



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Roger Coutu, Selectmen Liaison



12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6008 · Fax: 603-594-1142

PUBLIC MEETING TOWN OF HUDSON, NH DECEMBER 12, 2018

The Town of Hudson Planning Board will hold a regularly scheduled meeting on Wednesday, December 12, 2018 at 7:00 p.m. in the “Buxton Community Development Conference Room” at Town Hall. The following items will be on the agenda:

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

- V. MINUTES OF PREVIOUS MEETING(S)
 - 14 November 2018 Meeting Minutes – Decisions

VI. CASES REQUESTED FOR WITHDRAWAL

- A. Cumberland Farms, Inc. 225-227 Lowell Rd., 2 Flagstone Dr.
SP# 17-18 Map 222/Lots 3, 4, 5 and 6

Letter dated 11/21/18 from Smolak & Vaughan, Attorneys At Law on behalf of applicant TMC CF New England LLC to Brian Groth, Town Planner requesting to withdraw the Site Plan Application filed with the Board.

VII. CORRESPONDENCE

- A. Clement Industrial Park Property located Off of Route 111A
Map 161 /Lots 53 & 54; Map 170 Lot 41

Correspondence from Gottesman & Hollis Professional Association to Brian Groth, Town Planner regarding property located off of Route 111A, Clement Industrial Park. Applicant proposes an amendment to the Town of Hudson Zoning Ordinance which would allow multifamily dwellings within industrial districts in the Town of Hudson by a conditional use permit to be granted by the Planning Board.

Discussion to include:

1. Applicant’s Proposed Amendments to Chapter 334 of Hudson Town Code
2. Clement Industrial Park-Zoning Map Exhibit
3. Conceptual Development Plan

- VIII. PERFORMANCE SURETIES
- IX. ZBA INPUT ONLY
- X. OLD BUSINESS/PUBLIC HEARINGS

XI. DESIGN REVIEW PHASE
XII. CONCEPTUAL REVIEW ONLY
XIII. NEW BUSINESS/PUBLIC HEARINGS

XIV. OTHER BUSINESS

- Review of Suggested Modifications from The Zoning Board of Adjustment to the Planning Board for possible Zoning Ordinance Amendments.
- Discuss potential hiring of a meeting recorder.

XV. 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.



Brian Groth
Brian Groth
Town Planner

POSTED: Town Hall, Library & Post Office – 11-30-18

MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: NOVEMBER 14, 2018

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

Timothy Malley Chairman <u> X </u>	Jordan Ulery Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charles Brackett Member <u> X </u>
Dillon Dumont Member <u> X </u>	Ed Van der Veen Alternate <u> X </u>	Elliott Veloso Alternate <u> X </u>	
Roger Coutu Select. Rep. <u> X </u>	David Morin Alt. Select. Rep. <u> E </u>		

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Meeting called to order at approximately 7:02 p.m.

- I. CALL TO ORDER BY CHAIRPERSON AT 7:02 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES
Mr. Van der Veen seated.
- V. ELECTION OF OFFICERS
- VI. MINUTES OF PREVIOUS MEETING(S)
 - 24 October 18 Meeting Minutes – Decisions
Mr. Ulery motioned to approve the 24 OCTOBER 18 Meeting Minutes as written.
Motion seconded by Mr. Coutu. Motion carried 7/0/0.
- VII. CASES REQUESTED FOR DEFERRAL

A. Cumberland Farms, Inc.
SP# 17-18

225-227 Lowell Rd., 2 Flagstone Dr.
Map 222/Lots 3, 4, 5 and 6

Purpose of Plan: To develop a retail fuel facility including a 5,814 sq. ft. convenience store with fuel dispensing facilities under an overhead canopy, landscaping and other associated improvements.

Per the applicant's request for deferral to the 12/12/18 Planning Board Meeting, a motion was made by Mr. J. Ulery to accept the deferral and seconded by Mr. Van der Veen. Motion carried 6/1/0. Mr. Coutu voted against.

VIII. CORRESPONDENCE

A. Roadway Width for Straight and Offset Cul-de-sac

Interoffice Memorandum from Jess Florence, Director of Public Works and Elvis Dhima P.E., Town Engineer dated 10-29-18 to Brian Groth, Town Planner

A motion was made by Mr. J. Ulery and seconded by Mr. D. Dumont to conduct a workshop on reevaluating a minimum road width as suggested by the Hudson Town Engineer, Elvis Dhima. Motion passed 7/0/0. The meeting will be scheduled for early 2019.

- IX. PERFORMANCE SURETIES – None
- X. ZBA INPUT ONLY– None
- XI. OLD BUSINESS/PUBLIC HEARINGS
- XII. DESIGN REVIEW PHASE – None
- XIII. CONCEPTUAL REVIEW ONLY
- XIV. NEW BUSINESS/PUBLIC HEARINGS

A. 86 Central Street Subdivision
SB# 12-18

86 Central Street
Map 182/Lot 200

Purpose of Plan: To depict the subdivision of existing Lot 200 into two separate parcels.

DRAFT MOTION TO ACCEPT:

Mr. Ulery motioned to accept the Subdivision application for 86 Central Street, Map 182/Lot 200. Motion was seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

Public Hearing opened at 7:36 PM.

Mr. Manning, 11 Adelaide St. abutter – asked if the existing structure was truly a 2-family house. Staff and applicant confirmed it is.

Leo Demurs 8 Raymond Street – asked when the Town would stop building two houses where there used to be one. Concerned that Central Street will become another Lowell Road full of businesses.

Public Hearing closed at 7:40 PM

Selectman Coutu recognizes a member of the public for additional public comment.

Susan Enright, 7 Adelaide Street – Expressed concern with traffic safety as it relates to a new driveway on Adelaide St. Would also like sidewalks on the street. Perhaps a mirror or other measures to improve traffic safety. Vehicles often travelling too fast.

DRAFT MOTION to APPROVE:

Mr. Dumont motioned to approve the subdivision entitled: Residential Subdivision Plan – 86 Central Street, Map 182 Lot 200, prepared for K&M Developers, LLC by Keach-Nordstrom Associates, Inc. dated September 12, 2018, consisting of sheets 1-2 and Notes 1-10, 14 & 15 on Sheet 1 of 2 subject to the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
3. A note shall be added to the plan confirming compliance with MS4 requirements.
4. Approval of this plan shall be subject to final engineering review.
5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

WAIVER MOTION:

§HTC 276-13, B – Utilities

Mr. W. Collins motioned for a Waiver request requiring underground electric utilities to service new lots per HTC 276-13, B. No seconded motion. Motion failed.

B. S.L. Chasse Steel-Change of Use
CUSP# 02-18

3 Christine Drive
Map 105/Lot 013

Purpose of Plan: To change the use of the property to a proposed machine assembly and welding facility for S. L. Chasse Steel.

DRAFT MOTIONS:

Mr. W. Collins motioned to accept the Change of Use Site Plan application for 3 Christine Drive, Hudson, NH, Tax Map 105/Lot 013. Motion was seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

Public Hearing opened at 8:02 PM. No public comments. Public Hearing closed at 8:02 PM.

DRAFT MOTION to APPROVE:

Mr. Dumont motioned to approve the Non-Residential Site Plan – S.L. Chasse Steel, Map 105 Lot 13, 3 Christine Dr., prepared for SLC Development, LLC by Keach-Nordstrom Associates, Inc. dated October 16, 2018, consisting of sheets 1-4 and cover sheet and Notes 1-30 on Sheet 1 of 4 subject to the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Approval of this plan shall be subject to final engineering review.
3. Construction activities involving the proposed building improvements shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

The motion was seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

XV. OTHER BUSINESS

- Suggested Modifications from The Zoning Board of Adjustment to the Planning Board for possible Zoning Ordinance Amendments.

There was some discussion of this topic, however, the members decided to revisit the suggested modifications at the 12/12/18 Planning Board Meeting in order review in further detail prior to the meeting.

- Mr. W. Collins motioned to reduce the bond for Offsite improvements on Speare Road: From \$29,789.74 to \$2,708.16 (One year warrant starting 11/13/18). Motion was seconded by Mr. Dumont. All in favor – motion carried 7/0/0. Engineering and DPW are OK with the amount reduction per email dated 11/13/18 from Elvis Dhima, Town Engineer to Brian Groth, Town Planner.
- Mr. W. Collins motioned to reduce the bond for Onsite improvements Lauren Landing: From \$446,660.43 to \$85,688.13 (ongoing). Motion was seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0. Engineering and DPW are OK with the amount reduction per email dated 11/13/18 from Elvis Dhima, Town Engineer to Brian Groth, Town Planner.

XVI. ADJOURNMENT

Motion to adjourn by Mr. D. Dumont. Seconded by Mr. Van der Veen. All in favor – motion carried.

Meeting adjourned at 9:16 p.m.

William Collins
Secretary

November 21, 2018

VIA EMAIL

Brian Groth
Town Planner
Town of Hudson
Town Hall
12 School Street
Hudson, New Hampshire 03051

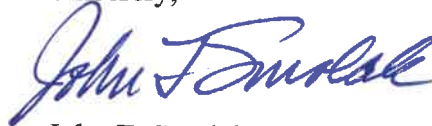
Re: Property: 225-227 Lowell Road, 2 Flagstone Drive
(Map 222, Lots 3, 4, 5 and 6)
Site Plan Approval Application
Withdrawal of Site Plan Application

Dear Brian:

As a follow-up to our discussion, and on behalf of the Applicant, TMC CF New England LLC, please accept this letter as the Applicant's request to withdraw the Site Plan Application filed with the Board. Please remit the application fee and any unused portion of the review fee to my attention.

Please contact our office if you have any questions or need additional information. Thank you.

Sincerely,



John T. Smolak

JTS/

cc: Tracey Roll, Project Manager, T.M. Crowley, Inc.
Chris Tymula, MHF Design Consultants, Inc.

Suggested Modifications to the Zoning Ordinance
prepared by:
Gottesman & Hollis Professional Association
Staff Report
6 December 2018

SITE: Wall Street and Clement Street, Map 161 Lots 53 & 54, Map 170 Lot 41

ZONING: Industrial

PURPOSE: To allow for the development of multi-family housing in Industrial zones by Conditional Use Permit.

ATTACHMENTS:

- A. Correspondence to Town Planner, Brian Groth
- B. Proposed Amendments to Zoning Ordinance
- C. Zoning Map Exhibit with Proposed Overlay Area
- D. Conceptual Development Plan

STAFF COMMENTS:

This purpose of this proposal is to allow the development of multi-family housing on up to 5% of Hudson's Industrial Zones. The following items are pertinent to this discussion:

1. The proposed concept plan shows 325 parking spaces and 70,000 square feet of residential per floor. Extrapolating these data points, it is estimated that the proposal shows more than 200 housing units.
2. The concept plan requires significantly more water and sewer than current zoning.
3. Chapter 1 – Introduction and Goals of the Town of Hudson Master Plan identifies the following as economic development goals:
 - a. Restrict the development of commercial and other non-industrial uses in industrial districts to reserve land for industrial development.
 - b. Conserve existing sewer capacity for future commercial and industrial development.
4. The Clement Industrial Park is one of Hudson's State-designated Economic Revitalization Zones (ERZ), the purpose being job creation.
5. The Hudson Economic Development Assessment report dated June 12, 2018, prepared by the NRPC identified the following characteristics of the remaining development potential in the Clement Industrial Park:
 - a. Additional Building Area: 182,765 square feet
 - b. Additional Tax Revenue: \$227, 817
 - c. Additional employment: 170 jobs
6. The current proposal does not reflect an earlier concept discussed with Interim Town Planner, Jay Minkarah.

GOTTESMAN & HOLLIS

PROFESSIONAL ASSOCIATION

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"A"

November 15, 2018

Via Email Only

Brian Groth, Planning Director
Town Offices
12 School Street
Hudson, New Hampshire 03051

Re: Property Located Off of Route 111A
Clement Industrial Park
Our File No.: 18-82

Dear Brian:

As we discussed, I represent the owner of properties located in the Clement Road Industrial Park. My client has determined through numerous interviews with potential users of the industrial park that there is a gross shortage of apartments for worker housing nearby to the industrial district which is preventing them from leasing the industrial space. My client has tasked me to craft an amendment to the Town of Hudson Zoning Ordinance which would allow multifamily dwellings within industrial districts in the Town of Hudson by a conditional use permit to be granted by the Planning Board. The maximum area which might be used for multifamily dwellings in any single industrial district would be 5% of the total area of the specific industrial zoned district. Additionally, the multifamily units could not exceed two bedrooms.

As we discussed, there is no current provision allowing for conditional use permits in the Town of Hudson. It is my intent in drafting the proposed amendment that a conditional use permit process to allow housing within an industrial district may be something that would be acceptable to the Planning Board of the Town of Hudson and that the Planning Board would be willing to submit the proposed amendments to the voters with its recommendation.

I have attached hereto a draft of the various amendments that would need to be made to the Town's Zoning Ordinance for this proposal and request that it be placed on the agenda of the next meeting of the Planning Board, December 12, 2018, so that I may come and present the proposal to them and outline the benefits to this proposed amendment.

Brian Groth, Planning Director

November 15, 2018

Page 2

In order to give you some idea of what might take place on the specific area of property owned by my client should the proposed ordinance be passed and the Planning Board approved a site plan, I have attached hereto a copy of the prospective possible and very preliminary site plan of the area off of Clement Road which is currently unoccupied and in my client's opinion, very unsuitable for industrial development, yet suitable for multifamily units.

I have also included with this letter an overlay which reflects the area of my client's intended residential development, being less than 5% of the total industrial park, overlaid on the total industrial park area under the Town zoning maps.

Thank you for your anticipated cooperation and assistance.

Yours truly,

GOTTESMAN & HOLLIS P.A.



Morgan A. Hollis

MAH;jlh
Enclosures

cc: Bruce Buttrick, Zoning Administrator
John Wolters

**Amendments to Chapter 334 of the Hudson
Town Code, being the Zoning Ordinance
to Allow Multifamily Dwellings in the
Industrial District by Conditional Use Permit**

1. Amend §334, Attachment 1, Table of Permitted Principal Uses as follows:

Category A. Residential Uses.

USE	R-1	R-2	TR	B	I	G	G-1
A. RESIDENTIAL USES							
3. Multifamily dwelling	N	N	N	P ¹	P ²	N	N

P² Permitted by Conditional Use under Article XXI, §334-127, which use shall not occupy an area greater than 5% of the total area within the specific zoning district.

2. Amend §334-18E to adding the following:

Excepting multifamily use as permitted by Conditional Use as approved by the Planning Board, which use shall not occupy an area greater than 5% of the total area within the specific zoning district.

3. Amend §334-20 by adding the following:

Those uses identified as Conditional Uses are uses permitted at the discretion of the Planning Board as set forth in Article XXI, §334-127- 135.

4. Create new Article XXI: Conditional Uses as follows:

Article XXI: Conditional Uses

§334-127 Purpose: Permits for Conditional Uses are authorized by RSA 674:21 II as an innovative land use control. Conditional Use permits are like special exceptions in that they require discretionary public hearings for designated uses. Unlike special exceptions, the decision maker is the Planning Board rather than the ZBA. The designated Conditional Uses are desirable to be located within the zoning district provided they satisfy certain conditions as set forth in this section.

§334-128 Applicability. This section applies to any building, structure or use designated as permitted by Conditional Use in the Table of Permitted Principal Uses (§334-20 Attachment 1). No such building, structure or use shall be established unless and until a Conditional Use permit is approved as provided in this section.

- §334-129 Initiation. An application for a Conditional Use permit shall be filed with the Administrative Officer and shall be combined with, and processed concurrently with, an application for site plan, or subdivision review (as may be necessary).
- §334-130 Completeness review. The Administrative Officer shall conduct an initial completeness review as set forth in Article II, §275-7 & 8 of this chapter. Upon certification by the Administrative Officer that the application is complete and payment of required fees, the application shall be deemed complete and referred to the Planning Board for its review and decision.
- §334-131 Decision. The Planning Board shall render a decision approving, approving with conditions or denying the Conditional Use permit after conducting a public hearing. The hearing may be conducted concurrently with the site plan review hearing.
- §334-132 Approved criteria. Following a public hearing on the proposed use, the Planning Board shall issue a Conditional Use permit, if it finds, based on the information and testimony submitted with respect to the application, that:
- (1) The building, structure or use is specifically authorized by the Table of Permitted Uses §334-20 Attachment 1, as a conditional use;
 - (2) If completed, the development in its proposed location will comply with all requirements of this article, and with specific conditions or standards established in this chapter for the particular building, structure or use;
 - (3) The building, structure or use will not materially endanger the public health or safety and must be serviced by municipal sewer and a regulated or municipal water supply;
 - (4) The building, structure or use will not substantially devalue abutting property;
 - (5) The types and styles of buildings and structures will be compatible with the neighborhood and with adjoining or abutting buildings in the area in which it is to be located;
 - (6) The building, structure or use will not have a substantial adverse impact on highway or pedestrian safety;
 - (7) The building, structure or use will not have a substantial adverse impact on the natural and environmental resources of the Town;

- (8) Adequate public utilities and community facilities are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services; and
- (9) There is adequate parking on and off site for the use.

§334-133 Amendments. An amendment to a Conditional Use permit may be approved in the same manner as an application for a new conditional use permit.

§334-134 Scope of approval. A Conditional Use permit shall authorize the applicant to apply for approval of a site plan or subdivision plan, if required, and a building permit and certificate of use and occupancy. Conditions to a Conditional Use permit shall not be reduced or eliminated unless a new notice is provided prior to the final decision. In determining the acceptability of a proposed site plan for a Conditional Use, the Planning Board shall have the authority to modify the dimensional, density, height and other regulations of the underlying district or any district in which such uses are permitted by the Table of Permitted Uses without a Conditional Use permit in accordance with the guidelines set forth below:

Guidelines for site plan evaluation. The following guidelines are an extension of the enabling purpose and objectives of this section. The guidelines are intended to provide the Planning Board with the criteria to evaluate site plans for a Conditional Use, and to determine whether a site plan submitted under this section should be approved, approved with conditions, or denied. In approving any site plan under the provisions of this section, the Planning Board may require in a reasonable manner as a condition of approval any and all specific treatments of the criteria listed in this section as it deems necessary to meet the purpose of this section as set forth in the purpose statement above.

- (1) Dimensional and density requirements. The base dimensional and density requirements of the underlying zone shall not apply to proposed uses allowed within the projects submitted in accordance with this section. The Planning Board may vary the dimensional, density and height requirements of the underlying zone subject to a report by the Planning Director in consultation with the Code and Fire Departments. The specific unit per lot area requirement for developments incorporating residential uses shall be removed provided that the number of bedrooms per unit shall not exceed 2 bedrooms. The purpose of this section is to provide additional design flexibility, and is subject to the Planning Board's finding

that the development adequately addresses and satisfies the requirements of this section.

(2) Building and site design:

- (a) Proposed building massing, proportions, spacing, scale, height, setbacks, orientation, façade treatment, height and roof lines should be integrated and compatible with surrounding buildings.
- (b) Exterior building and paving materials and details shall be of a composition, scale and form compatible with the site and building environment.
- (c) Buildings should be designed in context with clusters of buildings that present a distinct or unified architectural pattern and scale.
- (d) Buildings shall be oriented to enhance, maintain and protect unique or significant internal and external view corridors and vistas.

(3) Circulation:

- (a) Vehicular and pedestrian facilities shall be designed to serve both existing and proposed buildings and provide for safe, unified and efficient access pattern that is coordinated with existing and planned roads and sidewalks. Vehicular and pedestrian access improvements shall be reviewed by the Town Engineer.
- (b) Adequate access for safety, fire and emergency vehicles shall be available and approved by the Fire Department.
- (c) Provisions for public transit connections and stops should be provided where deemed necessary and appropriate by the Planning Board.

(4) Parking:

- (a) Adequate off-street parking shall be available within 1,000 feet of a conditional use and a suitable parking location and management plan shall be established that will not adversely impact off-site circulation conditions and parking availability.

- (b) A minimum of one and one-half off-street parking spaces shall be provided for each dwelling unit.
- (c) Landscaping and screening shall be provided as a means to break up the visual monotony and impervious surface area of parking facilities and landscape buffers may be provided along the perimeter of the site, as may be determined by the Planning Board.

(5) Lighting:

- (a) Lighting sources shall be of an appropriate design and located at strategic locations to provide a safe environment and to accentuate important points of activity, access and building features of landmark proportions and details.
- (b) Lighting sources shall be adequately shielded to avoid glare.
- (c) All new construction and rehabilitation projects shall conform to Town minimum lighting standards.

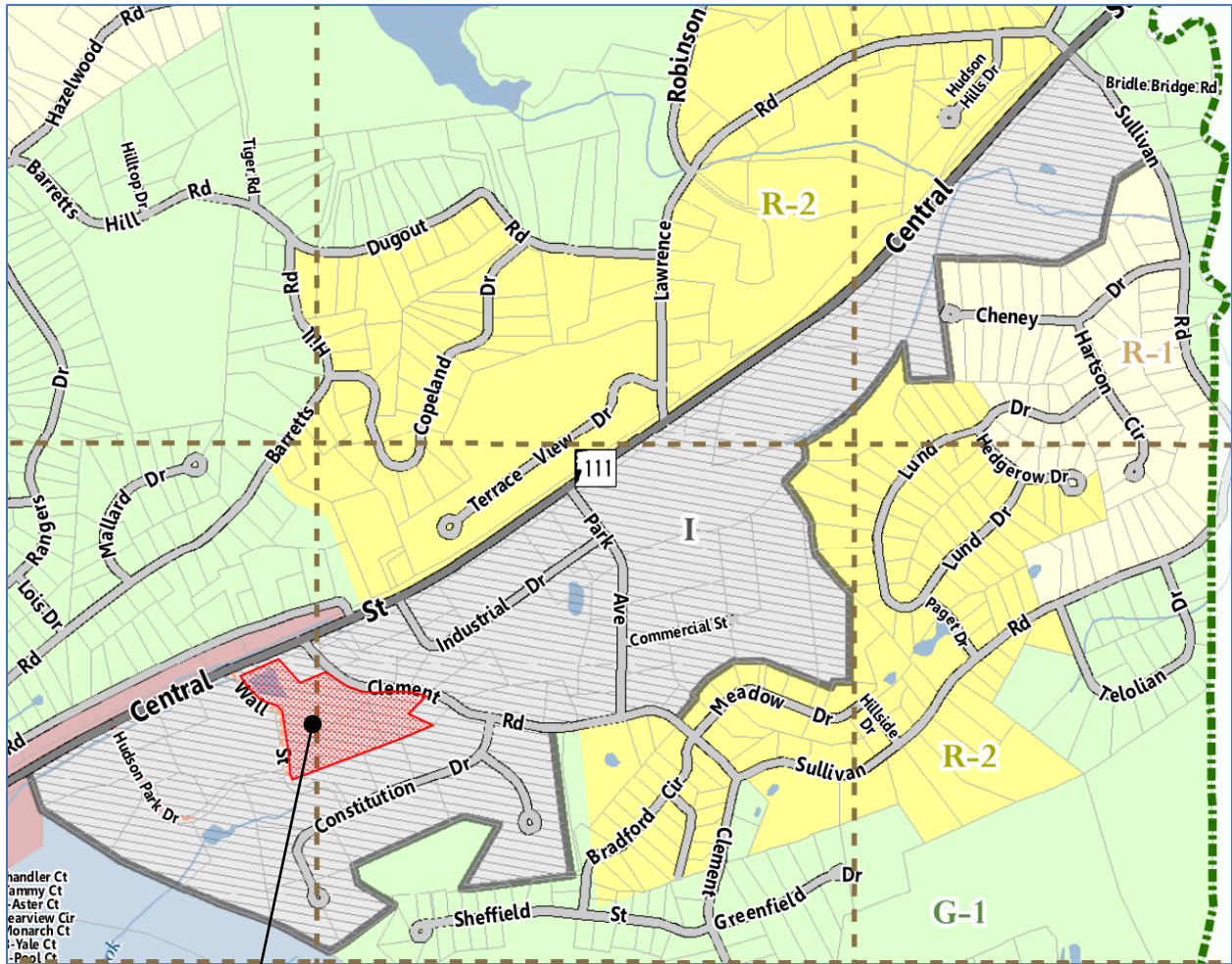
(6) Signage:

- (a) Rooftop signs and billboards are not permitted as part of site plans for uses permitted unless approved by the Planning Board following review and report by the Zoning Administrator.
- (b) All signs shall conform to the Town sign ordinances except as modified by approval by the Planning Board.
- (c) Thematic or display banners incorporated as part of new construction and rehabilitation projects may be introduced if they are of a suitable size, color and graphic design to enhance the site and building environment and assist in enlivening and defining a building or space.
- (d) All directional and advertising signs shall conform to the Town sign ordinances and shall be of a scale, color and materials consistent with the building, property and surrounding environment.

- (1) All site plans submitted to the Planning Board pursuant to a permitted Conditional Use for approval under the site plan regulations of the Town in accordance with this section shall be accompanied by a site plan suitability report, including appropriate studies, drawings, plans and illustrations, which shall address the following relevant factors:
 - (a) Analysis of the ability of the proposed use and existing neighboring uses to coexist and the potential impacts that proposed and existing adjoining and surrounding uses and buildings may have upon one another.
 - (b) Analysis of any impacts on significant natural, architectural, visual or aesthetic qualities of the surrounding environment.
 - (c) Analysis of the health and safety impacts on customers, residents and employees of the underlying district.
 - (d) Analysis of economic or property value impacts.
 - (e) Analysis of traffic and parking impacts.
 - (f) Analysis of the adequacy of existing municipal facilities and services.
 - (g) The consistency of the site plan with the objectives and guidelines established by this section, the Master Plan and sound planning and development principles.









CLEMENT INDUSTRIAL PARK



Proposed Overlay Area

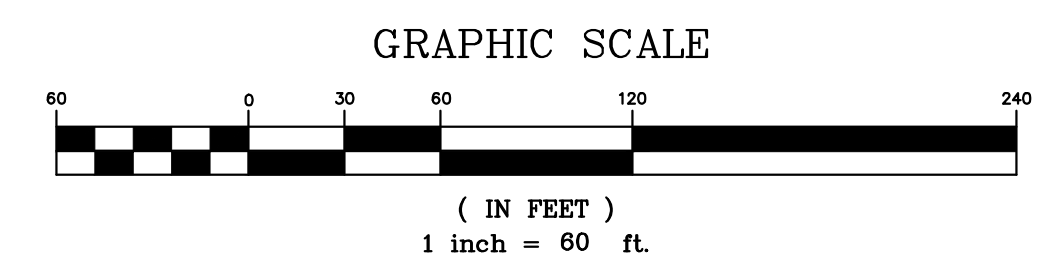
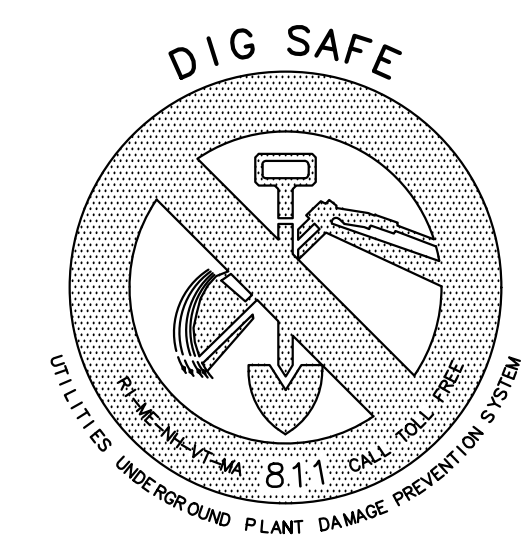
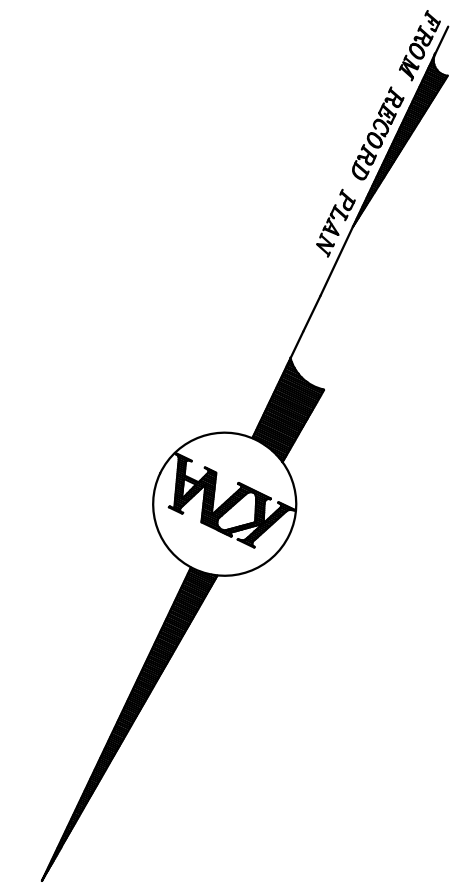
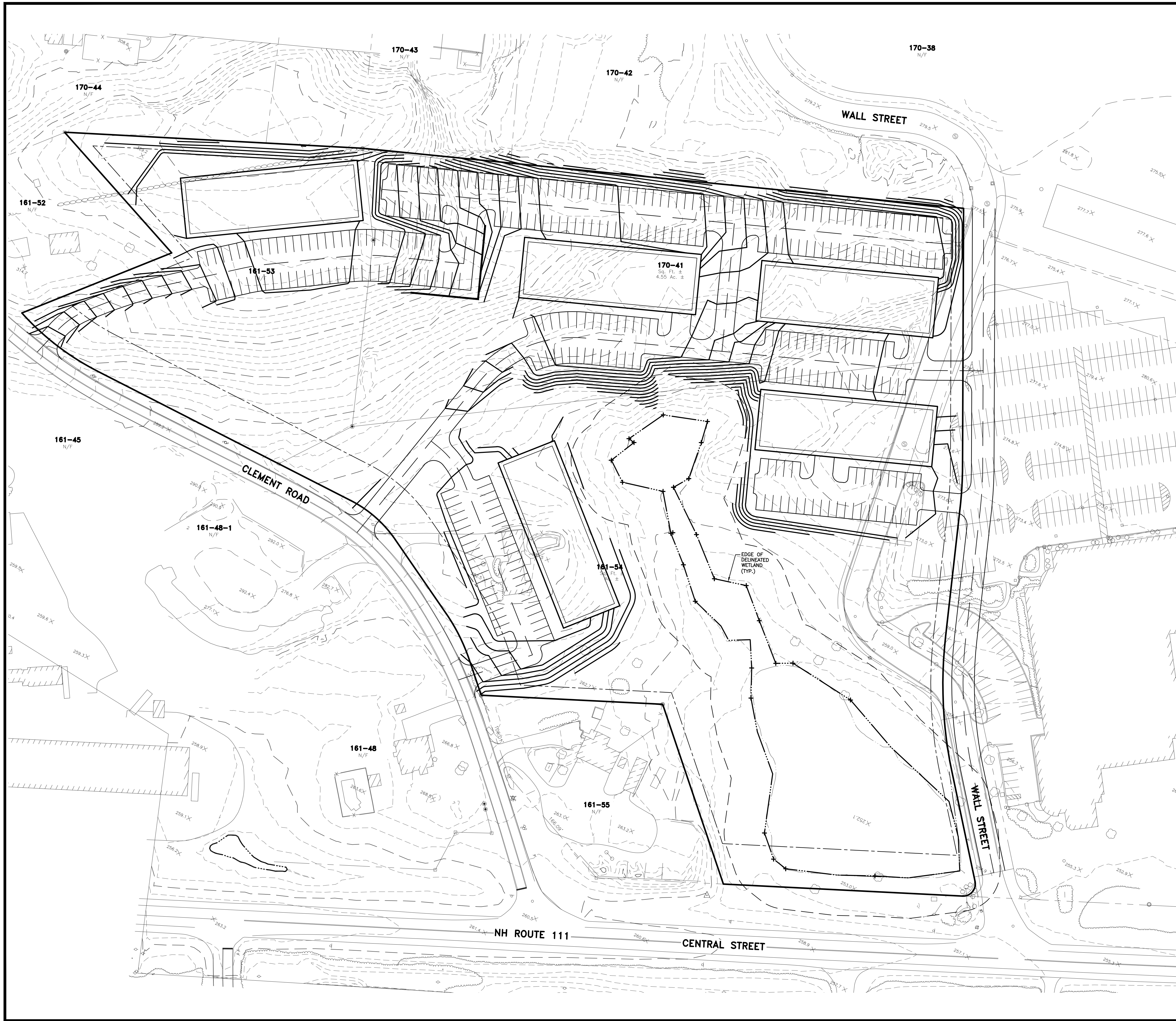
LEGEND

-  Clement Park Industrial Zone
-  R-2 - Residential 2 Zone
-  G-1 - General 1 Zone
-  B - Business Zone
-  G - General Zone
-  Proposed Overlay Area

Civil Engineering

Land Surveying

Landscape Architecture



CONCEPTUAL DEVELOPMENT PLAN

CLEMENT ROAD APARTMENTS
 MAP 161 LOTS 53 & 54; MAP 170 LOT 41
 CLEMENT ROAD & WALL STREET
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

PREPARED FOR:
 CENTURY PARK, LLC
 1 WALL STREET
 HUDSON, NH 03051

KMA KEACH-NORDSTROM ASSOCIATES, INC.
 Civil Engineering Land Surveying Landscape Architecture
 10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: OCTOBER 19, 2018 SCALE: 1" = 60'
 PROJECT NO: 18-1019-1 SHEET 1 OF 1

Suggested Modifications to the Hudson Zoning Ordinance prepared by the ZBA

Staff Report
6 December 2018

PURPOSE: To review zoning changes suggested by the Zoning Board of Adjustment and consider bringing them forward to a Public Hearing for the January 9, 2019 Planning Board meeting.

SUMMARY: Staff has compiled the ZBA's suggestions, along with input from the Planning Board and Staff. Staff includes primarily the Town Planner and Zoning Administrator with some input from the Town Engineer, Inspectional Services and Assessor's Office. All suggestions identify important opportunities to improve the ordinance, but not all may be ready for public hearing at this time. All items moved forward will be reviewed with the Town Attorney prior to the hearing. Items that the Board does not feel are ready, are recommended to be discussed in the context of a Zoning Ordinance Review Committee (ZORC). It is advisable to prioritize the top 3 or 4 amendments for the warrant article.

CONTENTS:

- 1) Gross Living Area
- 2) Corner Lot
- 3) Tiny Houses
- 4) Habitable vs Occupiable
- 5) Use Table Clarification
- 6) Multiple Uses
- 7) Multiple Uses Special Exception
- 8) Description of Districts
- 9) Septic Design for ADU's
- 10) Permitted vs Accessory Uses

1) §334-6 Definitions

Add a definition for GROSS LIVING AREA

GROSS LIVING AREA- Gross Living Area is defined as the total area of finished, above-grade residential space; calculated by measuring the outside perimeter of the structure and includes only finished, habitable, above-grade living space. Finished basements and attic areas are not generally included in total gross living area unless they are to be habitable.

Intent: GLA is not defined but the term is currently referred to and used in the Ordinance in Section 334-73.3 (H).

Board Comments: Definition might be confusing. Strike "above grade". Will need to define habitable.

Recommendation: Refer to §334-73.2 which is the Provisions section of Accessory Dwelling Units. Item H is the only instance in with the GLA term is used. Creating this definition causes the need for another definition, which will have a ripple effect throughout the Zoning Ordinance, affecting several other passages. Staff recommends choosing one of the following:

- a) Address the intent by replacing Gross Living Area with “size.” Simpler is sometimes better. “Size” is universally understood and does not need to be defined.
“The ~~gross living area (GLA)~~ **size** of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The ~~above grade GLA~~ **size** of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an ADU. **Measurement of size shall be consistent with Town Assessor’s practices.**”
- b) Table this issue so that the ripple effect of this definition can be examined along with the potential need for additional definitions within the context of ZORC.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-6 Definitions to add GROSS LIVING AREA – [read/insert as defined or amended at meeting].

OR

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-73.3 (H) as written below, with language to be removed in strikethrough print and language to be added in bold print:

[read/insert as defined in item a)]

OR

I move to table the issue [read/insert item b)].

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

2) §334-6 Definitions

Add: CORNER LOT – see LOT, CORNER

Modify: LOT, CORNER to read as follows, with language to be removed in strikethrough print and language to be added in bold print:

“A **corner lot is defined as a lot located at the intersection of two HIGHWAYS that has frontage on each public or private HIGHWAY** ~~with two adjacent sides abutting intersecting public streets (HIGHWAYS).~~”

Intent: To eliminate confusion and address the frontage and front setback requirements for corner lots and need to cross reference.

Board Comments: If one side of the corner abuts a private HIGHWAY does it have to meet setback requirements?

Recommendation: By definition, a HIGHWAY is “a travelway, dedicated to or accepted by the Town...that is available as public use for travel...” Many public streets begin as private streets until they are accepted, therefore the front yard setback should still apply. Further, the front lot line is the property line dividing a lot from any HIGHWAY or public ROW without regard to the arrangement or orientation of buildings on the lot (it doesn’t matter which way the front door faces). Staff recommends choosing one of the following:

- a) Add: CORNER LOT – see LOT, CORNER

Modify: LOT, CORNER to read as follows, with language to be removed in strikethrough print and language to be added in bold print:

“A **corner lot is defined as a lot located at the intersection of two HIGHWAYS that has frontage on each public or private HIGHWAY** ~~with two adjacent sides abutting intersecting public streets (HIGHWAYS).~~”

Note: Staff crossed out public or private because it is addressed in the definition of HIGHWAY. Can explain further at meeting.

- b) Table this issue so that the ripple effect of this definition can be examined along with the potential need for additional revisions, such as to HIGHWAY within the context of ZORC.
- c) Determine the change is not necessary. It provides some clarification, however it will not change the fact that corner lots have two frontages and therefore two front yard setbacks – which is the core issue.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-6 Definitions to add CORNER LOT and modify LOT, CORNER – [read/insert as defined or amended at meeting].

OR

I move to table the issue [read/insert item b)].

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

3) Tiny Houses

Staff has excluded analysis of items relating to Tiny Houses due to the consensus of the Board at the November 14, 2018 meeting. Discussion recommended to be tabled and addressed via ZORC.

4) § 334-14 Building Height

Modify as follows:

“No ~~habitable~~ structure may exceed 38 feet in height in any district, except as provided in Subsection A below. Height is measured.....Facilities.”

“In the following described zoning districts/parcels, the maximum allowed ~~habitable~~ building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for manufacturing, warehouse, distribution and office space ancillary to said principal uses.”

Intent: Habitable is typically used to describe residential spaces (in building code, and municipalities other than Hudson), which has led to interpretation issues.

Board Comments: Comments related to dimensions of the building height itself (i.e. 38’, 50’).

Recommendation: This amendment will also have a ripple effect throughout the Zoning Ordinance, as it touches the definitions of Structure and Buildings, which then effect other passages. Occupiable might be a better word than habitable, as occupiable indicates a structure that is to be occupied by a person. The Town could adopt the International Code Council’s definitions of Building and Structure – which identifies the difference sought by the intent of this change; doing this will require multiple changes and more vetting. In the meantime. staff recommends choosing one of the following:

- a) Replace “habitable” with “occupiable” as follows:

“No ~~habitable~~ **occupiable** structure may exceed 38 feet in height in any district, except as provided in Subsection A below. [...] ~~Nonhabitable~~ **Non-Occupiable** structures such as church spires, steeples, smokestacks, flagpoles, light poles and other similar structures may not exceed 110 feet in height....Facilities.”

“In the following described zoning districts/parcels, the maximum allowed ~~habitable~~ **occupiable** building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for manufacturing, warehouse, distribution and office space ancillary to said principal uses.”

- b) Table this issue and reserve it for a larger discussion with ZORC.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-14 Building Height as written below, with language to be removed in strikethrough print and language to be added in bold print– [*the erase habitable option* read/insert as defined above or amended at meeting].

OR

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334-73.3 (H) as written below, with language to be removed in strikethrough print and language to be added in bold print:

[*replace habitable with occupiable option* read/insert as defined in item a)]

OR

I move to table the issue [read/insert item b)].

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

5) §334 Attachment 1 - Table of Permitted Principal Uses

Add asterisk and note to table of permitted uses as follows:

USE	R-1	R-2	TR	B	I	G	G-1
D. Commercial Uses							
31. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P *	P*	P*

P* = Permitted only in accordance with Section 334-15 (B) 2 on Commercial sites within the I, G and G1 zones

Intent: Table and written Section 334-15 (B) 2 were not in alignment. The Town of Hudson allows for the parking of heavy commercial vehicles and equipment on commercial sites within the I, G, and G-1 zones even though those zones are mixed with residential parcels. The section limits the sites the Table did not.

Board Comments: none

Recommendation: This is essentially a clarification for those who view the Table only, it does not change the substance of the ordinance. There is some apprehension among staff in putting asterisks in the table. More problematic however, is that Uses 28, 29 and 31 are identified as principal uses even though they are most often accessory or incidental in nature (parking). A staff recommended zoning amendment is at the end of this report as #10.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to §334 Attachment 1- Table of Permitted Principal Uses as written below, with language to be added in bold print– [read and describe table and note above].

OR

I move to table the issue for further discussion with ZORC.

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

6) §334-10. Mixed or dual use on a lot.

Modify section that was amended in March 2018 as follows:

A. Multiple Uses on an **Industrial or Business** lot are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and its use is in conformity with all other requirements set forth in this Chapter **and the Hudson Land Use Regulations** pertaining to that use.

(1) **The Business or Industrial lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage.**

(2) **The Business or Industrial lot is of sufficient size to satisfy the minimum lot size requirement for the principal use requiring the most lot area.**

- B. For the purposes of this chapter, multiple Business or Industrial uses developed as part of a single site are considered a single principal use
- C. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of the lot
- D. Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, Section 334-23 and Section 334-26.**

Intent: The 2018 change to mixed or dual use on a lot was intended for business and commercial applications only i.e. strip malls; the intent was never to include residential lots, especially in the R1 and R2 zones. This Section needed to be addressed to specify only Business or Commercial uses on a lot.

Board Comments: none

Recommendation: Add “Principal” between “Multiple” and “Uses” in the first line of A. Consider changing language from “Business or Industrial lot” to “lot in the Business or Industrial Zones.” Staff agrees with the ZBA’s finding of the overall intent of the 2018 modification.

Staff suggested modification as follows:

- E. Multiple **Principal** Uses on a lot **in the Industrial or Business Zones** lot are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and its use is in conformity with all other requirements set forth in this chapter **and the Hudson Land Use Regulations** pertaining to that use.
 - (1) **The Business or Industrial lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage.**
 - (2) **The Business or Industrial lot is of sufficient size to satisfy the minimum lot size requirement for the principal use requiring the most lot area.**
- F. For the purposes of this chapter, multiple Business or Industrial uses developed as part of a single site are considered a single principal use
- G. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of the lot
- H. Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, Section 334-23 and Section 334-26.**

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to “§334-10 Mixed or dual use on lot.” as written below, with language to be added in bold print– [read/insert preferred language or as modified at meeting].

OR

I move to table the issue for further discussion with ZORC.

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

7) §334-26. Reduction of Requirements for mixed and dual uses; compatibility of uses.

Modify section to read as follows:

A. The minimum frontage and lot size requirements, as required in Article III, §334-10, for mixed or dual use on a **Business or Commercial** lot may be reduced by special exception, ~~to the sum of the minimum frontage and/or lot size requirement for the principal use requiring the most frontage, plus not less than 50% of the minimum frontage and/or lot size requirement for each additional principal use.~~

B. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual use shall be compatible. ~~An example of a compatible mixed or dual use would be a single residence and a business, where the residence would be occupied by the business owner or manager.~~

Intent: Section 334-26 needs to align with Section 334-10, which had been modified in 2018 to allow all zones to have multiple principal uses, which was not the intent.

Board Comments: none

Recommendation: Consider changing language from “Business or Commercial lot” to “lot in the Business or Industrial Zones.” Item A essentially represents a variance from the proposed language of previous item #6. Staff agrees with the ZBA’s finding of the overall intent of the 2018 modification. Staff suggest the following modification because: the proposed changes to §334-10 make §334-26(A) moot and; item §334-26(B) should be moved to (A).

Staff suggested modification as follows:

~~A. The minimum frontage and lot size requirements, as required in Article III, §334-10, for mixed or dual use on a lot in the Industrial or Business Zones may be reduced by special exception, to the sum of the minimum frontage and/or lot size requirement for the principal use requiring the most frontage, plus not less than 50% of the minimum frontage and/or lot size requirement for each additional principal use.~~

~~B. A. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual use shall be compatible. An example of a compatible mixed or dual use would be a single residence and a business, where the residence would be occupied by the business owner or manager.~~

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to “§334-26. Reduction of requirements for mixed and dual uses; compatibility of uses.” as written below, with language to be removed in strikethrough print and language to be added in bold print– [read/insert language above or as modified at meeting].

OR

I move to table the issue for further discussion with ZORC.

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

8) §334-18. Districts described.

Modify section to read as written below:

Business (B). The B district is established to provide for the development of general wholesale and retail commercial uses, services, office uses, ~~industry, warehousing~~, multifamily dwellings and customary accessory uses and structures.

Intent: Section needs to agree with the Table of Permitted uses; Industrial and Warehousing uses are not permitted in the Business District.

Board Comments: Consider warehousing to be permitted by Special Exception in the Business District and added to the Table of Permitted Principal Uses and the Table of Permitted Accessory Uses as such. Newer concepts in building design which promote internal warehousing are esthetically pleasing and would blend well within the business district.

Recommendation: As it currently stands, the district description contradicts the use table. This item is recommended to be put forward to public hearing as is, unless the Board decides Warehousing should be a permitted use by special exception per Board Member comment.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to “§334-18. Districts described.” as written below, with language to be removed in strikethrough print and language to be added in bold print– [read/insert language above or as modified at meeting].

OR

I move to table the issue for further discussion with ZORC.

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

9) §334-73.3. Provisions

O. An ADU shall make provision for adequate water supply and sewage disposal in compliance with RSA 485-A: 38 and regulations adopted by the New Hampshire Department of Environmental Services but separate systems shall not be required for the principal STRUCTURE and ADU. **A design for a new septic system, as approved by the NH DES, shall be filed with the Town of Hudson prior to a building permit being issued.**

Intent: This is a requirement per RSA 485-A: 38 and needs to be a condition of the building permit process.

Board Comments: This assumes a new septic system would be required to add the ADU, which may not always be the case. The existing septic system may be adequate for the addition. It should read, “A design for a septic system...”

Recommendation: There is some concern that this is beyond the Town’s purview and that it may be an undue financial burden on residents. Currently, the ADU application requires that adequate sewage disposal be in compliance with RSA 485-A:38. Review and approval of septic systems are performed by NHDES. Further investigation of the matter coordinated with Engineering and Legal will be conducted prior to the meeting.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to “§334-73.3 (O) Districts described.” as written below, with language to be removed in strikethrough print and language to be added in bold print– [read/insert language above or as modified at meeting].

OR

I move to table the issue for further discussion with ZORC.

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

10) Move uses from Table of Permitted Principal Uses to Permitted Accessory Uses

The following modification is proposed by staff:

Table of Permitted Principal Uses

USE	R-1	R-2	TR	B	I	G	G-1
D. Commercial Uses							
28. Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
29. Garaging or parking of two or more light commercial vehicles	N	N	N	N	P	P	P
31. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P

Table of Permitted Accessory Uses

Accessory Uses	R-1	R-2	TR	B	I	G	G-1
Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
Garaging or parking of two or more light commercial vehicles	N	N	N	N	P	P	P
Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P

Intent: This use is truly accessory to many businesses in Hudson. As the Ordinance currently stands, any business that has a commercial vehicle would be considered a multiple or dual use,

which staff does not believe is the intent. Staff believes this modification aligns the ordinance with the intent and practical implementation.

DRAFT MOTIONS:

I move for the Planning Board to conduct a public hearing on the 9th of January 2019 for the proposed amendment to the Table of Permitted Principal Uses and the Table of Permitted Accessory Uses as written below, with language to be removed in strikethrough print and language to be added in bold print– [read/insert language above or as modified at meeting].

OR

I move to table the issue for further discussion with ZORC.

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