



TOWN OF HUDSON
PLANNING BOARD
PUBLIC MEETING
TOWN OF HUDSON, NH
JANUARY 28, 2015



12 School Street

Hudson, New Hampshire 03051

603/886-6005

The Town of Hudson Planning Board will hold a regularly scheduled meeting on Wednesday, January 28, 2015 at 7:00 p.m. in the "Buxton Community Development Conference Room" at Town Hall. The following items will be on the agenda:

- I. CALL TO ORDER BY CHAIRPERSON AT 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES

- V. ELECTION OF OFFICERS

- VI. MINUTES OF PREVIOUS MEETING(S)

- VII. CASES REQUESTED FOR DEFERRAL
- VIII. CORRESPONDENCE
 - A. 34A Old Derry Rd. – Request of Commercial Use Change.

- IX. PERFORMANCE SURETIES
- X. ZBA INPUT ONLY
- XI. PUBLIC HEARINGS
- XII. OLD BUSINESS/PUBLIC HEARINGS
- XIII. DESIGN REVIEW PHASE
- XIV. CONCEPTUAL REVIEW ONLY
- XV. NEW BUSINESS/PUBLIC HEARINGS

- XVI. OTHER BUSINESS
 - A. §334-16.1. Site Plan Approval – Discussion on Site Plan Review Requirements Pertaining to Changes of Use and General Discussion on Zoning Ordinances.
 - B. Discussion on Updating the Planning Board's Land Use Regulations.
 - C. Discussion on Scheduling a Joint Meeting of the Zoning Board of Adjustment (ZBA) and the Planning Board.

XVII. ADJOURNMENT

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.



John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 01-16-15

ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2015

Chairman Hall shall address the need to elect new officers for reorganization of the Board, and shall first ask for a nomination for the position of Chairman.

DRAFT MOTIONS FOR ELECTION OF OFFICERS:

MOTION FOR CHAIRMAN:

I move to nominate _____ to be Chairman.

Second: _____.

If there are no other nominations for this office, the next motion is:

MOTION:

There being no other nominations, I move to close the nominations and to elect

_____ as Chairman by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

MOTION FOR VICE-CHAIRMAN:

I move to nominate _____ to be Vice-Chairman.

Second: _____.

If there are no other nominations for this office, the next motion is:

MOTION:

There being no other nominations, I move to close the nominations and to elect

_____ as Vice-Chairman by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

MOTION FOR SECRETARY:

I move to nominate _____ to be Secretary.

Second: _____.

If there are no other nominations for this office, the next motion is:

MOTION:

There being no other nominations, I move to close the nominations and to elect
_____ as Secretary by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

Correspondence Received - 34A Old Derry Rd. Request of Commercial Use Change

Staff Report
January 28, 2015

SITE: 34A Old Derry Rd. - Map 122/Lots 010

ZONING: G

PURPOSE FOR CORRESPONDENCE: The attached letter from Charles E. Brown (Applicant), and documents attached thereto (attachment "A"), have been submitted for Planning Board review, relative to the Applicant's request for the board to waive Site Plan Review. That is, to allow the proposed use change at 34a Old Derry Rd., from computer sales and service to used vehicle sales. As cited in the Applicant's letter, the vehicle sales will not exceed 6 vehicles, with up to 2 vehicles displayed for sale outside in the existing parking lot of the site and 4 vehicles located for sale inside the building.

ATTACHMENTS:

- 1) Letter from Charles E. Brown, the Applicant, dated 12 JAN 2015, together with a letter from the State of NH Department of Safety, citing that the Applicant is a "BONDED RETAIL VEHICLE DEALER, having the Legal Address for his dealership at 28 Cottonwood Drive, Hudson, NH and a copy of the Dealers License with stamps dated from 1991 - 2015 - "A".
- 2) Zoning/Use Determination Request Form and associated Zoning Determination Letter from the Zoning Administrator, Kevin Desmond, dated 23 JAN 2105 - "B".
- 3) Locus and site photos - "C".

OUTSTANDING ISSUES:

- 1) In accordance with the Zoning Administrator's Zoning/Use Determination (attachment "B"), per §334-16.6 of the Zoning Ordinance, said proposed use change requires Site Plan approval by the Planning Board, i.e., the previous use of the subject commercial unit in the existing multi-use/multi-tenant commercial/industrial building has been determined a categorical use change. Note: the only exception to requiring Site Plan Review is for the board to grant a waiver of same.
- 2) Besides above-cited §334-16.6 of the Zoning Ordinance providing Planning Board jurisdiction for this use change, §334-18.F. of the Zoning Ordinance also provides Planning Board jurisdiction on this matter; this latter section reads in its entirety as follows:

§334-18.F General (G). The G District includes all areas not specifically designated as being within an R-1, R-2, B or I District. The district is designed to permit a wide diversity of land uses. Most uses permitted in the other five districts are permitted in the G District. The G District is intended to allow natural constraints, such as infrastructure development and market forces to determine the most appropriate use of land. It is also intended that the G District will eventually be absorbed by the expansion of other existing districts or replaced by newly created districts. **The Planning Board will be responsible for maintaining sound planning concepts in this district and shall ensure that conflicting land uses do not abut each other without appropriate buffers.**

- 3) As you can see in the attached aerial photo (included in attachment "C"), presently the land across the street from the subject address, 34 Old Derry Road, is undeveloped, as well as the land on the westerly side of this property (i.e., the side of this property the subject commercial/industrial building is located on). Please note, the subject parcel is 5.23 acres and has in excess of 860 ft. of frontage. In regard to residential uses on the westerly side of the lot, the nearest house on the same side of Old Derry Rd. is over 380 ft. away from the building, with over 140 ft. of this distance consisting of heavy, mature vegetation, with the remaining footage consisting of a hayfield, which is harvested on a regular basis. On the opposite side of the road, again west of the building is a house well off the road and around a bend and out of sight of the subject building.
- 4) On the opposite side of the coin regarding the proposed use of the subject premises is the fact that the closest used car sales is located over a mile away and located on Rte. 102 (Derry St.), which is a more traditionally recognized auto sales corridor. The point, here, being, that the board may want to consider its responsibility regarding development, as set forth in above-cited §334-18.F, i.e.,

"The G District is intended to allow natural constraints, such as infrastructure development and market forces to determine the most appropriate use of land. It is also intended that the G District will eventually be absorbed by the expansion of other existing districts or replaced by newly created districts. **The Planning Board will be responsible for maintaining sound planning concepts in this district and shall ensure that conflicting land uses do not abut each other without appropriate buffers.**"

RECOMMENDED ACTION: Taking into consideration the following aspects of this proposed change of use, the board may want to waive Site Plan Review, i.e.,

- 1) The existing building at 34 Old Derry Rd., located in a G zoning district, and is a long-established, multi-tenant/multi-use commercial/industrial building;
- 2) Said building presently includes other commercial uses, e.g., a small engine repair and sales shop, an auto repair shop, and a motorcycle repair and sales shop;
- 3) There are similar buildings, with similar commercial uses located along Old Derry Road;
- 4) The proposed auto sales use, in its limited scale is not out of character with its surroundings, i.e., limited to 2 vehicles for sale displayed within the existing parking lot, and setback from the edge of roadway pavement at least 15 ft., as provided in §334-21.A. of the Zoning Ordinance, and 4 vehicles displayed for sale inside the building, and
- 5) The proposed use does not include a building expansion or site alteration, including no need to screen the premises.

NOTE: if the board finds the above recommendation to waive Site Plan Review for the proposed use change to be in order Wednesday night, staff prepared below a DRAFT MOTION to this effect. On the other hand, if a waiver is not favorably acted on, the board can choose to take no action, i.e., other than recommend that the proponent submit a Site Plan Review application.

DRAFT MOTION:

I move to grant the waiver – HTC 275-6. – Site Plan Review - for the proposed use change at 34a Old Derry Road, Map 122/Lot 010, i.e., from computer sales and service to used vehicle sales, taking into consideration the following findings:

- 1) The existing building at 34 Old Derry Rd., located in a G zoning district, and is a long-established, multi-tenant/multi-use commercial/industrial building;
- 2) Said building presently includes other commercial uses, e.g., a small engine repair and sales shop, an auto repair shop, and a motorcycle repair and sales shop;

- 3) There are similar buildings, with similar commercial uses located along Old Derry Road;
- 4) The proposed auto sales use, in its limited scale is not out of character with its surroundings, i.e., limited to 2 vehicles for sale displayed within the existing parking lot, and setback from the edge of roadway pavement at least 15 ft., as provided in §334-21.A. of the Zoning Ordinance, and 4 vehicles displayed for sale inside the building, and
- 5) The proposed use does not include a building expansion or site alteration, including no need to screen the premises.

And as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan regulations.

Motion by: _____ Second: _____ Carried/Failed: _____.

"A"

CEB
Charles E. Brown

January 12, 2015

To whom it may concern,

I Charles E. Brown am looking to move my business from 28 Cottonwood Dr. in Hudson to 34a Old Derry Road in Hudson. I have been living at 28 Cottonwood Dr. for 19 years and had held a bonded vehicle dealer license (retail) at this address. The license has been on file in Concord and Hudson.

I would like to do the same thing I do now, 2-4 vehicles a month. My house has one office and one garage, the new place has two exterior vehicle spaces and can fit four vehicles inside. I will not be parking any vehicles on the grass at all.

Thank you,
Charles E Brown
Owner

Phone:(603) 881-3419
Dealer#: X255



JOHN J. BARTHELMES
Commissioner of Safety

State of New Hampshire

DEPARTMENT OF SAFETY

Division of Motor Vehicles

Stephen E. Merrill Building, 23 Hazen Drive, Concord, N.H. 03305

RICHARD C. BAILEY JR.
Director of Motor Vehicles

03/21/14

CHARLES E BROWN
28 COTTONWOOD DRIVE
HUDSON NH 03051

LEGAL ADDRESS
CHARLES E BROWN
28 COTTONWOOD DRIVE
HUDSON NH 03051

BONDED RETAIL VEHICLE DEALER
CERTIFICATE OF REGISTRATION
DEALER NUMBER: X 255

THIS CERTIFIES THAT A DISTINGUISHING NUMBER HAS BEEN
ASSIGNED TO THE PERSON OR BUSINESS NAMED HEREON THAT
IDENTIFIES SAME AS AN APPROVED BONDED DEALER IN
ACCORDANCE WITH RSA 259:98A.

EXPIRES: MARCH 31, 2015

State of New Hampshire

Department of Safety

Division of Motor Vehicles

VEHICLE DEALER LICENSE

THIS IS TO CERTIFY THAT THE DIRECTOR OF MOTOR VEHICLES HAS ESTABLISHED THAT THE DEALER NAMED HEREON HAS SATISFIED THE REQUIREMENTS OF RSA 261:103-a, AND IS HEREBY A LICENSED VEHICLE DEALER IN THE STATE OF NEW HAMPSHIRE.

CHARLES E. BROWN
10 GYMNASTIC DR
MILLSBORO, NH 03051

DEALER NUMBER X 255

LICENSE EXPIRATION: MARCH,

DMV 401 (Rev. 11/97)

1999

2000

2001

2002

2003

2004

00

2006

2007

2010

2009

2008

2015

2014

2013

2012

2011

Diana C. Becher
DIRECTOR OF MOTOR VEHICLES

TOWN OF HUDSON

"B"

COMMUNITY DEVELOPMENT DEPARTMENT

REQUEST FOR ZONING INFORMATION / DETERMINATION



12 School Street Hudson, New Hampshire 03051
Community Development Department 603-886-6005 • Engineering Division 603-886-6008 • Fax 603-594-1142

Date of request:

1/21/15

Subject Property specifics:

Property Location:

34th Old Derry Rd Hudson

Map 122 Lot 010

Zoning District if known:

G

Request specifics:

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Other

Description of request / determination (please attach all relevant documentation):

I request use determination to sell used auto's at the above cited address

Applicant Contact Information:

Name:

CHARLES E BROWN

Address:

28 Cottonwood Dr Hudson NH

Phone Number:

8813419

FOR OFFICE USE

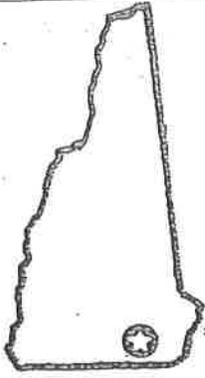
ATTACHMENTS:

TAX CARD GIS

NOTES:

ZONING DETERMINATION LETTER SENT

DATE SENT:



TOWN OF HUDSON

"B"

COMMUNITY DEVELOPMENT DEPARTMENT

REQUEST FOR ZONING INFORMATION / DETERMINATION



12 School Street Hudson, New Hampshire 03051
Community Development Department 603-886-6005 • Engineering Division 603-886-6008 • Fax 603-594-1142

Date of request:

1/21/15

Subject Property specifics:

Property Location:

34th Old Derry Rd Hudson

Map 122 Lot 010

Zoning District if known:

G

Request specifics:

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Other

Description of request / determination (please attach all relevant documentation):

I request use determination to sell used auto's at the above cited address

Applicant Contact Information:

Name:

Charles E Brown

Address:

28 Cottonwood Dr Hudson NH

Phone Number:

8813419

For Office Use

ATTACHMENTS:

TAX CARD GIS

NOTES:

ZONING DETERMINATION LETTER SENT DATE SENT:



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION

*~ B ~
cont.*



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Robert M. Buxton
Chief of Department

ZONING DETERMINATION

January 23rd, 2015

To: Charles E. Brown
28 Cottonwood Dr
Hudson, NH 03051

Re: Zoning Determination of 34A Old Derry Rd – Map 122/Lot 010

Mr. Brown,

I have received your request for Zoning Use Determination for property located at 34(A) Old Derry Rd Hudson, NH (Map 122/Lot 010). The property is located in a zone classified as **GENERAL (G)**.

This particular unit was previously used as a Computer Sales & Service business. You are currently requesting to operate a business selling used automobiles, **** Not to exceed 6 vehicles, with up to 2 (two) vehicles being displayed for sale outside the building and 4 (four) vehicles being displayed for sale inside the building****. Because your requested use is allowed within this zone classification, you will not need to present your plans to the Zoning Board of Adjustments for review. However, because a used automobile sales operation (***) is proposed to occupy the location, this is classified as a **Categorical Use Change** and therefore, in accordance with the provisions of Hudson Zoning Ordinance **Article III, General Regulations, §334-16.1 Site Plan approval**, will require review and approval of the Town of Hudson's Planning Board.

In order to move forward in this direction, please contact John Cashell, Hudson Town Planner (603) 886-6008 to discuss requirements and the next steps you will need to take in order to have this reviewed by the Planning Board.

If you have any other questions, please feel free to contact me directly.

Regards,

Kevin Desmond
Zoning Administrator/Code Enforcement Officer
Town of Hudson NH - Inspectional Services Division
39 Ferry Street
Hudson, NH 03051



603-886-6005 Main Number
603-594-1142 Fax
kdesmond@hudsonnh.gov

CC: Planning Board
H.F.D. Chief Robert Buxton
John Cashell
File

34a Old Derry Rd. - Used Car Sales



January 20, 2015

 Parcels - Aerials

 Parcels

1 inch = 343 feet



C





Google earth



34a Old Derry Road - Used Car Sales



January 20, 2015

Parcels

1 inch = 685 feet

