fence exhibit. Conversations with other abutters seemed to indicate a desire for more fencing on the plans. A fence is proposed along Temple Street based on a sound study which suggested 100' of an 8' tall stockade fence in order to meet the code for sound attenuation. In order to be a good neighbor to the residential uses behind the property, this fence will be continued around Atwood Avenue toward the garage structure and

along the property line to the dead end on Temple Street. The residential abutter on Lowell Road requested a similar fence, 6' tall, next to her yard for privacy purposes which the applicant has agreed to. The fence will be run as close to the property line on Lowell Road as possible, without obstructing any view corridors. Revised plans have been dropped off to various neighbors and submitted to the Board and Fuss and O'Neill. He noted that there is an emergency generator proposed for the site. The sound consultant stated that this is not normally considered as part of the noise study, as it is not usually running. This can be removed from the plans, if the Town so chooses.

Mr. Oates stated that it is part of the Town code for an emergency generator to be factored into the plan. Ryan Callahan, Epsilon Associates, stated that the emergency generator is not included in the modeling of the site. If it were to be included and compared to the Town's limits, it likely would need to be in an enclosure. As these types of generators are for emergency use, they are generally dealt with in a variety of ways. These are typically only cycled during daytime hours and operated during emergencies. The noise study did not account for the generator or attempt to demonstrate that it would meet the Town's codes. Mr. Oates asked if the Board would require for a waiver for the emergency generator to bypass Town code. Mr. Callahan stated that the applicant would remove the emergency generator from the plan.

Public input opened @ 7:24PM.

Brian Sojka, 11 Atwood Avenue and speaking on behalf of his mother, expressed concern with placing the fence directly on the property line. He suggested moving the fence back slightly in order to include some shrubbery in front of it but was told this would not be acceptable to the applicant. Mr. Sojka also expressed concern that the applicant may see a car wash and vacuum stations in the future. Mr. Mallery stated that the Planning Board does not have the authority to stop the applicant from being able to come back with a future application.

Daryl Noble, 12 Atwood Avenue, stated that the applicant did agree to make a change to the fence based on discussions about sight lines. He stressed that plantings on the fence line will need to be maintained on the inside of the fence. Plantings along the outside of the fence line should be included, with the applicant responsible for maintaining them. He expressed concern that the sign in front of the business will be 25' high. He does not believe there are any other signs in Town that are that tall. This will stand out and be an eye sore. This is Hudson, not Las Vegas.

Public input closed @ 7:30PM.

Attorney Drescher stated that the desire for shrubs was not expressed until approximately 4PM today. In terms of the sign, a variance has already been obtained from the ZBA.

Mr. Gazdacko noted that a fence on the property line would not allow for plantings within the right of way. The applicant checked with Mr. Sojka numerous times and believed everything was taken care of, until receiving a text this afternoon regarding the desire for shrubs. Mr. Gazdacko expressed concern with trying to maintain shrubs planted on the other side of the fence. There is no intention to build a car wash at this time. Unless the Town bylaws change in the future, a car wash would not likely be approved due to the noise bylaws.

Mr. Crowley suggested moving the fence back slightly and adding a gate in order to access the shrubs for maintenance. Mr. Gazdacko stated that he believes the abutters do not want a gate in the fence. Mr. Malley stated that a fence is not generally obtrusive to look at, and it does not seem to be a reasonable expectation to require the applicant to maintain shrubs additionally. Mr. Lyko stated that he does not believe additional shrubs will make the fence much better. The fence itself will be an improvement for the abutters.

Chris Rice, TFMoran, stated that there was some disagreement on the Board during the last meeting regarding curb cuts for the property. A second traffic study was completed to evaluate a right in/right out option. The letter submitted from this study agreed with the original traffic study's methodology and the conclusion. That conclusion was that there is no difference in traffic patterns for either option. The applicant is willing to do whatever the Board's pleasure is. Both curb cuts can be left full access, or the southerly curb cut can be made right in/right out.

Mr. Boyer asked if there are three driveways shown on the plan, one driveway for the old garage and two for the new curb cut on Lowell Road. The ordinance allows for two. Mr. Malley explained that this requirement was changed, if the applicant obtains the Board's approval.

Mr. Malley expressed concern with keeping the old garage driveway in terms of the extra pavement in place. Mr. Rice explained that the driveway was 100' wide and is shown to be reduced to 62' wide. Mr. Malley stated that this is for the driveway, but the pavement internal to the site for this driveway is not proposed to change. Mr. Gazdacko stated that this is to allow access to the old garage for storage. Some of the pavement in this area could be cut back. He agreed to cut the pavement area to 30' wide from the easterly edge of the storage building to the easterly edge of pavement.

Mr. Crowley expressed concern regarding sight distances. The engineering guidelines, Section 525.3, states in part that a minimum of 400' of sight distance is required for all intersections, unless otherwise allowed by the Planning Board and Town Engineer. However, the driveway sight distance plans, show that driveways 1 and 2 do not follow these minimum 400' distance requirements. This is standard for sight distance plans approved by the Planning Board on other applications. During the site walk, all of Planning Board members were extremely concerned with the difficulties of traffic entering Lowell Road from both the right and left turns. Additionally, residents have given testimony regarding their difficulties of entering Lowell Road from their neighborhoods. He asked about the criteria being used to justify that this should be less than the usual 400' distance. Mr. Rice stated that the AASHTO guidelines were followed for the plan. Attorney Drescher noted that Fuss & O'Neill agreed with the site plan submitted.

Mr. Oates stated that AASHTO requires that the 25' tall sign be built into the sight distance requirements. All of the signage, including across the street, needs to be factored in to make sure this does not obstruct any sight distances. Mr. Rice stated that their sign meets the requirements.

Mr. Crowley asked that the peer reviewer review the sight distances again. Attorney Drescher noted that there have been three peer reviews thus far and all came back acceptable.

Mr. Crowley expressed concern with existing shrubs on other lots impeding the line of sight at the property. Mr. Rice stated that Fuss & O'Neill asked for a stipulation on the plan that any shrubs that block sight lines be removed and the applicant agreed to this, as long as the shrubs are within the right of way and the Town is okay with them being removed. Mr. Crowley stated that he believes these shrubs are on Lot 13 and so the Board cannot request that the applicant remove them. The Board could require the applicant pursue a sight line easement across the property. Mr. Malley stated that it is unclear if there would be proper sight lines even if the shrubs were removed from this area.

Mr. Oates stated that 95% of the traffic from this site will be right turn in/out. Attorney Drescher stated that the applicant is okay with making the driveway right turn in/out only, which would eliminate any issues with turning left. The Town Engineer could review this, if the Board sees a need for it.

Mr. Crowley stated that the plans do not show signage or anything other details to discourage left hand turns from the driveway.

Mr. Ulery stated the driveway sight line requirement per RSA 636:13 is 400' in either direction. This is not reflected on the plan. This is slightly different than the AASHTO standard.

Mr. Oates noted that the NH DOT follows AASHTO standards.

Mr. Oates moved for the Board to require a right hand turn in/out for the southern driveway location. Motion seconded by Mr. Ulery.

Discussion:

Mr. Guessferd asked if this is enforceable. Mr. Malley stated that it is not truly enforceable.

Mr. Crowley stated that this requirement, if approved, should lead the applicant to include signage and other details on the plan.

Mr. Oates stated that something being enforceable is not the Board's responsibility. Design standards are under the Board's purview. This requirement would force 95%-98% of law abiding vehicles to follow it. Drivers will still do what they are going to do in the end. Painting the picture for traffic may help with the design standard.

Mr. Ulery stated that, if the driveway is clearly posted as right in/right out, it would make a future civil case easier.

Mr. Lyko stated that he prefers the plan as submitted. If the southern driveway was left unaltered, aside from changing the painting and signage, this may still not be clear enough for people. It would likely have to be reconstructed to be a right in/out only, but then it is unclear why people would not simply use the other driveway.

Motion failed 2/5/0 (Malley, Van der Veen, Guessferd, Lyko, and Crowley).

Mr. Crowley moved that the peer reviewer look at the sight distance plans for the driveways and advise the Planning Board if they meet true AASHTO criteria. Motion seconded by Oates.

Discussion:

Mr. Oates stated that it seems clear that the Board has already determined its view of the southern driveway, and the Chair has decided that there have already been three engineering studies completed. Another study will not likely shift any views.

Mr. Crowley stated that the Board is supposed to be concerned with the health and safety of the community, but it does not seem to be moving in that direction with this plan. The proposed plan is not a good solution to the property.

Motion failed 2/5/0 (Malley, Van der Veen, Guessferd, Lyko, and Ulery).

Mr. Crowley asked why right turns are 294' for both driveway 1 and 2, but driveway 1 has a left turn onto Lowell Road of 405' and driveway 2 is less than 350'. Mr. Rice stated that the requirements are exceeded because looking to the north is a straight shot down the road.

Mr. Oates stated that it appears that the Board does not believe traffic is a concern. A statement was made by the applicant that they are following the standard which meets the requirements. However, Mr. Ulery also shared a separate RSA for which the plan does not meet the requirements. It is unclear what standard the peer reviews followed because this information is not available. It has been established that there does not seem to be a traffic concern on behalf of the Board. It is not the Board's concern if someone gets creamed coming out of the driveway while taking a left. It appears that the Board does not believe sight distances need to be adjusted. The Board has voted in this way multiple times. While he believes Mr. Crowley's concerns are valid, he also believes they will fall on deaf ears.

My. Boyer stated that the applicant was previously asked to eliminate the second driveway. The Board does care about public safety and does have the public's interest at heart. However, the applicant meets all of the requirements and regulations.

Mr. Crowley stated that the sheet C-02 demolition plan includes rock blasting notes but no information regarding pre- and post-blasting surveys. He asked why the geotechnical conclusions were not updated or presented with the new application that no longer contains the car wash. Mr. Rice stated that the blasting notes are included on the plan, which covers everything in the geotechnical report. Attorney Drescher stated that blasting is noted as being "as applicable" because the applicant would prefer not to blast, if not needed.

Mr. Crowley expressed concern regarding potential blasting impacts on nearby Stonewood Daycare operations. He asked about a mutually agreed upon minimal advanced notification scheduled with the Hudson Fire Department and daycare school management to work on manageable blasting times. Mr. Gazdacko stated that any other time the company has undertaken blasting on a site, the neighbors were fully notified and aware of the process. Surveys are required which need permission. 14 days advanced noticed is reasonable and all guidelines will be followed, should blasting be needed. The rock may be hammerable, and blasting may not be needed.

Mr. Oates expressed concern with a 14 day requirement because Chapter 202 per the Town requires a pre-blasting survey which can take between 10-30 days to complete. Following the Town code should be sufficient. He suggested a stipulation that the applicant will follow Chapter 202 verbatim.

Mr. Crowley stated that post-blasting surveys are also optional. Mr. Malley stated that the Town has a law which regulates blasting. The applicant must follow this law. The Board has no authority over the blasting requirements.

The Planning Board took a five minute recess and reconvened at 9:06PM.

Mr. Crowley noted that page 3 of the staff report states that the existing garage is to be used for storage, with no outdoor storage allowed. However, the plan does not include removal of outdoor pavement and driveway in this area. Mr. Malley stated that the applicant agreed to no outdoor storage and removal of some amount of the pavement width in this area. Mr. Gazdacko stated that the applicant would agree to a stipulation that the garage will not be rented out.

In response to a question from Mr. Crowley, Eric Simpson, Tg2 Solutions, explained that in December 2021 soil borings were installed on the site based on the applicant's potential interest in the property. Also, a groundwater monitoring well was installed. The soil data came back below the NH residential standards. There was no reason to collect a groundwater sample. If the project moves forward, a sample will be collected at that time.

Mr. Crowley asked about potential offsite drainage issues with removal of the car wash from the plan. Mr. Rice stated that the drainage system is now overdesigned, based on removal of the car wash and DES was okay with the proposal.

Mr. Oates stated that he is impressed that the applicant took questions off the Board's plate by doing the legwork and working with abutters to meet their needs.

Mr. Oates moved to grant a waiver from **§275-9.A(1)**, stormwater runoff rates, to allow for excess drainage beyond prior existing rates, where normally no increase in rates is 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. Lyko. All in favor – motion carried 7/0/0.

Mr. Oates moved to grant a waiver from **§276-11.1.B(12)(C)**, General Plan Requirements, to allow improvements within 100' of a residential property, where normally no improvements would 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. Lyko. All in favor – motion carried 7/0/0.

Mr. Oates moved to approve the Colbea Enterprises Proposed Gas Station & Convenience Store Non-Residential Site Plan SP# 12-25, Map 198 / Lots 11, 12, 14, 15, 16, 14 Brenton Ave, 7 Atwood Ave, 91, 95 & 97 Lowell Road, Hudson, NH; prepared by: TF Moran, 170 Commerce

Way, Suite 102, Portsmouth, NH 03801; prepared for: Colbea Enterprises, LLC. 695 George Washington Highway, Lincoln, RI 02865; consisting of 34 sheets and general notes 1-19 on Sheet C-01; dated October 28, 2025, last revised February 9, 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, together with the Site Plan-of-Record.
2. All improvements shown on the Site Plan-of-Record, including Notes 1-19, 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 site plan.
5. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
6. 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.
7. A cost allocation procedure (CAP) amount of \$45,972.00 for the gas station/convenience store only shall be paid prior to issuance of a Certificate of Occupancy. An additional CAP Fee for the drive-thru will be determined once an occupant is secure.
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.
9. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
10. A note shall be added to the site plan stipulating the removal of any existing shrubs that will cause sight distance concerns when exiting the property.

Motion seconded by Mr. Lyko. Majority in favor – motion carried 5/2/0 (Oates and Crowley).

VIII. ADJOURNMENT:

Mr. Oates moved to adjourn. Motion seconded by Mr. Lyko.
All in favor – motion carried 7/0/0.

Meeting adjourned at 9:29 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.