

XV. OTHER BUSINESS

A. Oak Ridge Condominiums
SP# 10-10

Map 184/Lot 32
109 Belknap Road

Purpose of plan: The proposed project is a 55 years and older person's residential community consisting of 100 detached condominium units. Project was approved on April 13, 2011.

Purpose: To amend conditions of approval: To eliminate school impact fee assessments, per Article XIV, Impact Fees Section 334-74.6. Hearing. (Reference letter dated May 7, 2013).

XVI. ADJOURNMENT

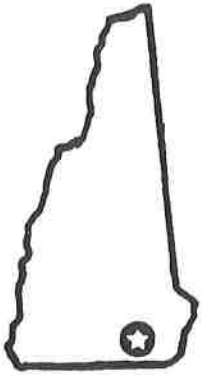
All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.



John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 06-14-13



TOWN OF HUDSON

PLANNING BOARD

PUBLIC MEETING
TOWN OF HUDSON, NH
JUNE 26, 2013
(Addendum #1)



12 School Street

Hudson, New Hampshire 03051

603/886-6005

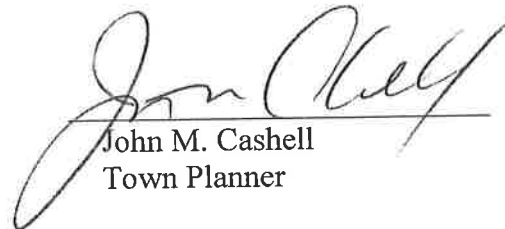
In addition to items already scheduled and posted for review at the June 26, 2013 Planning Board Meeting, the following items are scheduled to be heard:

XV. OTHER BUSINESS

- B. Review "Traffic Impact Fee System". Cost Estimate to complete CAP Fee Assessment Update for the three major corridors in Hudson (i.e. NH Routes 102 & 111, and Route 3A). Deferred Date Specific from the June 12, 2013 Planning Board Meeting.
- C. Review Cost Estimate to Complete an Update of the 2000 School Impact Fee Study.

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 – 06-21-13.

25 Constitution Drive Site Plan (Unicorn)

STAFF REPORT

June 26, 2013

SITE: 25 Constitution Drive -- Map 170/Lot 38 -- SP# 09-12

ZONING: Industrial (I)

PURPOSE OF PLAN: To show proposed 10,000 sf industrial building on 4.4 acres +/- with associated site and drainage improvements. Hearing. Deferred Date Specific from the 04-24-13 Planning Board Meeting.

PLAN UNDER REVIEW ENTITLED: Non-Residential Site Plan Unicorn Industrial Park Map 170 Lot 038, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., dated: October 22, 2008, last revised on January 30, 2013, consisting of Sheets 1 - 15 and Notes 1 – 29 (said plans are attached hereto).

OUTSTANDING ISSUES:

1. At the last meeting the board reviewed this application, May 22, 2013, the board once again requested the applicant to continue meeting with the Board of Selectmen, relative to working with them on an agreement as to the terms of construction for Wall St. In regard to this specific action, since the Planning Board's May 22d meeting, the applicant met with the BOS on May 28th and again plans to meet with the BOS on June 25th. Please note, Town Counsel has also been working on this matter, per the request of the BOS.

At next Wednesday night's Planning Board meeting, it is anticipated that Selectman Maddox will report to the board on the results of the BOS June 25th meeting. That is, what has/has not been agreed to regarding the construction of Wall St. In the meantime, please refer to the attached letter and memorandum from Atty. Brad Westgate, relative to learning his findings on the status of Wall St. – attachment "A".

2. At the request of the board at the May 22d meeting, staff forwarded the following memo to Kevin Burns, Road Agent, Patrick Colburn, Town Engineer and John O'Brien, Deputy Fire Chief

Memorandum

To: Kevin Burns, Road Agent
Patrick Colburn, Town Engineer
John O'Brien, Deputy Fire Chief

From: John M. Cashell, Town Planner

Date: May 24, 2013

RE: Completion of Wall Street

As a result of the Planning Board's meeting last Wednesday night, May 22, 2013, the board would like to receive an agreed upon recommendation from the three of you, relative to the construction/design requirements you want incorporated for completing Wall St., including the turnaround. As you are aware, the turnaround may prove to be needed on a temporary basis. That is, depending on whether or not an agreement is reached to connect Wall St. out to Rte. 111.

If I can be of assistance on this matter, please do not hesitate to contact me. Also, the board will next review this matter, as it relates to the proposed 10,000 sf contractor's building off Wall St., on June 26th. If your agreed upon recommendation can be delivered to the board by June 18th, in preparation for said meeting, it would be much appreciated.

NOTE: it is understood by the Planning Board that Selectman Maddox will present to the BOS, as a separate issue from the above, the Town's share in the cost of Wall Street's construction.

On behalf of the Planning Board, I thank you in advance for your time and attention to this matter.

NOTE: as of this writing, 06/19/13, a written response to the above memo has not been received. That is, except from Kevin Burns. The following memo from Kevin Burns, whose department will be responsible for maintaining this road, including plowing, prescribes the following construction requirements for the subject portion of Wall St. coming off Constitution Drive. This memo has also been presented to the Town Eng. and the Fire Dept.

From: Burns, Kevin
Sent: Tuesday, March 26, 2013 12:08 PM
To: Richard Maddox
Cc: Colburn, Patrick
Subject: Wall Street

Selectman Maddox,

Per your request, below is an estimate of what it would cost for us to bring Wall Street (approximately 602 LF) to a point where I could recommend street acceptance.

Paving work-	\$16,000
Structure adjustment-	\$1,200
Clean up, landscaping-	\$5,000
Signs, Gate -	\$4,000
 Total-	 \$26,200

If sloped granite curbing is required add \$15,000. I don't believe curbing on this short section of flat road is necessary for acceptance.

These cost are figured using our current bid prices.

Kevin Burns
Road Agent
Town of Hudson, NH



- ✓ If the board moves in the direction of approval for this Site Plan application, DRAFT MOTIONS to this effect are provided below, together with those for the requested waivers. NOTE: these motions are subject to change (obviously), depending on the outcome of the applicant's June 25th meeting with the BOS.

ATTACHMENTS: Letter and Memorandum from Atty. Brad Westgate, both dated June 13, 2013, re: 25 Constitution Drive/Wall Street – attachment “A”.

REQUESTED WAIVERS:

1. HTC 275-9A(1) -- Volume Discharge (Stormwater)
2. HTC 275-9B -- Traffic Study
3. HTC 275-9(D) -- Fiscal Impact Study
4. HTC 275-9(C) -- Noise Study
5. HTC 10B – 10E-- Sight Distance

APPLICATION TRACKING:

- 11/13/12 application submitted.
- 01/09/13 initial public hearing was postponed at the applicant's request, in writing. Hearing rescheduled for 02/27/2013.
- 02/27/13 Initial public hearing conduct, application acceptance deferred date specific to the 03/27/2013 meeting.
- 03/27/2013 this application was accepted and deferred date specific to the 05/08/2013 meeting, which was canceled. In turn, at the 04/24/2013 meeting this item was deferred date specific, per the applicant's written request, to the 05/22/2013 meeting.
- 05/22/2013, per the applicant's request further review deferred date specific to the 06/26/13 meeting.

DRAFT MOTION:

I move to defer further review of the 25 Constitution Drive Site Plan application, Map 170/Lot 038, date specific, to the July 24, 2013 meeting.

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

REQUESTED WAIVERS:

1. HTC 275-9A(1) -- Volume Discharge (Stormwater)
2. HTC 275-9B -- Traffic Study
3. HTC 275-9(D) -- Fiscal Impact Study
4. HTC 275-9(C) -- Noise Study
5. HTC 10B – 10E-- Sight Distance

1) HTC 275-9A(1) -- Volume Discharge (Stormwater)

I move to grant the requested waiver HTC 275-9A(1) -- Volume Discharge (Stormwater) because the submitted stormwater mangement report verifies that no downstream properties will be affected as a result of the slight volumetric increase in stormwater discharge, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

2) HTC 275-9B - Traffic Study

I move to grant the requested waiver HTC 275-9B - Traffic Study - because this project is expected to create minimal traffic increase within the affected roadway system, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

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

3) HTC 275-9C – Noise Study

I move to grant the requested waiver: HTC 275-9C - Noise Study - because such a study is unnecessary, taking into consideration that the majority of the industrial activity associated with the proposed use shall be conducted inside the building, thus reducing the noise impact upon abutting properties, which are existing, developed industrial/commercial uses, all of

which are located in the same Industrial (I) Zoning District, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

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

4) HTC 275-9D – Fiscal Impact Study

I move to grant the requested waiver: HTC 275-9D - Fiscal Impact Study - because in addition to the submitted plans, CAP fee and other submitted application materials, said study is not necessary in order to evaluate the fiscal impact of this development, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

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

5) HTC 10B – 10E-- Sight Distance

I move to grant the requested waiver: HTC 10B – 10E-- Sight Distance - because the proposed driveway location provides the most sight distance (365 ft. v. the required 400 ft.) possible for this development, as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan Review regulations.

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

MOTION to APPROVE:

I move to grant preliminary approval for the Site Plan entitled: Non-Residential Site Plan Unicorn Industrial Park Map 170 Lot 038, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., dated: October 22, 2008, last revised on January 30, 2013, consisting of Sheets 1 - 15 and Notes 1 – 29, in accordance with the following terms and conditions:

- 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 (hereinafter referred to as the Plan).
- 2) Prior to the Planning Board endorsement of the Plan, the Development Agreement shall be favorably reviewed and recommended on by Town Counsel.
- 3) All improvements shown on the Plan, including Notes 1-29, shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 4) After the issuance of the foundation permit and prior to the issuance of the framing permit, the applicant shall submit to the Hudson Community Development Department a foundation "As- Built" plan on a transparency and to the same scale as the approved site

plan. The foundation "As-Built" plan shall include all structural dimensions and lot line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation "As-Built" plans shall be documented by the applicant and be part of the foundation "As-Built" submission.

- 5) 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 Community Development Department, confirming that the site conforms with the Planning Board approved Plan.
- 6) Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 7 of 15 of the Plan.
- 7) Construction activities on the site shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday. No construction activities shall occur on Sundays.
- 8) This approval shall be subject to final engineering review, including approval of the SWPPP.
- 9) The Applicant shall be responsible for implementing and maintaining the Stormwater Pollution Prevention Plan (SWPPP).
- 10) The applicant or his assigns, at his/her expense, shall be responsible for repairing all construction cuts, if needed, on Constitution Drive and this work shall be properly bonded with the Town of Hudson.
- 11) Final approval of this Site Plan shall be subject to the applicant receiving approval from the Board of Selectmen, relative to the use of Wall St., a Class VI Highway, as a driveway, pursuant to RSA 674:41(I)(c), and Zoning Board of Adjustment granting a variance, relative to the definition of "frontage", as provided in §334-6. of the Town's Zoning Ordinance.

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

W&B
Winer and Bennett, LLP

PACKET 6/26/13

"A"

June 13, 2013

**VIA E-MAIL
CONFIRMED BY U.S. MAIL**

John Cashell, Town Planner
Town of Hudson
12 School Street
Hudson, New Hampshire 03051



Re: 25 Constitution Drive – SP #09-12

Dear John:

As you know, I represent John W. Jamer, owner of 25 Constitution Drive and applicant in connection with the above matter.

I enclose my memo to you and Stephen C. Buckley, Esquire of June 13, 2013 discussing the status of the southerly portion of Wall Street (along Constitution Drive) and various planning and zoning matters, including an analysis of "frontage" for the property at 25 Constitution Drive and its status as a conforming lot.

I am forwarding a copy of this letter and the enclosure to Attorney Buckley.

Kindly include this letter and the enclosed memorandum in the Planning Board's file on this case and please forward copies of the memorandum to the Planning Board members in advance of its meeting of June 26, 2013, at which time we will again appear to discuss this pending site plan application.

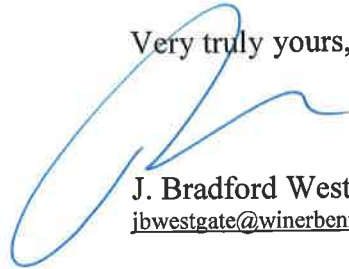
I also enclose fifteen (15) copies of the memorandum for distribution to the Planning Board members.

Peter W. Bennett | David K. Pinsonneault | J. Bradford Westgate | Peter G. Webb | Gary A. Braun
John M. Edwards | Kent M. Barker | Brian C. Kelly | S. Robert Winer (Retired) | John V. Dwyer, Jr. (1946-2013)

111 Concord Street • P.O. Box 488 • Nashua, New Hampshire 03061-0488
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June 13, 2013
Page 2

Very truly yours,



J. Bradford Westgate
jbwestgate@winerbennett.com

JBW:er

Enclosures

cc: Jack Jamer (w/enc.) (via e-mail only)
Anthony Basso, L.L.S. (w/enc.) (via e-mail only)
Jeffrey Merritt, P.E. (w/enc.) (via e-mail only)
Stephen C. Buckley, Esquire (w/enc.) (via e-mail only)

"A" Cont.

MEMORANDUM



TO: John Cashell, Town Planner and
 Stephen C. Buckley, Esquire, Town Counsel

FROM: J. Bradford Westgate, Esquire

DATE: 6/13/13

RE: 25 Constitution Drive – SP #09-12

As you are aware, I represent John W. Jamer, owner of 25 Constitution Drive. The purposes of this memorandum are to (i) supplement my memorandum of 3/7/13 and (ii) summarize matters discussed before the planning board on 3/27/13 and 5/22/13 as well as matters discussed before the Board of Selectmen on 5/14/13 and 5/28/13. In general, these matters pertain to (i) planning issues (and zoning ordinance applicability) to the pending site plan application for 25 Constitution Drive and (ii) the status of that section of Wall Street (the southerly part of Wall Street) which fronts along 25 Constitution Drive, including proposed improvements to the southerly part of Wall Street detailed by Kevin Burns, Road Agent, in his e-mail of 3/26/13, a copy of which is attached.

Background Information

1. Unicorn Industrial Park II (originally known as Unicorn Industrial Park) was first laid out by the plan entitled "Final Subdivision Plan (Map 26, Lot 18) Unicorn Industrial Park Hudson, New Hampshire", prepared for Lampert & Richardson, approved by the Hudson Planning Board (for signature) on 7/28/88 and recorded with the Hillsborough County Registry of Deeds (HCRD) on 8/1/88 as Plan No. 22383.
2. The Town of Hudson became the owner of the Unicorn Industrial Park by virtue of the deed of the Federal Deposit Insurance Corporation, Liquidating Agent of Lowell Institution of Savings, to the Town of Hudson dated September 24, 1998 and recorded with the Hillsborough County Registry of Deeds at Book 6018, Page 1610.
3. The Town of Hudson (as owner of the property) obtained a re-approval of the Unicorn Industrial Park subdivision by the Hudson Planning Board approving and recording the plan entitled "Map 26 Lot 18 Subdivision Plan - Unicorn Industrial Park II Constitution Drive Hudson, N.H." dated July 7, 1999 by Edward N. Herbert Assoc., Inc. approved by the Planning Board on 11/29/00 and recorded with the HCRD on 12/5/00 as Plan No. 30872, a copy of the cover sheet of which is attached. I have added an arrow to the attached copy of the cover sheet of Plan No. 30872 pointing to the location of the southerly part of Wall Street.

4. As a result of the recording of Plan No. 30872, Constitution Drive (formerly Gemini Drive) and the southerly section of Wall Street become dedicated streets, dedicated ways or ways dedicated to public servitude, whatever is the preferred terminology.

5. On December 5, 2000, the Town conveyed to Mepps Development, LLC 10 of the lots depicted on Plan No. 30872, including Lot 18-9 (25 Constitution Drive), the subject property. The deed is recorded with the HCRD at Book 6325, Page 1377.

6. The applicant, John W. Jamer, took title to 25 Constitution Drive (Lot 18-9 on Plan No. 30832) by deed of Mepps Development, LLC dated 3/16/04 and recorded with the HCRD at Book 7186, Page 2629.

7. In sum, the Town of Hudson sold to Jamer's predecessor in title (Mepps) Lot 18-9 off a subdivision plan of land owned by the Town, relative to which the Planning Board approved, depicting a road system (Constitution Drive and Wall Street) which were dedicated public ways, roads dedicated to the public servitude.

8. Plan No. 30872 depicts 25 Constitution Drive (Lot 18-9 on Plan No. 30872) as having frontage both on Constitution Drive and Wall Street. Both plans also depict the wetland area and wetland buffer or setback areas on Lot 18-9.

9. By being depicted on a subdivision plan approved by the Planning Board and recorded with the Hillsborough County Registry of Deeds, Constitution Drive and the southerly part of Wall Street became dedicated public ways, relative to which the Town has the power to accept under RSA 231:51.

10. Apparently, in 2007, the Town did formally accept Constitution Drive. The Town has not, as of yet, formally accepted the southerly part of Wall Street; however, the Town's DPW plows the southerly part of Wall Street when it plows Constitution Drive.

11. The Southerly part of Wall Street has been improved (with pavement), but has little present use and thus has some vegetation overgrowth.

12. Even though the southerly part of Wall Street has not been formally accepted by the Town, it still remains a dedicated public way relative to which the Town has the power to accept. In addition, the public (including all property owners of lots depicted on Plan No. 30872) may make use of the southerly part of Wall Street, as a dedicated public way. It is not a private road.

13. The Town may accept the southerly part of Wall Street as a public road, in its current condition or with improvements acceptable to it, such as those to be recommended by the Road Agent.

**Southerly Portion of Wall Street –
Discussions before the Board of Selectmen**

On 5/14/13 and 5/28/13, I appeared before the Board of Selectmen, as counsel or Mr. Jamer, with Jeffrey Merritt, P.E. of Keach-Nordstrom Associates, Inc., the project engineers, to discuss potential improvements to the southerly portion of Wall Street and the allocation of payment therefor. John Wolters, Manager of Century Park, LLC (an abutter) also attended these meetings.

Kevin Burns, Road Agent, detailed in an e-mail to John Cashell dated 3/26/13 proposed improvements to the southerly part of Wall Street. If these improvements were made, he could recommend formal town acceptance of the southerly part of Wall Street. He also estimated costs for these improvements.

Since the southerly part of Wall Street is a road dedicated to the public servitude by virtue of the recording of Plan No. 30872 (a subdivision plan depicting roadways approved by the Planning Board), the Town has the ability to accept the southerly portion of Wall Street as a town road at any time, with or without further improvements.

Mr. Jamer has respectfully urged the Board of Selectmen to follow Mr. Burns' recommendation, permit the improvements to be undertaken by the Town and accept from Mr. Jamer contributions towards the cost thereof. Mr. Jamer is willing to contribute \$7,500 towards the improvements, plus request the Planning Board to (i) waive its CAP fee (of \$4,800) to allow him to contribute the \$4,800.00 towards the Wall Street upgrades or (ii) assess the CAP fee and dedicate the CAP fee (of \$4,800.00) towards those improvements.

If the Board of Selectmen directs this course of action, then the planning and zoning matters referenced below should be resolved vis a vis the status of the southerly portion of Wall Street.

**Southerly Portion of Wall Street –
Planning and Zoning Matters**

25 Constitution Drive is depicted as Lot 18-9 on Plan No. 30872. This plan was approved by the Planning Board at a meeting held on 2/23/00, with the plan being endorsed by the Chairman and Secretary of the Planning Board on 11/29/00. Plan No. 30872 was recorded with the Hillsborough County Registry of Deeds on 12/5/00.

At the time it was recorded, Mepps Development, LLC acquired title to all but 2 of the lots on Plan No. 30872. It also acquired title to Constitution Drive (by express reference in its source deed) and by implication (ownership to the centerline) of the southerly portion of Wall Street.

Mepps Development, LLC entered into a Development Agreement with the Town of Hudson dated 12/5/00 which called for placement of a cash deposit or other surety in the amount of \$252,200 which was to secure "the construction of all improvements in the performance of the

terms and conditions of this Agreement.” See Article VII of the Development Agreement, a copy of which is attached.

On its face, by the terms of the Development Agreement, Mepps Development, LLC was to undertake all improvements contemplated by Plan No. 30872 and the surety would be guaranty all of these improvements. Notwithstanding that typical concept in a development agreement, although Constitution Drive was completed and accepted by the Town of Hudson, the southerly portion of Wall Street was not and the letter of credit (the last surety) was released without the southerly portion of Wall Street being completed.

This set of circumstances has lead to a question pertaining to the frontage of 25 Constitution Drive (Lot 18-9) and whether its frontage along Constitution Drive, on the one hand, and/or its frontage along the southerly portion of Wall Street, on the other hand, meet the definition of “frontage” under Section 334-6 of the Zoning Ordinance. This in turn raises a subsidiary question if it is determined that Lot 18-9’s frontage along Constitution Drive or frontage along the southerly portion of Wall Street does not meet the definition of “frontage” in Section 334-6 – that subsidiary question being whether Lot 18-9 (25 Constitution Drive) constitutes a nonconforming lot to be given protection under the definition of “lot, nonconforming” in Section 334-6 and Section 334-32 of the Zoning Ordinance.

Section 334-6 of the Zoning Ordinance defines “frontage” as the distance along front lot lines between points of intersection with side lot lines. It also notes that frontage shall be contiguous and measured along the boundary of the front line and a Class V or better public right-of-way.

The last sentence of the definition further provides that “frontage” shall be capable of providing access. Putting aside the last sentence for the moment, Lot 18-9 has frontage on Constitution Drive since it is a Class V or better public right-of-way, irrespective of the status of the southerly portion of Wall Street.

The definition of frontage was amended twice, once on 3/10/98 and once on 3/13/01. Apparently, the 3/10/98 amendment added the last sentence (frontage shall be capable of providing access).

Under the Table of Minimum Dimensional Requirements of the Zoning Ordinance, lots in the Industrial District must have at least 150 feet of frontage. As noted, the definition of frontage in Section 334-6 of the Zoning Ordinance includes as a requirement that frontage “shall be contiguous and measured along the joining boundary of the frontline and a Class V or better public right-of-way.”

In approving subdivisions, the Planning Board has obviously applied an administrative gloss in determining frontage for lots since roads on a subdivision plan (prior to town acceptance) become dedicated streets (ways dedicated to public servitude) upon the recording of the plan, but are not yet classified as Class V roads. Perhaps such roads on a recorded, approved subdivision plan fall within the phrase “or better public right-of-way.”

It is with this background that 25 Constitution Drive's frontage must be analyzed. Assuming that the definition of frontage includes the "frontage shall be capable of providing access" component when the subdivision plan for Unicorn Industrial Park II (which became Plan No. 30872) was considered by the Planning Board in 2000 and ultimately approved in 2000, and given that the wetlands on 25 Constitution Drive were well known at that time (thus making access to the developable portion of 25 Constitution Drive impossible without wetland approvals), given that Constitution Drive and the southerly portion of Wall Street were not yet Class V roads and given that the Planning Board would not have approved a nonconforming lot in 2000 without a variance, then 25 Constitution Drive (Lot 18-9 on Plan No. 30872) has to be deemed a conforming lot for frontage and other purposes since nothing has changed in the relevant portions of the Zoning Ordinance which would support its conforming status.

To conclude that 25 Constitution Drive is a nonconforming lot would be to conclude that it was a nonconforming lot in 2000, which would not have been the case since the Planning Board would not approve a subdivision plan with nonconforming lots without appropriate variances.

Put another way, given the existence of the wetlands in 2000, Constitution Drive could not have constituted the frontage for 25 Constitution Drive (Lot 18-9) since that frontage was not capable of providing access (without significant (and highly unlikely) wetlands approvals at the state and local levels). Therefore, the southerly portion of Wall Street must have been deemed frontage for 25 Constitution Drive for conforming lot purposes. Furthermore, given the laying out of Wall Street (to provide frontage for 25 Constitution Drive and access to the developable area), it would have made no sense to create a driveway parallel to Wall Street and through 25 Constitution Drive since such a driveway would materially (and unnecessarily) impact wetlands.

The southerly portion of Wall Street was (and is) a way dedicated to public servitude, but in 2000 (when Plan No. 30872 was approved and recorded) was not yet accepted as a town road and thus not a Class V road. It still has not been formally accepted as a Class V road, but has been constructed to a certain extent. It remains a road dedicated to public servitude shown on an approved, recorded plan, relative to which the Town has the power to accept.

In sum, 25 Constitution Drive (Lot 18-9 on Plan No. 30872) was a conforming lot when approved in 2000 and remains a conforming lot today. Certainly in 2004, the Town was conveying conforming lots to Mr. Jamer's predecessor in title, Mepps Development, LLC. To conclude to the contrary, that 25 Constitution Drive is somehow no longer a conforming lot, would render 25 Constitution Drive (Lot 18-9) undevelopable (without a variance).

As noted, 25 Constitution Drive (Lot 18-9) is a conforming lot, not a nonconforming lot. However, even if it is treated as a nonconforming lot (because of the "frontage shall be capable of providing access" provision), it is still buildable. Section 334-32 provides that a structure may be erected on a lot, which was a lot of record, even if it fails to meet the present requirements for frontage or area, or both, provided it is not contiguous with another lot or lots in the same ownership. Section 334-32 was adopted on 3/14/00, prior to approval and recording of Plan No. 30872. Of course, the minimum setback requirements would still have to be met.

25 Constitution Drive (Lot 18-9) is contiguous only with 29 Constitution Drive (Lot 18-8 as shown on Plan No. 30872) (Map 170, Lot 37). 29 Constitution Drive is developed, a site plan approval having been granted in 2005 and a development agreement having been recorded that same year. See Plan No. 33996 and the Development Agreement at Book 7480, Page 149. Consequently, 29 Constitution Drive and 25 Constitution Drive have been treated by the Planning Board (and the Town) as separate, distinct and developable lots, in effect, recognizing both as conforming lots given their frontage on Constitution Drive.

If 25 Constitution Drive was not considered separate from 29 Constitution Drive, then 29 Constitution Drive could not have obtained its separate, distinct site plan approval in 2005 nor support an independent development agreement, since it would have run afoul of the provisions of Section 334-32 of the Zoning Ordinance which provides that 2 or more contiguous lots under the same ownership after 3/14/02, when either or both are nonconforming, are to be considered as a single undivided lot of record. Obviously, 29 Constitution Drive was considered a separate, standalone lot of record independent of 25 Constitution Drive and therefor 25 Constitution Drive was also deemed a standalone separate lot of record. If one of 2 contiguous lots is a separate lot of record, then the other must be a separate lot – the only logical consequence.

Conclusions

1. 25 Constitution Drive (Lot 18-9) was approved by the Planning Board in 2000 as a conforming lot as part of the plan establishing Unicorn Industrial Park II, HCRD Plan No. 30872.
2. By the recording of Plan No. 30872 in 2000, Constitution Drive and the southerly part of Wall Street became dedicated streets, dedicated ways or ways dedicated to public servitude. As such, and consistent with Planning Board practice, lots with frontage on such dedicated streets (not yet Class V or accepted town roads) are deemed conforming lots for zoning purposes; otherwise the Planning Board would not have approved Plan No. 30872 (and thus 25 Constitution Drive) without appropriate variances.
3. In 2007, Constitution Drive became an accepted town road. The southerly portion of Wall Street has not yet been formally accepted by the Town; however, it is still a dedicated street, dedicated way or way dedicated to public servitude.
4. The wetlands on 25 Constitution Drive were depicted on Plan No. 30872 when it was approved. Since the definition of “frontage” included the concept that frontage shall be capable for providing access at the time Plan No. 30872 was approved, then the frontage for 25 Constitution Drive would not have been along Constitution Drive (given the wetlands separating the developable area of 25 Constitution Drive from Constitution Drive itself) but rather had to be along the southerly portion of Wall Street which has no such impediment to access.
5. Therefore, 25 Constitution Drive was (and remains) a conforming lot, with frontage provided by a dedicated street (the southerly part of Wall Street) given (i) this portion of Wall Street’s status as a dedicated street and (ii) no changes to the relevant provisions of the Zoning Ordinance.

6. Even if, for discussion purposes, 25 Constitution Drive is not considered a conforming lot at present, it is developable (and a structure may be built on it) given the protections provided a nonconforming lot under the definition of "lot, nonconforming" in Section 334-6 and the provisions of Section 334-32 of the Zoning Ordinance. This is demonstrated by the treatment of 29 Constitution Drive (the only lot contiguous to 25 Constitution Drive). 29 Constitution Drive was deemed a separate, developable lot even though it was in common ownership with 25 Constitution Drive after March 14, 2000 (the critical date in Section 334-32 of the Zoning Ordinance) thus confirming that 25 Constitution Drive is a separate lot as well. If one of two contiguous lots is a separate lot, then the other is as well – otherwise the first could not be deemed separate.

7. In conjunction with site plan approval, Mr. Jamer would be willing to grant an easement to the Town to allow emergency vehicles to turn around in the parking lot and driveway at 25 Constitution Drive.

0072729

2000 DEC -5 PM 2:58

DEVELOPMENT AGREEMENT
FOR PLAN ENTITLED MAP 26 LOT 18 SUBDIVISION PLAN -
UNICORN INDUSTRIAL PARK II
CONSTITUTION DRIVE, HUDSON, NEW HAMPSHIRE

THIS AGREEMENT is entered into this 1ST day of DECEMBER, 2000 between Erik Nickerson Associates it's successors and assigns (Applicant), 2 Link Street, Windham, New Hampshire 03087, and the Town of Hudson (Town). This Agreement represents the understanding of the parties regarding the granting by the Hudson Planning Board of subdivision approval for the development of a twelve-lot industrial park as depicted on the above-referenced plan and with improvements pursuant to the plans and conditions referenced below.

WHEREAS, the Applicant is proposing a subdivision plan for an industrial development, located off of Clement Road in Hudson, New Hampshire, as shown on the final plan named herein to subdivide property identified on Hudson Tax Map No. 26 as lot 18 into twelve industrial lots, leaving the Hudson Police Department on lot 26-18 and lot 26-18-1 for the Town of Hudson; and

WHEREAS, the Hudson Planning Board has been duly authorized to regulate the subdivision of land and to approve and disapprove site plans pursuant to N.H. RSA 674 et seq.; and

WHEREAS, Applicant has applied for approval for the above described project in compliance with the Town zoning ordinances, subdivision regulations, and the rules and regulations of the Hudson Planning Board; and

WHEREAS, subdivision plan approval is conditioned upon the execution of a Development Agreement,

NOW, THEREFORE, in consideration for the Hudson Planning Board granting subdivision plan approval, the parties hereby agree as follows:

I.

Final subdivision plan approval is granted for the project entitled "Unicorn Industrial Park II Subdivision Plan," S.B. #2. 10-99, Map 26 - Lot 18, prepared by Edward N. Herbert Associates, Inc., dated 07-07-99, last revised 12-29-99 and 2-16-00 subject to the following stipulations:

BK6325PG1372

- A. That the stipulations of approval shall be incorporated into the Development Agreement, which is to be signed and recorded.
- B. That the Applicant shall obtain written evidence from the Town of Hudson Sewer Utility Committee that it has been allocated sufficient sewerage discharge capacity to provide municipal sewer to all of the prospective users within the subdivision.
- C. That the Developer provide accurate representation as to the prospective uses of the proposed industrial subdivision and the projected demand that will be placed upon the municipal sewer by the prospective users.
- D. That the Applicant provide the Town with a plan set, assembling the detailed sheets dated 2-16-00 with the set last revised 12-29-99, and renumbering the final plan set accordingly.
- E. That the waiver list be corrected on the plan to indicate which waivers were approved.
- F. That a SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLAR off-site improvements contribution shall be paid prior to signing and recording the plan.
- G. That sidewalks be built in accordance with Town regulations and extended to Clement Road.
- H. That the SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLAR off-site improvements contribution is to be used for access improvements to Constitution Drive from Route 111.
- I. That further improvements within the subdivision will be subject to access off-site impact contributions.
- J. That the sidewalks will be built as well as the road widening and inclusion of granite curbing to be located from Clement Road to the end of Constitution Drive with underground utilities to be constructed from the new lots with every attempt to be made that the underground utilities will be installed all the way from Clement Road to Constitution Drive.

BK 6325 PG 1373

II.

All representations of fact or intentions made by the Applicant or any Applicant's representative during the testimony before the Planning Board relative to the obtaining of approval of this plan, shall be considered conditions of approval regardless of the fact that such fact or intentions were not specifically stated as part of the motion granting such approval.

III.

Applicant shall comply with all subdivision, site review and zoning regulations which have been promulgated by the Town and which are in effect as of the date of this Agreement. If this Agreement contains terms, including but not limited to variance and special exception stipulations granted by the Hudson Zoning Board of Adjustment, which are stricter or impose higher standards than the above mentioned regulations, the terms of this Agreement shall control. All improvements shall meet the standards of workmanship as required by the Town, as required by the New Hampshire Water Supply and Pollution Control Commission, as required by the New Hampshire Department of Transportation, and as required by the New Hampshire Wetlands Board.

IV.

Applicant shall obtain all necessary local, state and federal permits prior to commencing work and shall comply fully with their terms.

V.

Applicant shall comply with the plan as submitted to, reviewed by and approved by the Planning Board, including but not limited to, notations set forth on the plan. Deviation from or amendments to the plan may only be made with the written approval of the Planning Board or the Town Engineer as appropriate.

VI.

Applicant acknowledges that it will have sole responsibility for ensuring the quality of the construction and that Applicant will not hold the Town, Building Inspector or other officers, employees, agents or assigns of the Town responsible for any claims, damages, fees or costs alleged to be incurred on account of the Town's negligent inspection of the improvements to be constructed.

VII.

The Applicant acknowledges that the performance of any and all conditions set by the Town, including the construction of all improvements and the performance of the terms and conditions of this Agreement, will be secured by a cash deposit or other surety acceptable to the Town in the amount of \$252,200.00 as recommended by the Town engineer and approved by the Planning Board.

VIII.

Applicant shall provide and install erosion and sedimentation control measures as required by the Plan, by RSA 149-M, and as deemed necessary by the Town Engineer or his designated agent.

IX.

The Applicant shall be responsible for any off-site problems which are directly caused by Applicant's own negligence. This includes, but is not limited to, erosion, runoff, sedimentation, drainage, property damage by construction equipment, including damage to existing streets, sewers and drainage systems. Upon notification by the Town in writing, the developer must submit a remedial response within 21 days to remedy the problem. The Town engineering division shall then set a construction schedule in consultation with the developer so that the problem can be corrected as soon as practical.

X.

It is the intent of the signatories to the Agreement that only they can sue to enforce the Agreement's terms. The Agreement confers no rights on third parties.

XI.

The Applicant's promise to perform improvements incorporated herein is an obligation independent from any alleged breach by the Town, once the Planning Board has given the developer subdivision approval and work on the site has begun.

XII.

The Applicant shall remove all waste from the particular site prior to the issuance of any Certificate of Completion or occupancy permit. All waste will be removed in compliance with applicable Town, State and Federal regulations.

XIII.

Upon application for building permit and prior to commencing construction, Applicant agrees to pay all fees as required by all ordinances and regulations of the Town in effect at the time of this Agreement, and fees imposed by the Hudson Planning Board imposed at the time of approval.

XIV.

A note shall be added to the recorded Plan. This note shall state the existence of this Development Agreement, and that a copy of it is on file with the Planning Department or other designated Town department. This Agreement shall be recorded with the Plan.

XV.

This Agreement shall run with the land and shall be binding on any subsequent purchaser of the proposed development, on Applicant's heirs and assigns, and on any successor entity.

XVI.

Severability: If any section, clause, provision, article or portion of this contract shall be invalidated by any court of competent jurisdiction, such holding shall not invalidate any other section of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands (and seals) the day and year first written above.

William T. ...
Witness

ERIC NICKERSON ASSOCIATES, APPLICANT
By: *Eric Nickerson*
Eric Nickerson, President

B. ...
Witness

TOWN OF HUDSON
By: *George R. ...*
Chairman, Planning Board

BK6325Pg1376

From: Burns, Kevin
Sent: Tuesday, March 26, 2013 12:08 PM
To: Richard Maddox
Cc: Colburn, Patrick
Subject: Wall Street

Selectman Maddox,

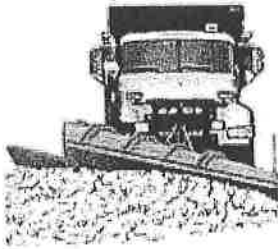
Per your request, below is an estimate of what it would cost for us to bring Wall Street (approximately 602 LF) to a point where I could recommend street acceptance.

Paving work-	\$16,000
Structure adjustment-	\$1,200
Clean up, landscaping-	\$5,000
Signs, Gate -	\$4,000
Total-	\$26,200

If sloped granite curbing is required add \$15,000. I don't believe curbing on this short section of flat road is necessary for acceptance.

These cost are figured using our current bid prices.

Kevin Burns
Road Agent
Town of Hudson, NH



Discussion on the Industrial (I) Zoning District

Staff Report

June 26, 2013

This item was deferred from the May 22, 2013 Planning Board meeting, and is a continuation of the discussion concerning:

- 1) The possible renaming of the Sagamore Industrial (I) Park to possibly the Sagamore Research and Development Park, Sagamore Commercial Park or Interchange Overlay District, etc.
- 2) For this meeting, staff was requested to contact property owners within Sagamore Park, in order to receive input on whether they support the proposed renaming and new zoning designation of this Park, together with possible changes of uses. To this effect, please read the below email communiqués and respective responses:
- 3) Review and recommend use changes between the existing I zone uses and those proposed for the proposed R & D zone. In this regard, please read the attached Tables of Existing Principle and Accessory Uses, which include added handwritten columns for the proposed Research & Development zoning district exclusive to Sagamore Industrial Park.

Please note, the only proposed use changes from those presently allowed in the Industrial (I) zone and the proposed Research & Development (R&D) zone are circled in the existing I zone columns and include:

- A) D. Commercial Uses – 33. Retail sale of agriculture, horticultural, floriculture and viticulture, which is not presently permitted (N) in the I zone, but would be permitted (P) in the R & D zone.
- B) E. Industrial Uses – 10. Contractor’s yard or landscaping business, which is presently P in the I zone, but would N in the R & D zone.

The above 2 use changes are the only ones proposed by staff between the existing I and proposed R & D zoning districts. No changes are proposed for the Table of Permitted Accessory Uses. This is not to say, that if the board continues to move forward with this proposal that other uses changes would not be made. Rather, as you can see, thus far, as presented by staff, the proposed use changes are incredibly minor, and that this proposal has more to do with changing the zoning designation of Sagamore Park to a more universally appealing name, relative to enhancing its marketability in today’s economic environment. In other words, the post WWII “Industrial Park” designation, especially for Sagamore Park, has gone the way of the horse and buggy, and a new, more positive name designation, such as, “Sagamore Research & Development Park” is way overdue. In this author’s opinion, such a name change has a much stronger potential for filling many of the now empty buildings within this park. Thus, creating vastly more jobs and increasing the commercial tax-base for Hudson than the present I zone designation.

Communique & Response from Sam Tamposi:

From: Cashell, John [<mailto:jcashell@hudsonnh.gov>]
Sent: Tuesday, June 11, 2013 9:26 AM
To: William Luers
Subject: Sagamore Industrial Park, Hudson, NH

June 11, 2013

William J. Luers, President
Tamposi-Nash Real Estate Group, Inc.
400 Amherst Street
Nashua, NH 03063

RE: Sagamore Industrial Park

Dear Mr. Luers:

As a follow-up to the email I sent to you last week, re: the idea of possibly renaming and rezoning the Sagamore Industrial Park to, e.g., Sagamore Research and Development Park and changing the zoning designation to Research and Development (R & D), the Planning Board, before taking action on this idea, would appreciate receiving your input, relative to whether or not Tamposi-Nash, as the largest property owner in Sagamore Park, supports this idea. The reason for this issue being a topic of discussion, and possible action being taken by the Planning Board, is explained in the below staff report written by this author, dated April 10, 2013.

If you have any questions or concerns regarding the above request for input, please do not hesitate to contact me.

Sincerely,
John M. Cashell
Town Planner

Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov
Office (603) 886-6005
Fax (603) 594-1142

Sam / Pete / Deb,

Please see below and let me know your thoughts. Thanks.

Bill

Packet: 04/10/2013

Discussion on the Industrial (I) Zoning District
Staff Report
April 10, 2013

At Wednesday night's meeting, the board can determine if the below matter warrants an open discussion and/or action.

To begin, this item is on the agenda, relative to a conversation staff had with the proponent for the recent 185 Lowell Rd. (the property at the corner of Executive Dr. and Lowell Rd.) rezoning proposal. As board members will recall, said rezoning proposal eventually included, by board action, the Tire Warehouse and PMA properties, and involved rezoning the two former properties from Industrial (I) to Business (B) and the latter property from R-2 to B.

The above conversation involved staff asking said proponent why he wanted to change the zoning district designation for his property from I to B, when, except for the multi-family use, all of the uses allowed in the I district are allowed in the B district?

The proponent said that he was aware that there were no use issues involving the rezoning. Rather, he said that he could not sell the property with the I designation. He expressed to staff, that once prospective buyers of his property became aware that it was zoned I, they were no longer interested in purchasing the property. He concluded, by saying that the I zoning designation makes many properties unsalable, because many real estate investors don't want to be locked into such a district, and the limits, perceived or otherwise, such a designation casts upon a property (e.g., loud, malodorous and dingy properties and associated landscapes).

Taking the content of the above conversation into account, together with the fact that many buildings in the Sagamore Industrial Park, in particular, are vacant, under-utilized or existing tenants are moving out of town from, leads staff to believe that, perhaps, the Town of Hudson could do a great deal of good for itself, and its future economic development potential, by doing something quite simple.

That is, rid itself of the Industrial (I) zoning district designation throughout town, and replace it with the designation of Commercial (C) or exclusive to the Sagamore Industrial Park – Commercial Highway (CH) or Interchange (IC) Overlay District.

Note: to implement the aforementioned zoning district re-designations would involve only changing the I to the preferred designation in the Principal, Accessory Uses and Dimensional Tables, as well as any references of the I district throughout the Zoning Ordinance. Since the Zoning Ordinance is completely digitized, said changes would be relatively easy to implement. Please note further, none of the uses within the use tables would have to be changed. Thus, leaving the most noticeable use difference between the B and CH/IC districts, being that multi-family would remain exclusive to the B district.

Please note, the Town's Zoning Map can be viewed on the Town's website as follows: from the homepage, under the "**Departments**" tab, scroll-down to "**Community Development**" and then on the left column click "**Zoning Ordinance**" and on the next page you'll find the current **Zoning Map, Zoning Map with Streets and the Zoning Ordinance**. The Zoning Maps have not yet been amended to include the March 2013 Town Meeting rezoning results.

In closing, the above matter has been established for this meeting by staff for initial review/discussion purposes only. Any discussion on same that may occur at the meeting, and any possible action taken by the board on same can be decided on at the meeting. Please note, if the zoning change is moved for action, the appropriate public hearing would be held, followed by a Warrant Article included on same for the March 2014 Town Meeting.

Sam Tamposi's Response:

Hi John,

In follow-up to our telephone conversation, the Tamposi Family having ownership interests in the Sagamore Industrial Park support your efforts to change the name of the district in order to make the name more palatable and offering more opportunities and possibilities for uses in that district which would be a complement to the industrial uses. We are in favor of having the district more flexible and expansive for other users.

Best, Sam Tamposi

From: William Luers [<mailto:bill@tamposi-nash.com>]

Sent: Tuesday, June 11, 2013 10:52 AM

To: Sam Tamposi; Peter Nash; Debra Nash

Subject: FW: Sagamore Industrial Park, Hudson, NH

Dear Mr. Tamposi:

Thank you so much for getting back to me. On behalf of the Planning Board, your input and support for this proposal is much appreciated and will go a long way to help make the proposed changes for Sagamore Park a reality. Below is an email I just sent to Gary Chabot, Business Resource Specialist, NH Dept. of Resources and Economic Development, relative to a couple of questions concerning the ERZ designation of Sagamore Park and tax credits associated with businesses located within the park.

Communique & Response from Dan Villemaire:

June 11, 2013

Paul Villemaire, Trustee
C & M Machine Tamposi-Nash Real Estate Group, Inc.
400 Amherst Street
Nashua, NH 03063

RE: Sagamore Industrial Park

Dear Mr. Villemaire:

Over the past several months the Hudson Planning Board has been discussing the possibility of renaming and rezoning the Sagamore Industrial Park to, e.g., Sagamore Research and Development Park and changing the zoning designation to Research and Development (R & D). However, before taking action on this idea, the board would appreciate your input, relative to whether or not you would support it. This is taking into consideration that you are a major property owner in Sagamore Park, and a longstanding stakeholder in progressing Hudson's future. The reason for this issue being a topic of discussion, and possible action, is explained in the below staff report written by this author, dated April 10, 2013.

If you have any questions or concerns regarding the above request for input, please do not hesitate to contact me.

Sincerely,

John M. Cashell
Town Planner
Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov
Office (603) 886-6005
Fax (603) 594-1142

NOTE: THE ABOVE REFERENCE STAFF REPORT TO PAUL VILLEMAIRE IS THE SAME REPORT SENT TO SAM TAMPOSI, SO IT'S NOT INCLUDED AGAIN, HERE.

From: Dan Villemaire [<mailto:DV@cm-machineproducts.com>]
Sent: Tuesday, June 11, 2013 10:25 AM
To: Cashell, John
Cc: Paul Villemaire
Subject: Re: Sagamore Industrial Park

Hi John,

I think it would be helpful to fully understand what the re-zoning would mean for each building owner (ie tax credits). Would this affect the current ERZ designation?

Let me know where I can find this info.

Best,

Dan

Villemaire

Dan:

Thank you for getting back to me so soon. The two questions you pose are important and need to be reviewed and answered by Town staff. Please be assured that no action will be taken on this issue until all questions are satisfactorily addressed for the property owners in Sagamore Industrial Park.

The issue of renaming/re-designating the Sagamore Industrial Park is of interest to this the Planning Board and this author, relative to improving its future prospects, i.e., by filling all of the buildings in the park with great companies like C & M Machine and creating good paying jobs, etc.

Again, thank you for your quick response, and I will try to get back to you as quickly with answers to your questions.

Sincerely,
John M. Cashell
Town Planner

Dan:

Just a note: I haven't forgotten to get back to you concerning the possible industrial park rezoning issue and the questions you have concerning same. I have been working with staff at NH's Dept. of Resources and Economic Development (DRED), relative to answering your questions and I am awaiting their answers. I should have them in a few days time. Plus, next week several Town officials, including this author, will be meeting with DRED officials to discuss Hudson's ERZ zones and economic development strategies for Hudson and how the State of New Hampshire can assist us in these endeavors.

If you have any additional questions/concerns regarding the renaming issue, please feel free to contact me.

Sincerely,
John M. Cashell
Town Planner

Communiqué sent to Gary Chabot, DRED Business Resource Specialist & Response, RE: Dan Villemaire ERZ and Tax Credit Questions.

June 11, 2013

Gary Chabot
Business Resource Specialist
New Hampshire Department of Resources and Economic Development
172 Pembroke Road
P.O. Box 1856
Concord, NH 03302-1856

RE: Sagamore Industrial Park – Hudson, New Hampshire

Dear Gary:

The Hudson Planning Board is contemplating a name and rezone change for Hudson's largest industrial park -- Sagamore Industrial Park. What has been contemplated, thus far, is possibly rename this park to "Sagamore Research and Development Park" and change its zoning designation to Research and Development (R & D) from Industrial (I). My question to you is: would these proposed changes, which would possibly include adding and/or deleting several use changes, affect the ERZ provisions for this park and/or any tax credits that may apply to properties located in a designated industrial zone?

Please note, the above idea originated from the following three issues:

- 1) This past year a property owner, whose Sagamore Industrial Park property (zoned industrial) abutted a business zone in Hudson, had trouble selling his property. He attributed his inability to sell mainly because of the industrial zone designation. To alleviate this issue, he asked the town to rezone his property to business. His efforts, together with Planning Board support, ultimately resulted in the town voting to approve his rezoning request in March of this year. As of this date, I don't know if the property has sold, but I know the owner is pleased that the Town changed the zone to business.
- 2) A high percentage of the buildings in the Sagamore Industrial Park are vacant. Some of this vacancy rate, conceivably (although a survey(s) has not been conducted to factually or at least statistically prove this), can be attributed to the industrial zone designation. With this in mind, the board is thinking that if the town renamed and rezoned Sagamore Industrial Park to a more universally acceptable commercial name and zone designation, such as, Sagamore Research and Development Park and R & D, these changes could possibly attract more present day growth-oriented businesses to move to this park. For example, it is envisioned that said changes could possibly entice medical device manufactures, additional high-tech start-ups companies, together with daily consumer service type businesses to locate in this park. Thus, creating a more vibrant, self-sustaining, place-to-be setting for the commercial sector, ultimately resulting in many more high-paying jobs being created in Hudson. And what's good for Hudson, is good for the region and the State of New Hampshire as a whole.
- 3) The Sagamore Industrial Park has an incredible location, and everyone knows that for real estate to succeed it has to have location, location, location. In addition to location, however, real estate needs the right name and zone. For Sagamore, Sagamore Research and Development Park, together with the zone designation change to R & D should go a long way to help backfill many of the now vacant buildings in this park and create more jobs.

If you have any questions or concerns regarding the above request, please feel free to contact me.

Sincerely,

John M. Cashell
Town Planner

Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov
Office (603) 886-6005
Fax (603) 594-1142

Gary Chabot's response to the above emails by staff:

From: Gary Chabot [<mailto:gary.chabot@dred.state.nh.us>]
Sent: Wednesday, June 12, 2013 1:47 PM
To: Cashell, John
Cc: Robert Barry; Michael Bergeron
Subject: RE: Renaming/Re-Zoning Industrial Zone. CRM:00442131

Hi John:

I was in Hudson yesterday to visit two businesses, and one of them may qualify for an ERZ tax credit next round. And the other company, while not in an ERZ, prompted the discussion of whether an ERZ can be created in its area. Let's discuss.

Regarding your message, I will defer to Rob Barry who administers the ERZ program for his review and interpretation. Mike Bergeron may also offer some input.

Can we set up a time to catch up on these and other matters?

Gary: Thank you for getting back to me. Yes. I'll review my calendar tomorrow morning and try and set-up a meeting date and time.

John

THE ABOVE emails between this author and Gary Chabot resulted in this author waiting for answers to Dan Villemaire's above-cited questions. However, the discussed meeting between DRED officials and Town staff and possibly Selectman Maddox and others is scheduled to take place on Thursday, June 27, 2013, at 10:00 A.M. in the Buxton Meeting Rm. in Town Hall, Hudson. The emails with Gary Chabot also resulted in Town staff being invited to participate in the following described business "matchmaker" event. **NOTE: as of this writing answers to Dan Villemaire's questions remain unanswered.**

Hi John:

On July 11th, from 8 a.m. - Noon the NH Division of Economic Development and the NH Dep't of Administrative Services is hosting a free "matchmaker" event to encourage NH businesses to network with, and facilitate doing business with, NH state agencies and local governments.

This is a great opportunity for State and Municipal officials to meet one to one with businesses to explain their procurement and contracting process, encourage greater competition, and learn about services available in NH.

Several of your peer municipalities have already agreed to participate!

This event could be an opportunity to promote some of your community's current projects, plans, and potential future developments.

You might also want to promote this event to some of the businesses in your community, so they're aware of opportunities to do business with the state or local governments.

Your participation is welcome and essential to the success of this event.

I'll call you to discuss, and hope that you can participate!

City or Town Requirements: At least one staff member and some handout materials. Tables and Refreshments are provided.

If you decide to participate your contact person will be Mark Manganiello (271-7581 x 137) in our offices: mark.manganiello@dred.state.nh.us

Thanks,

Gary

Gary N. Chabot

In addition to the above, I spoke with a member of S.G. Torrice, Co. and this company supports the proposed name and rezone changes to Sagamore Park. However, as of this writing I am awaiting this company's letter of support.

RECOMMENDATION: for Wednesday night's meeting, and after reading the foregoing emails and staff comments concerning the proposed use changes for the R & D designation of Sagamore Park, the board may feel more comfortable in progressing this proposed change than what transpired at the previous two meetings (04/10/2013 & 05/22/2013 Planning Board meetings). This is not to say that staff is ready to recommend formal action to occur Wednesday night. Rather, until DRED officials answer the above-cited ERZ and tax credit questions asked by Dan Villemare, for Wednesday night staff requests board members to offer input, comments and concerns on the contents of the above emails and proposed uses for the proposed R & D zone.

NOTE: since staff will not meet with DRED officials until Thurs. 06/27, and staff is not anticipating to have said questions answered until then, it is recommended, herein, that after any discussion takes place at Wednesday night's meeting, the board vote to defer further review of this subject date specific to either the July 10th or July 24th meetings. A DRAFT MOTION to this effect is provided below. Other motions may evolve at the meeting.

I move to defer further review of this matter date specific to the July 10 or July 24, 2013 meeting.

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

ZONING

334 Attachment 1

Town of Hudson

Table of Permitted Principal Uses

[Amended 3-8-1994 by Amdt. No. 5; 3-9-1999; 3-13-2001 by Amdt. No. 3;
3-13-2001 by Amdt. No. 7; 3-12-2002 by Amdt. No. 3; 3-9-2004; 3-13-2007 by Amdt. No. 5]

USE	Districts							R&D
	R-1	R-2	TR	B	I	G	G-1	
A. RESIDENTIAL USES								
1. Single-family detached dwelling	P	P	P	N	N	P	P	N
2. Two-family dwelling	N	P	N	N	N	P	P	N
3. Multifamily dwelling	N	N	N	P ¹	N	N	N	N
4. Manufactured housing parks/subdivisions	N	N	N	N	N	P	P	N
5. Older persons housing developments	N	P ¹	P ¹	N	N	P ¹	N	N
6. Assisted living facility	P	P	P	P	N	P	P	N
B. AGRICULTURAL USES								
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	P	P	P	P	P	P	P	P
2. Facilities for the sale of produce, and wine and dairy products	P	P	P	P	P	P	P	P
C. COMMUNITY FACILITIES USES								
1. Use of land or structures for religious purposes	S	P	S	P	N	P	P	N
2. Child daycare facility and group daycare facility, public/private	N	N	N	P	P	P	P	P
3. Cemeteries, public/private	S	S	N	N	N	S	S	N
4. Municipal services and facilities	P	P	P	P	P	P	P	N
5. Water towers, reservoirs and sewer and water pumping stations	P	P	P	P	P	P	P	N
6. Hospital, public/private	N	N	N	P	P	P	P	P
7. Schools, public/private	P	P	P	P	P	P	P	P
D. COMMERCIAL USES								
1. Seasonal farm stand for retail sale of produce or Christmas trees	P	P	P	P	N	P	P	N
2. Animal clinic or hospital; kennel	N	N	N	S	P	P	P	P
3. Personal service establishment, per definition provided in § 334-6	N	N	N	P	P	P	P	P
4. Funeral home	N	N	N	P	P	P	P	N
5. Hotel/motel	N	N	N	S ¹	P ¹	P ¹	P ¹	P ¹
6. Bed-and-breakfast	N	N	N	N	N	P	P	N
7. Retail food or drug store	N	N	N	P	P	P	P	N
8. Retail sale of beer and wine and state liquor stores	N	N	N	P	P	P	P	P

HUDSON CODE

USE	Districts							R&D
	R-1	R-2	TR	B	I	G	G-1	
D. COMMERCIAL USES (cont'd)								
9. Motor vehicle, motorcycle, trailer, snowmobile, or boat sales and rental	N	N	N	P	P	P	P	P
10. Motor vehicle light service; motor vehicle general and body repair	N	N	N	P	P	P	P	P
11. Automotive fuel station	N	N	N	P	P	P	P	P
12. Automotive fuel station with general retail	N	N	N	P	P	P	P	P
13. Car wash	N	N	N	P	P	P	P	P
14. Limousine, taxicab or livery business	N	N	N	P	P	P	P	P
15. Restaurant	N	N	N	P	P	P	P	P
16. Restaurant, fast-food or drive-in	N	N	N	P	P	P	P	P
17. Business or professional office	N	N	N	P	P	P	P	P
18. Convalescent or nursing home	N	S	N	P	N	P	P	P
19. Adult, child and group child daycare facilities	N	N	N	P	P	P	P	P
20. Indoor commercial recreation	N	N	N	P	P	P	P	P
21. Outdoor commercial recreation	N	N	N	S	P	P	P	P
22. Membership club, civic, social, professional or fraternal organization	N	N	N	P	P	P	P	P
23. Adult use establishment, per definitions provided in § 334-6	N	N	N	N	S	N	N	S
24. Wireless communications facility, per Article XVIII, §§ 334-91 – 334-107	N	N	N	N	S	S	S	S
25. Mobile parked food service	N	N	N	N	P	N	N	S
26. Itinerant roadside vending	N	N	N	N	P	N	N	S
27. Major commercial project	N	N	N	N	P	P	P	S
28. Massage therapy (licensed)	N	N	N	P	P	P	P	P
29. Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P	P
30. Garaging or parking of two or more light commercial vehicles	N	N	N	P	P	P	P	P
31. General retail	N	N	N	P	P	P	P	P
32. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P	P
33. Retail sale of agriculture horticulture, floriculture and viticulture products	N	N	N	P	N	P	P	P
34. Tattoo parlor	N	N	N	P	N	N	N	N
35. Body art/piercing	N	N	N	P	N	N	N	N
E. INDUSTRIAL USES								
1. Removal of loam, sand or gravel	N	N	N	N	P	P	P	P
2. Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances	N	N	N	N	P	P	P	P
3. Welding shop	N	N	N	N	P	P	P	P
4. Machine shop	N	N	N	N	P	P	P	P
5. Stone or monument works	N	N	N	N	P	P	P	P
6. Manufacturing	N	N	N	N	P	P	P	P
7. Retail sale of products manufactured on the premises	N	N	N	N	P	P	P	P

ZONING

USE	Districts							R&D
	R-1	R-2	TR	B	I	G	G-1	
E. INDUSTRIAL USES (cont'd)								
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility; includes parking of recreational vehicles, buses and/or boats	N	N	N	N	P	P	P	P
9. Heating fuel storage and sales	N	N	N	N	P	P	P	P
10. Contractor's yard or landscaping business	N	N	N	N	P	P	P	P
11. Transportation or freight terminal	N	N	N	N	P	N	N	P

NOTES:

- ' = Permitted only if serviced by Town water and sewer
- S = Special Exception Required (see article VI)
- P = Permitted Use
- N = Not an Allowed Use

ZONING

334 Attachment 2

Town of Hudson
Table of Permitted Accessory Uses
 [Amended 3-14-1995 by Amdt. No. 3; 3-13-2001 by Amdt. No. 3;
 3-11-2008 by Amdt. No. 2]

Accessory Uses	Districts						
	R-1	R-2	TR	B	I	G	G-1
Traditional secondary accessory uses and structures, including garages, toolsheds, parking areas, recreational facilities, outdoor in-ground swimming pools ¹ and other customary uses and structures	P	P	P	P	P	P	P
Home occupation	S	S	S	S	N	S	S
Family day-care home	S	S	S	P	P	P	P
Family group day-care home	N	N	N	P	P	P	P
Nonprofit recreational facilities, including membership clubs		N	N	P	P	S ¹	S ¹
Banquet or function hall, as an accessory use to a restaurant	N	N	N	P	P	P	P
Health, fitness or athletic club	N	N	N	P	P	P	P
General retail sales	N	N	N	P	P	P	P
Sales from vending machines	S ¹	P	N	P	P	P	P
Miscellaneous service and repair	N	N	N	P	P	P	P

R+D
P

N
N
P
P
P
P
P
P

NOTES:

P = Permitted

S = Permitted by special exception only (see Article VI)

S¹ = Permitted only where secondary to and developed as a part of a residential subdivision or site plan

N = Prohibited

* = Permitted only if served by Town water and sewer

¹ = See § 334-12I of this chapter for additional requirements.

Oak Ridge Condominiums

Staff Report

June 26, 2013

SITE: 109 Belknap Road -- Map 184/Lot 32 -- SP# 10-10

ZONING: G-1

PURPOSE OF PETITION: To eliminate/suspend school impact fee assessments, per Article XIV, Impact Fees Section 334-74.6. Hearing. Please reference attached letter dated May 7, 2013.

RECOMMENDATION: With this issue still relatively fresh in everyone's mind, staff will keep the content of this recommendation short and That is, as with the recent 55+ Sparkling River Older Persons Housing development, the developer for the Oak Ridge Older Persons Housing development, which is also 55+, is requesting that the board vote to suspend the collection of the school impact fees until such time as Hudson's School Impact Fee Schedule has been updated. Staff provides below the action the board approved on the Sparkling River request to discontinue the collection of school impact fees, per the April 24, 2013 meeting. Please note: Oak Ridge is the only other 55+ development still under-construction (i.e., building 55+ housing units in Hudson).

MINUTES/DECISIONS OF THE PLANNING BOARD MEETING DATE: APRIL 24, 2013

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

Vincent Russo
Chairman X

George Hall
Vice Chairman X

James Barnes
Member X

Timothy Malley
Member P

Ed van der Veen
Secretary X

Glenn Della-Monica
Member X

Irene L. Merrill
Alternate E

Marilyn McGrath
Alternate X

Jordan Ulery
Alternate E

Richard Maddox
Selectmen Rep. X

Nancy Brucker
Alt. Selectmen's Rep. X

I. OLD BUSINESS/PUBLIC HEARINGS

A. Sparkling River, LLC
SP# 07-12

Map 156/Lots 5 & 6

Purpose of plan: To amend conditions of approval: River Ridge 10-13-04, and Riverwalk 03-10-04, to eliminate the school impact fee assessments, per Article XIV, Impact Fees Section 334-74.6. Hearing. Deferred Date Specific from the 03-27-13 Planning Board Meeting.

Mr. Hall moved to amend the approved Site Plan for the Sparkling River LLC Older Persons Housing Development (a.k.a. River Ridge approved on 10-13-04, and Riverwalk approved on 03-10-04), by waiving the collection of the school impact fee assessments for the following reason:

The Planning Board agrees with the findings included in both Russell Thibeault's peer review report on the Sparkling River 55+ Older Persons Housing Development and the "...independent fee calculation study...", produced by the applicant in accordance with § 334-74.6 of the Town's Zoning Ordinances, which, in effect, supports that the continued collection of said fee is contrary to the provisions set forth in RSA 674:21.V.

Motion seconded by Mr. Della-Monica. Vote: 3 in favor (GH,GD,EV) 4 opposed (RM, VR, MM, JB) Motion failed.

Mr. Della-Monica moved to amend the approved Site Plan for the Sparkling River LLC Older Persons Housing Development (aka River Ridge approved on 10-13-04, and Riverwalk approved on 03-10-04), by reducing the collection of the school impact fee assessments by 70% for the following reasons:

The Planning Board agrees with the findings included in both Russell Thibeault's peer review report on the Sparkling River 55+ Older Persons Housing Development and the "...independent fee calculation study...", produced by the applicant in accordance with §334-74.6 of the Town's Zoning Ordinances, which, in effect, supports that the continued collection of said fee is contrary to the provisions set forth in RSA 674.21.V.

Motion seconded by Selectman Maddox. Vote: 3 in favor (GD, RM, VR) 4 opposed (GH, MM, JB, EV) Motion failed.

Mr. Barnes moved to suspend further collection of School Impact Fees for the Sparkling River LLC Older Persons Housing Development until such time as Hudson's School Impact Fee Schedule has been updated. Motion seconded by Ms. McGrath. Vote: 5-2 (VR & RM) opposed. Motion carried.

DRAFT MOTION FOR THIS REQUEST:

I move to suspend further collection of School Impact Fees for the Oak Ridge Older Persons Housing Development until such time as Hudson's School Impact Fee Schedule has been updated.

Motion: _____, Second: _____ Carried: _____.



46 Lowell Road, Hudson, NH 03051
(603) 880-7799 • FAX: 880-8926



May 7, 2013

Town of Hudson Planning Board
12 School St.
Hudson, NH 03051



Dear Chairman of the Hudson Planning Board,

Sousa Realty is seeking for the Hudson Planning Board to suspend the school impact fees on Oakridge Estates until formal action is taken. Please let this letter serve as our commitment to pay all outstanding impact fees, including those with certificates of occupancy, to the town should the planning board vote to enforce the current impact fee structure for the project.

Sincerely,


Manuel D. Sousa

CAP Fee Assessment Update

Staff Report

June 26, 2013

Per board action at the June 10, 2013 Meeting, staff contacted Salem, Concord and Hooksett planning staff, relative to ascertaining from these communities their experiences in transitioning from the capacity-based method for collecting corridor impact fees to the town-wide method, and if there were significant changes in fees between both methods or other issues that Hudson should be concerned about between the two methods. To the effect of the foregoing assignment, in alphabetical order, staff forwarded to said communities the following email communiqués and resulting responses

Concord Communiqué and Response:

June 18, 2013

Stephen Henninger
Asst. City Planner
Planning Division
City Hall
41 Green Street
Concord, NH 03301

RE: CAP Fee System

Dear Stephen:

The Town of Hudson Planning Board has been working with Marty Kennedy, VHB, Inc., relative to updating the Town of Hudson's traffic impact fee system. Before committing to this update, the board would appreciate hearing from communities, such as Concord, who have changed their traffic impact fee system from the capacity based method to the town-wide method. Marty cited that Concord made this change in 2001, and that you are, perhaps, the only planning staff member in Concord who may be able to answer the following two questions that pertain to said change:

Can you provide input/comments, relative to how the transition went between the former capacity based method in assessing traffic impact fees and the town-wide method?

Also, were there any dramatic changes in fees or perception by developers under the new method?

If you have any questions or concerns regarding the above request, please feel free to contact me. I thank you in advance for your time and attention to this request, it's much appreciated.

Sincerely,

John M. Cashell
Town Planner
Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov
Office (603) 886-6005
Fax (603) 594-1142

John,

The current average cost methodology was adopted by ordinance by Concord City Council in 2001, after extensive public debate (6-12 months), including both developers and the real estate community.

It has a number of positive benefits:

1. Predictability. *Important to the private sector.*
2. Uniformity between the same types of projects. *Perceived as being fairer to applicants.*
3. Drastically reduced administrative costs. *The amount of time required to develop and negotiate fees for development projects was dramatically reduced. Each fee for each project had to be calculated separately, legal documents/agreements had to be created and executed, process had to be explained over and over.*
4. Lower costs to applicants by reducing the number and extent of traffic studies, attorney fees, review fees charged by the City to review traffic studies, etc. *ITE Trip Generation Rates are used where proposed use is not in adopted Traffic Impact Fee Table. The need for special studies are reduced to only a few per year. The Concord Planning Board deals with between 60 to 120 development applications per year.*
5. Captures all development including duplexes and single family residences on pre-existing lots. *Perceived as being fairer to applicants.*
6. Fees not assessed during non-residential subdivision process, assessed at the site plan stage based on actual use on proposed lots. *Collected at the building permit stage.*
7. Allows for exemptions to be created in advance by Legislative Body. *Supports economic development efforts and avoids perception of deal making.*
8. Accounts for changes in construction costs. *Fees are updated annually for inflation.*

We were very careful to structure our fees not to be greedy.

Credit is given to developers if they construct improvements on arterial and collector roads which are in our CIP. Planning Board exactions were not hindered.

We did add a School Impact Fee which we did not previously assess.

We have a robust CIP, and the impact fees only pay for a portion of the CIP project costs.

Steve

Hooksett Communiqué and Response:

June 18, 2013

Jo Ann Duffy
Planning Coordinator
Planning Division
35 Main Street, 2nd Floor Rm 201
Hooksett ,NH 03106

RE: CAP Fee System

Dear Jo Ann:

The Town of Hudson Planning Board has been working with Marty Kennedy, VHB, Inc., relative to updating the Town of Hudson's traffic impact fee system. Before committing to this update, the board would appreciate hearing from communities, such as Hooksett, who have been collecting traffic impact fees, via the town-wide method. Marty cited that Hooksett has been using said collection method since 2005, and that you may be able to assist the Hudson Planning Board by providing any input or comments, relative to the pluses and minuses involved in assessing traffic impact fees using the town-wide method.

If you have any questions or concerns regarding the above request, please feel free to contact me, and on behalf of the Hudson Planning Board, I thank you in advance for your time and attention to this request; it's much appreciated.

Sincerely,

John M. Cashell
Town Planner

Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov
Office (603) 886-6005
Fax (603) 594-1142

Hi John,

Attached please find our spreadsheet on the roadway impact fees we have collected. The town was divided into three zones and we keep track of which zone the fee was collected for. This allows us to use the impact fee money toward projects within that particular zone, rather than for a specific project. We have several state roadways running throughout the town. We were able to get legislation passed which now allows for the use of the impact fee money on state roadways. We have been successful in working with the NHDOT on specific roadway improvements and contributing the impact fee monies toward those projects.

I haven't seen any negative aspects of how we are doing this and I am very pleased with this process.

Good Luck!

Jo Ann

Jo Ann Duffy, Town Planner
35 Main Street, Hooksett, NH 03106
603.268.0279 jduffy@hooksett.org

Town of Hooksett's Impact Fee Summary

FIRE IMPACT FEE

Council voted on and approved this policy on 10/9/2002

Council voted on and approved to amended this policy on 09/28/2005

Use or return date: Approximately May 2017

Revenue Collected	1,242,212.20
Interest Earned	51,766.34
Amount Refunded	(7,491.00)
Purchases	
Oct 2004 Car 2	(36,745.98)
Apr 2005 Rescue Tool & Camera	(27,249.00)
Jul 2007 Rescue Vehicle Equipment	(15,764.67)
Dec 2007 350 Ford Pickup with Plow	(37,795.65)
Feb 2008 Life Pack 12 Defibrillator/Monitor	(21,448.45)
Apr 2008 Fire Rescue Vehicle	(233,693.00)
Feb 2009 Defibrillator and AED Devices	(43,339.61)
Jun 2009 Medical Equipment for Ambulance	(16,830.55)
Jun 2009 Ambulance	(274,897.68)

Feb 2010 Fire Station Review	(12,500.00)
June 2010 Fire Engine	(200,000.00)
Jan 2013 Fire Software/Hardware (Obligated \$45,521)	(42,223.00)

Balance as of May 31, 2013

323,999.95

POLICE IMPACT FEE

Council voted on and approved this policy on 10/9/2002
 Council voted on and approved to amended this policy on 09/28/2005
Use or return date: June 13, 2013

Revenue Collected	182,559.67
Interest Earned	5,607.02
Amount Refunded	(1,051.00)
Purchases	
Communication Project	(43,958.30)
Mar 2010 Cruiser Laptops	(24,663.65)

Balance as of May 31, 2013

118,493.74

PUBLIC RECREATION FACILITIES IMPACT FEE

Council voted on and approved this policy on 10/9/2002
Use or return date: Approximately July 2015

Revenue Collected	309,054.76
Interest Earned	16,144.02
Amount Refunded	(8,483.06)
Purchases	
Oct 2009 Dog Park	(41,129.10)
Feb 2011 Pinnacle Road, Parking Lot & Signage (Obligated \$25,000)	(8,953.01)
Dec 2011 Petersbrook, Design and Initial Construction (Obligated \$20,000)	(13,740.25)
Sept 2012 Petersbrook Expansion (Obligated \$60,000)	-

Balance as of May 31, 2013

252,893.36

TRAFFIC/ROADWAY IMPACT FEE

Council voted on and approved this policy on 10/26/2005

Use or return date: Zone 1 March 22, 2015

Zone 2 July 20, 2014

Zone 3 September 13, 2013

Revenue Collected	1,200,920.02
Interest Earned	22,801.65
Amount Refunded	-
Purchases	-
May 2011 Hourglass Project on Route 3A in Zone 1	(8,853.99)
August 2012 Route 3A/Hackett Hill in Zone 1 (Obligated \$400,000)	-
October 2012 CMAQ Grant in Zone 2 (Obligated \$80,000)	(150.15)
May 2013 Sidewalks in Zone 2 (Obligated \$80,000)	-

Balance as of May 31, 2013

1,214,717.53

SCHOOL IMPACT FEE

Zoning Ordinance posted on 3/8/01

Use or return date: September 2018

Revenue Collected	1,537,830.48
Interest Earned	14,323.37
Amount Refunded	(11,240.00)
School Funding Dec 2003	(500,000.00)
School Funding Nov 2004	(250,000.00)
School Funding Jan 2006	(75,000.00)
School Funding Sep 2006	(70,000.00)
School Funding Oct 2007	(80,000.00)
School Funding Oct 2008	(85,000.00)
School Funding Oct 2009	(43,000.00)
School Funding Sep 2010	(55,000.00)
School Funding Oct 2011	(118,107.31)
School Funding Sep 2012	(85,964.17)

Balance as of May 31, 2013

178,842.37

Salem Communiqué and Response:

Ross Moldoff, AICP
Planning Director
33 Geremonty Drive
Town of Salem, NH

RE: CAP Fee System

Dear Russ:

It's been a while since we last communicated, hope all is well. I have a couple of questions, as follows, that I hope you can assist me with:

The Town of Hudson Planning Board has been working with Marty Kennedy, VHB, Inc., relative to updating the Planning Board's traffic impact fee system. Before committing to this update, the board would appreciate hearing from communities, such as Salem, who have changed their traffic impact fee system from the capacity based method to the town-wide method. Marty cited that Salem made this change in 2009. To this effect, and as the board requested me to do, can you provide input, relative to how the transition went between the former capacity based method in assessing traffic impact fees and the town-wide method? Also, were there any dramatic changes in fees or perception by developers under the new method?

If you have any questions or concerns regarding the above request, please feel free to contact me.

Sincerely,

John M. Cashell
Town Planner

Community Development Department
Town Hall
12 School Street
Hudson, New Hampshire
jcashell@hudsonnh.gov

John: I'll call you to discuss this in more detail, but here's some information to review.

Ross

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**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
August 11, 2009**

A meeting of the Planning Board was held on August 11, 2009 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Jim Keller, Chairman; Gene Bryant, Vice-Chair; Beth Roth; Selectman's Rep; Ronald Belanger; Robert Campbell; Linda Harvey; Ed DeClercq, Alternate; Jason Haroutunian; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:00 p.m. Chairman Keller introduced the board members. There were no withdrawals. Abbas has asked to be placed at the end of the agenda.

PUBLIC HEARING

Road Impact Fee System

Chairman Keller declared the hearing open at 7:00 p.m. Mr. Kennedy had questions from the last hearing that he answered in writing.

Mr. Moldoff said Marty Kennedy sent a memo and Mr. Moldoff has extra copies of that. He also has a comparison to the existing fees.

Chairman Keller asked for people to focus on the questions and try not to reiterate old items.

Marty Kennedy from VHB, published a memo dated August 3rd. In the memo he summarized the 3 major topics from the last meeting. The 1st was the area of construction cost estimate assumptions. At the last meeting, it was based on a 34-foot wide cross section. The direction from the Planning Board was to eliminate the shoulders and we did that. The new cost is \$1.5 million for a mile, as opposed to \$2.1 million. The end result of that is about a 29% reduction. There is a revised table in the memo. The second area is the rationale for the zones. One topic was the desire to have cross-zone type impacts. You can trace the trips from zone to zone but it's an extensive effort. That's why he went to a more general system. With the new procedure, you don't have to do that. The other question was, why not have a single zone? You could do that. It would bring flexibility with expending fees. However, the recommendation is still to use 3 zones. It's important to be able to stay closer to the rational nexus. When a developer pays a fee, there is a reasonable expectation to see the benefit of that fee in the vicinity of where they are. We do believe 3 zones is still the way to go. Concord and Hooksett have similar zones. The last thing was a question of, if you have a development with a unique type of use that didn't fit the ones in the table. He created a table to make it easy for people to know what the fees are up front. There will be unique uses. We've run calculations and given you dollars per daily trip, and if you apply that, you'll get the fee. With the new cost estimate, it's \$166 per new daily trip. If

1 you have a unique use, you'd have a traffic engineer do a traffic study and estimate the new
2 number of trips and multiply it by the rate.

3
4 Mr. Campbell mentioned the rational nexus and the issue of the zones. When you look at the
5 residential zones, there's little need for increase in capacity in those zones. The real impact of the
6 residents in those zones is when they go shopping on Rt. 28. His concern is, what can you
7 reasonably do in those areas to increase capacity based on the presumed increase in demand for
8 which is the basis for the impact fee.

9 Mr. Kennedy explained that if you have mostly residential development in a particular zone,
10 there will be a need to increase capacity because there will be traffic. He thinks you will have
11 some growth but not a lot. You will still be collecting a lot more fees in the Rt. 28 area and some
12 in the north but it won't be to a greater degree. There will be projects to spend that money on.

13
14 Mr. Belanger said he's not following that part about not creating a big impact in the residential
15 areas.

16 Chairman Keller said that's why Mr. Kennedy is indicating that the extent to which fees will be
17 collected in a new residential neighborhood will be limited.

18 Mr. Belanger said he doesn't want to see the impact hit on a residential home. The problems we
19 have on the roads in Salem is people coming from other communities.

20 Mr. Bryant said you need to get a handle on the number. They're probably thinking about a lot
21 more money than what this amounts to. Getting 200 building permits is \$300,000. It will
22 improve capacity but it won't generate a lot of money. But you've generated a little money to
23 solve some problems and you've met the rational nexus. The fee system is fair and will stand up
24 in court. It's a small fee in a part of town that will generate a small amount of money.

25 Mr. Belanger asked, how long do you have to spend the money from the impact fee?

26 Mr. Moldoff replied, 6 years.

27 Mr. Belanger said he thinks what generates the traffic in the community is the bus community in
28 town. He suggested an impact fee from businesses and dedicate it strictly to the road.

29 Chairman Keller reminded that you can't use impact fees for maintaining roads. You can only
30 use it for capacity.

31 Mr. Belanger said we should go about finding out how to do that.

32
33 Chairman Keller asked for public input.

34
35 Chris Goodnow has a question on the underlying methodology. Currently the Town of Salem
36 uses the cost allocation procedure. Is it fair to say that the current road impact fees are calculated
37 on total daily trips or are they calculated on peak?

38 Mr. Moldoff said it's primarily peak trips.

39 Mr. Goodnow clarified, so our current system assesses road impact fees on peak generation. He
40 spoke about the queues on Stiles Road and the peak times. We currently rank the impact fee on
41 how it affects peak periods, which seems logical. The system that's being contemplated doesn't
42 use that. It uses total daily vehicle trips. He thinks this takes us farther away from a rational
43 nexus. Office and medical office are currently rated the same. In the proposal, medical office has
44 an impact fee almost twice as much as general office. He thinks a lot of those trips for medical
45 office are at non peak times. We're now contemplating a system that doesn't take that into

1 account. It penalizes trip generation in non-peak times. He spoke about reductions and increases.
2 A 25% reduction on a huge increase, means a huge increase, less a little bit. This is a two-part
3 thing, the road impact fee system and the townwide traffic study. We don't have the second part
4 of that puzzle. With the townwide traffic study, you can make a direct connection between a
5 development off Zion Hill and making improvements to Millville/Main Street. This is a two-
6 piece puzzle and we don't have the second piece.
7

8 Stephen Campbell, 22 Shepherd Avenue, asked how long has it been since the road impact fee
9 has been increased?

10 Mr. Moldoff replied, the last update was in 1994.

11 Mr. Stephen Campbell said that making it townwide makes sense. The second question is about
12 the large increase. The real reason for the large increase is because this hasn't been increased in
13 15 years, while everything else has gone up. If it was increased every couple years, you wouldn't
14 have this huge increase. Since we've waited so long, you have to have this sort of increase so
15 that the taxpayers aren't carrying this burden all by themselves. It has to be done and since it's
16 been so long, this is the best time to do it. Regarding the argument about projects being in the
17 works that are based on the old system, there's not a lot of building going on right now, so this
18 may be the best time to do it. When things start getting built again, new development will be
19 aware of what the new rates are. He has read comments about this increase making Salem
20 uncompetitive. The State of Massachusetts just made Salem a lot more competitive by raising
21 their sales tax. He thinks that what you're doing is the right thing. Whatever you do decide, it
22 should be implemented as quickly as possible. If you wait, people will be looking for waivers. If
23 this is used for capacity, it will make it better for the businesses as well as the residents. He
24 hopes you don't delay.
25

26 Mark Gross, with MHF Design Consultants, is glad to see that we're moving in the right
27 direction with the recalculation of the roadway cross-section. Are you considering an across the
28 board reduction as well? What happens with existing projects that are approved? If a project
29 comes back for a change in use, and if the traffic numbers aren't any different or are less, than
30 where does that leave us with the impact fee? Does it penalize that project because it's coming
31 back for a minor change? There are several projects that fall into this category.

32 Mr. Bryant said we would differentiate between one that had a traffic study done and impact fee
33 calculated and that the Planning Board has seen, as opposed to ones we haven't seen.

34 Mr. Gross said he thinks it's unfair for a project to come back with a minor change and no
35 additional traffic but has to pay a bigger impact fee. New Hampshire has implemented taxes this
36 year too, which makes us less competitive. Other communities are going forward with promoting
37 businesses.
38

39 Chairman Keller asked Mr. Moldoff about approved plans and modifications.

40 Mr. Moldoff said the impact fee ordinance we have now says that when need a project needs site
41 plan or subdivision approval, the impact fee is assessed at the time of Planning Board approval
42 of the plan. So the system that's in place when a plan is approved is what is used. What happens
43 if it doesn't get built? If it's just an extension that's granted by the Planning Board, they would
44 still pay the old fees. What if it waits a couple years to be built or there is a minor change? It's
45 technically a new project. Will you let them use the old fee system or will you make them

1 comply with the new fee? You have to decide that. You will have to make a case by case
2 decision. If it decreases the amount of traffic, you will have to look at it at the time.

3 Chairman Keller asked, if a project is built and there is an addition to a building that's
4 subsequently approved by this board, he assumes we would utilize the new fee system?

5 Mr. Moldoff said it's considered a new plan and the system that's in place when that comes in is
6 what you'd use.

7 Mr. Bryant asked, what about any projects that have not been approved by the Planning Board,
8 but a traffic study is done and an impact fee is calculated?

9 Mr. Moldoff said you have a couple of those. He suggested the board let them use the old fees.

10
11 Chairman Keller said his intent is to have the fees be as fairly aligned with the equivalent of what
12 would have been the case if we had just increased for inflation over the past 15 years.

13 Mr. Moldoff showed a comparison of recently approved projects and some that are in the works,
14 with the existing fee and proposed fee. He also showed what the fee would have been with
15 inflation. In some cases the fee is higher but in some cases, the fee is lower.

16 Mr. Kennedy showed a chart comparing the fees for Hudson, Concord, Hooksett and Plaistow.
17 The original fee we calculated for retail was \$4.00 per square foot. But with the reduction it's
18 down to \$2.85. So it's in the range of other towns. He also showed a comparison with general
19 office and with single-family.

20
21 Mr. Belanger said he doesn't want us to do something that will give other towns an advantage
22 and bypass Salem.

23 Chairman Keller said his objective is to normalize the fees and adjust for inflation. He asked Mr.
24 Kennedy to address Mr. Goodnow's question with the difference between the old system and the
25 peak time calculations compared to the new system.

26 Mr. Kennedy explained that the old system used PM peak hour. This procedure is a general
27 average procedure so we use the overall daily trips. We could apply a straight average factor to
28 every one of the uses. We don't want to do that. It implies that this is more exact than it is. We
29 can translate it into peak hours, but he suggests that we don't do that.

30
31 Mr. Bryant said it's important that this system be townwide and it's important that we bring our
32 fees up the 15 years. We've shown that the new fee system is based on sound science and on
33 ITE. We tied it back to something that protects us in the rational nexus. We're at a point now
34 where the fee schedule makes sense and is approvable as it stands. We've established our case.

35 Mrs. Harvey asked if we need to make a change to the zoning article.

36 Chairman Keller said it's no different than what we're doing today.

37 Mr. Moldoff read the wording from the zoning ordinance. He interprets it to mean you can
38 decide.

39
40 Chairman Keller suggested that a grace period is in order and he suggested a 6-month
41 implementation window.

42 Mrs. Harvey suggested we make an effective date for 6 months, and there'd be no increases for
43 that 6 months, then after that, add 50% for another year and add the other 50% the following year
44 so it take 2 ½ years to do the whole thing.

1 Chairman Keller said the issue is that we'll be reducing the fees we currently get by 50% if we
2 do that.

3
4 There was discussion of how to implement the fee.

5
6 Ms. Roth said her concern is the plans coming in. If a plan is delayed, what plan would they be
7 under when they come back? She suggested that we give due notice that the fees will change. We
8 will give consideration for those that are in the pipeline. She thinks a 6-month advance notice is
9 reasonable.

10 Mr. Bryant mentioned the fee schedule that was calculated and reduced by 29%. It's the August
11 3rd memo has the fees that should be implemented. He would reduce across the board the
12 schedule by 10% with implementation on the schedule in its entirety less ten percent, as of
13 March 1st. Any plan that's filed, has a traffic study and an impact fee calculated by March 1st
14 would come under the old plan. As of March 1st any project whose impact fee is calculated as the
15 result of a traffic study, would come under the new plan, which is 10% across the board, less
16 than the schedule we're looking at.

17 Mr. Gross mentioned his concern of existing space that's vacant. Other communities have taken
18 a percentage across the board. This is a huge increase all at once. He suggested 20%. He thinks
19 10 will hold up legally.

20 Stephen Campbell said his taxes go up every year. This rate hasn't gone up. The business
21 community always finds it objectionable when fees go up. Taxes have gone up every year. It's
22 time for this rate to catch up with the cost the town is facing. He thinks 10% is more than
23 generous. You should go with the science, but 10% makes sense.

24
25 Mr. Bryant said the Planning Board can always put off an increase when they review it every
26 year.

27 Chairman Keller said he wants to get the facts straight. We are not implementing a 400% fee
28 increase. We're implementing a decrease in some cases. He explained that the reason that the
29 prior boards didn't change the fee is because it required a total redo of the zoning ordinance
30 based on how it was written, which would have cost consulting dollars and town meeting
31 approval and legal fees. When it was determined that we had to make a change is when it made
32 sense to have a townwide implementation with a simple system that accounted for inflation.

33 Mr. Belanger said he still feels it's a bad time to put any increase. He mentioned the empty
34 buildings in Salem. We should be doing something to get those occupied. He won't be voting for
35 this increase.

36
37 Mr. Kennedy reminded the board that this procedure has an automatic inflation adjustment that
38 occurs on January 1st. So if you're thinking of a delay, you may want to think about January 1,
39 2010.

40 Mr. Bob Campbell said we need to be as specific as possible with respect to the date. His
41 concern is that we'll get a flood of half-done plans in February, and we'll be asked to vote that
42 they're ready when in reality they're not ready. The requirement shall be that the fees will be
43 those which are enforced at the time either when complete final plans subject to approval with no
44 conditions are submitted. Either the plan is submitted subject to approval with no conditions, or

1 the approval date. Otherwise we will be flooded with half done plans in the month before. Either
 2 complete and ready for approval without conditions, or when they're approved.
 3 Mr. Moldoff said the ordinance says "At the time of Planning Board approval."
 4 Bob Campbell said he wants that in the motion.
 5

6 **Mr. Bryant made a motion that the Salem traffic impact fee be implemented in a townwide**
 7 **basis. The fees be based on the final calculation by category as submitted by the consulting**
 8 **firm on August 3rd, which incorporates final adjustments to the known cost of**
 9 **construction. The fee be further reduced across the board by ten percent and that the fee**
 10 **be implemented on March 1, 2010 and that the automatic cost of living adjustment that**
 11 **would occur on January 1, 2010 be waived and that any plan with a traffic impact fee**
 12 **calculated and approved by the Planning Board, the fee will be based on when the plan is**
 13 **approved.**
 14

15 Mr. Moldoff said the motion didn't include the words "to adopt the new fee system".
 16

17 **Bob Campbell said the motion is to adopt the new fee system, effective date will be March**
 18 **1, 2010. It will be applicable to plans approved on or after that date, and the schedule will**
 19 **be that which we saw tonight less 10% plus the construction cost index due January 1, 2010**
 20 **is hereby waived.**

21 **SECOND by Ms. Roth.**
 22

23 **VOTE ON MOTION: 6 – 1 (Mr. Belanger opposed.)**
 24

25 The board recessed at 8:15 p.m. The board reconvened at 8:25 p.m.
 26 Mr. Belanger stepped down from the board. Mr. DeClercq joined the board.
 27

28 **REVIEW OF MINUTES**
 29

30 **Mr. Bryant made a motion which was seconded by Mr. DeClercq to approve the minutes of**
 31 **7/14/09 as submitted.**
 32

33 **VOTE ON MOTION: 4 – 3 (Mrs. Harvey, Ms. Roth and Mr. Haroutunian all abstained.)**
 34

35 Chairman Keller then went over the agenda.
 36

- 37 1.) ABBAS SITE PLAN – Public Hearing for revised site plan (additional use of second floor)
- 38 at 291-297 South Broadway, Map 128, Lot 711.
- 39

40 **Mr. Bryant made a motion which was seconded by Mr. DeClercq to accept the Abbas site**
 41 **plan application as complete.**

42 **VOTE ON MOTION: 7 – 0**

43 **UNANIMOUS**
 44

45 Abutters: There were no abutters present.

13

Town of Salem, New Hampshire

Community Development Department
Planning Division

33 Geremonty Drive, Salem, New Hampshire 03079
(603) 890-2080 - Fax (603) 898-1223

To: Planning Board
From: Ross Moldoff, Planning Director
Date: July 7, 2009
Re: Comparison of Existing and Proposed Road Impact Fees

<u>Project</u>	<u>Existing Fee*</u>	<u>Proposed Fee</u>	<u>25% reduction</u>	<u>53% inflation</u>
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*Only projects on Rt. 28 and Pelham Rd. corridors pay road impact fees at present; single family homes do not currently pay road impact fees.

23,000 sf retail plaza So. Broadway	\$23,000	\$95,000	\$71,000	\$35,000
6300 sf office building Main St.	0	16,000	12,000	
12,000 sf animal kennel Brady Ave.	0	66,000	50,000	
53 unit condo project Hampshire Rd.	0	82,000	62,000	
8400 sf industrial bldg. Lowell Rd.	0	7,000	6,000	
6 lot subdivision Theresa Ave.	0	2,227/lot	1,670/lot	
21,420 sf office bldg. Keewaydin Dr.	22,000	55,000	41,000	34,000
36,192 sf office bldg. Keewaydin Dr.	36,000	93,000	70,000	55,000
56,000 sf medical office Sally Sweets Way	0	306,000	230,000	
88 unit senior housing Braemoor Woods Rd.	0	76,000	57,000	
30,000 medical lab Keewaydin Dr.	30,000	81,000	61,000	46,000
14,000 sf retail/office Stiles Rd.	27,000	47,000	35,000	41,000
14,000 sf retail No. Broadway	43,000	58,000	44,000	66,000
11,000 sf bank No. Broadway	47,000	63,000	47,000	72,000

Salem Traffic Impact Fee (2009)

Land Uses	Impact Fee
Residential Uses	
- Single Family	\$1,431 per unit
- Apartment	\$995 per unit
- Townhouse	\$869 per unit
- Mobile Home Park	\$746 per unit
- Senior Housing	\$555 per unit
Non-Residential Uses	
- General Office	\$1.65 per s.f.
- Single Tenant Office	\$1.73 per s.f.
- Medical-Dental Office Building	\$3.51 per s.f.
- General Light Industrial	\$1.04 per s.f.
- Manufacturing	\$0.57 per s.f.
- Warehousing	\$0.53 per s.f.
- Hospital	\$1.85 per s.f.
- Day Care Center	\$1.58 per s.f.
- Small Retail (Specialty Retail Center)	\$2.65 per s.f.
- Free-Standing Discount Store	\$3.85 per s.f.
- Quality Restaurant	\$5.38 per s.f.
- High Turnover Restaurant	\$4.44 per s.f.
- Fast Food Restaurant	\$14.84 per s.f.
- Shopping Center	\$2.57 per s.f.
- Pharmacy	\$3.52 per s.f.
- Drive-in Bank	\$3.69 per s.f.
- Supermarket	\$3.57 per s.f.
- Gas Station with Convenience Store	\$2,435 per pump

Note that the fees are expressed in dollars per unit for residential and dollars per square foot for non-residential use. For unique land use categories not found in the table, apply a fee of \$150 per new daily trip. Note that this fee table reflects the 10% reduction

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Note that the fees are expressed in dollars per unit for residential and dollars per square foot for non-residential use. For unique land use categories not found in the table, apply a fee of \$150 per new daily trip. Note that this fee table reflects the 10% reduction

CLOSING COMMENTS:

To say the least about the above information on the Town-wide method of collecting impact fees v. the capacity method, the former does not appear perfect, but does appear to be more easily managed than the latter method, and is definitely less costly to develop, i.e., \$18,000 v. \$100,000+.

In the Salem meeting minutes, one finds a healthy debate and final rationale for supporting the town-wide method. In the other two-communities, Concord and Hooksett, their responses also support the town-wide method.

NOTE: Hooksett, in particular, has a comprehensive set of municipal services they collect impact fees for, i.e., besides formally collecting impact fees for streets and schools, as Hudson does, Hooksett also formally collects fees for Police, Fire and Recreation. This is significant to keep in mind, and a question staff will ask of Marty. That is, does the town-wide method of impact fee collection provide municipalities with the ability to formally and affordably adopt Police, Fire and Recreation impact fees? This question is important, because it has been bandied about that Hudson may want to move in the direction of collecting impact fees for Police, Fire and possibly Recreation. Staff specifically mentions Recreation fees as a possibility, because this municipal service was studied by Bruce Mayberry in 1996, with his original Town of Hudson Impact Fee Study, and in the study it cites that Hudson would have needed to then (1996) invest upwards of \$5 million to bring the town to the point where it could justify formally collecting Recreation impact fees in conformance with existing capacity requirements. At the time, because said cost was considered unfeasible, the Town chose to collect funds for recreation improvements based, informally, as a contribution, and in so doing, not have to invest said millions of dollars.

In closing, for purposes of Wednesday night's meeting, staff hopes the above information provided by Concord, Hooksett and Salem proves helpful in furthering the progress of the board's deliberations on whether or not to adopt the town-wide method v. updating the capacity-based. In addition to the above information, and in an attempt to further assist the board in making this decision, after the June 10th meeting, Marty Kennedy forwarded to this author the following letter, which after reading, the board may want to take Marty up on the offer contained therein (i.e., the last paragraph of his letter).



June 14, 2013

Ref: 82099.13

Mr. John Cashell, Town Planner
Hudson Town Hall
12 School Street
Hudson, NH 03051

Re: Traffic Impact Fee Procedure

Dear Mr. Cashell,

As a follow-up to Wednesday night's Planning Board meeting, clearly the Planning Board was not prepared to move forward with the scope for the alternative impact fee system that we had submitted. As we had discussed, there were a couple of ways to go. One was to submit a scope to update the current Cost Allocation Procedure (CAP) for the three corridors that the Town has had in place for nearly 30 years now. That would involve updating the corridor studies, developing a new long-term plan (the plan was last updated in 1994), preparing new construction cost estimates, and then using the new plan to update the existing impact fee formulas. This option would be relatively expensive (likely well in excess of \$100k) and lengthy. Based on our previous discussion and my takeaway from discussions with the Planning Board last year, it was my understanding that the Board did not want to take that route.

As an alternative to updating the current system, we submitted a scope of work for developing a town-wide system. The cost to develop this alternative method would be substantially less as it would not require that the corridor studies and the long-term plan be updated at this time. Understand that it would obviously be good for the Town to have an updated plan. My point is that the method that we scoped would not require that the plan be updated to implement the new method. The system also has the benefit of being applicable town-wide.

Given, that the Planning Board is not sure how best to proceed, perhaps what might be useful for the Planning Board is for our initial work effort to include working with the Planning Board (perhaps a workshop session), which would include some investigation and discussion on the advantages and disadvantages of different types of methods. Once the Planning Board is comfortable with a particular approach, then we could proceed with either the currently proposed method or some other method.

Feel free to contact me if you would like to discuss.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

Martin F. Kennedy, P.E.
Senior Principal

Vanasse Hangen Brustlin, Inc.
6 Bedford Farms Drive, Suite 607
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DRAFT MOTIONS and comments on same :

Please note, the following information and proposed DRAFT MOTIONS were first provided to the board in the May 22d Meeting Packets, and are again provided below to help facilitate the board review and discussion of the subject at-hand:

In order to fund the \$18,000.00 sum for the update of the "Traffic Impact Fee System", as cited in Mr. Kennedy's proposal, staff recommends using the "Planning Board Exp. Fund, which has a balance of \$58,264.15. NOTE: at Wednesday night's meeting Selectman Maddox will present another source of account funding for this study, as such, the below DRAFT MOTION can be amended at the meeting accordingly.

Please note, concerning the possible inclusion of Dracut Rd. in this study update, this street is not presently maintained by the Town, and as such, CAP Fees cannot be assessed nor expended for improvements associated with this street. To this effect, the Town's agreement with NHDOT, as to the portions of the highway corridors maintained by the Town, needs to be amended to include a section of Lowell Rd. (as described in the below DRAFT MOTION) and Dracut Rd. This possibility can be further discussed by the Board at Wednesday night's meeting, and for the meeting, staff will find out the steps necessary to amend said agreement.

I move to defer further review of the discussion to update the "Traffic Impact Fee System" date specific to the July 24, 2013 meeting.

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

I move for the Planning Board to request from the Board of Selectmen, authorization to expend from the Planning Board Exp Fund the sum of \$18,000.00, and for said sum to be expended on the "Traffic Impact Fee System", as cited in the AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN VANASSE HANGEN BRUSTLIN, INC. AND TOWN OF HUDSON, NEW HAMPSHIRE TRAFFIC IMPACT FEE SYSTEM, dated May 14, 2013, as prepared VHB, Inc.

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

I move for staff to prepare the documents necessary to submit to NHDOT, relative to amending the urban compact area of Hudson to include the following streets: that portion of Lowell Rd. (Rte 3A) not presently included in the urban compact area, located to the immediate north of Dracut Rd., and along Dracut Rd. south to the border of Tyngsboro, MA. Further, staff shall present said documents to the Planning Board for review at the June 26, 2013 meeting.

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

Review Cost Estimate to Complete an Update of the 2000 School Impact Fee Study

Staff Report

June 26, 2013

Per board action at the June 12, 2013 meeting, the board is awaiting notice from the Hudson School Board, relative to whether they will pay for the proposed School Impact Fee Update.

Please note, the School Board is scheduled to take-up this request for a 2d time on Thursday, June 20th. As such, for next Wednesday night's Planning Board meeting, staff is expecting to provide the board with: (i) the answer on whether the School Dept. will pay for the subject update, and (ii) appropriate DRAFT MOTIONS to consider resulting from the School Board's action.