



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



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

MINUTES OF THE PLANNING BOARD MEETING DATE – FEBRUARY 25, 2026 - DRAFT

In attendance = X	Alternate Seated = S	Partial Attendance = P	Excused Absence = E
Tim Malley Chair <u>X</u>	Jordan Ulery Vice-Chair <u>X</u>	Ed Van der Veen Member <u>X</u>	Victor Oates Member <u>X</u>
James Crowley Member <u>X</u>	Julia Paquin Member <u>E</u>	Timothy Lyko Alternate <u>S</u>	George Hurd Alternate <u>E</u>
Todd Boyer Alternate <u>X</u>	Bob Guessferd Select. Rep <u>X</u>	Brooke Dubowik Town Rep. <u>X</u>	

I. CALL TO ORDER BY CHAIRPERSON

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

II. PLEDGE OF ALLEGIANCE

Mr. Malley invited all to participate in the Pledge of Allegiance and read through the Chairperson's introduction/order of business and cited housekeeping items.

III. ROLL CALL

Mr. Mallery asked the Clerk to call for attendance.

IV. SEATING OF ALTERNATES

Mr. Lyko was seated for Ms. Paquin.

V. MEETING MINUTES

- 11 February 2026 Meeting Minutes

None at this time.

VI. CORRESPONDENCE

A. Elvis Dhima, Director of Development Services

- Bond Establishment - T-Bones additional On-Site & Off-Site Improvements

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

44
45 Mr. Oates moved to approve an additional bond amount of \$181,239.00 relative to On-Site and
46 Off-Site Improvements for T-Bones Restaurant, 256 Lowell Road – Map 145/Lot 015-000,
47 bringing the total bond amount to \$251,739.00, for outstanding improvements that cannot be
48 completed due to weather conditions prior to the applicant applying for a Certificate of Occupancy,
49 as presented in the memorandum from the Elvis Dhima, Development Services Director, to Brooke
50 Dubowik, Town Planner, dated February 12, 2026, together with the Town of Hudson Road
51 Guarantee Estimate Form. Motion seconded by Mr. Crowley.
52 All in favor – motion carried 7/0/0.

- 53
- 54 • Request Corridor Funds – Lowell / Birch / Belknap Road Lot Line Relocation &
55 Dredge and Fill Permit
56

57 Mr. Dhima explained that the purchase and sales agreement has been signed by both abutters.
58 These purchases require reference to recorded plans associated with the lot line relocations for
59 both properties. The requested additional funds are related to the preparation of surveying plans
60 for the lot line relocations, installations of monumentation, and the administrative Dredge and
61 Fill permit. These additional efforts necessitate a change order in the amount of \$21,600.00, to
62 be funded through available corridor funds.
63

64 Mr. Oates moved to recommend to the Board of Selectmen the expenditure of an additional
65 \$21,600.00 for efforts associated with the lot line relocations and the Dredge and Fill application,
66 utilizing corridor funds from (2070-000-701) Zone 1 Traffic Improvements and (2070-000-702)
67 Zone 2 Traffic Improvements, as recommended by the Development Services Director. Motion
68 seconded by Mr. Crowley.
69 All in favor – motion carried 7/0/0.
70

71 VII. OLD BUSINESS

- 72 A. Colbea Gas Station & Convenience Store 91-97 Lowell Road
73 SP# 12-25 Map 198/Lots 11, 12, 14, 15, & 16
74 Purpose: to depict a gas station and convenience store consisting of six (6) dispenser
75 islands for a total of twelve (12) fueling station, and associated improvements including
76 but not limited to access, grading, stormwater management, utilities, lighting, and
77 landscaping. Continued from January 14, 2026.
78

79 Chris Drescher, attorney for the applicant, explained that he reached out to the abutting daycare's
80 legal counsel and received the abutter's wish list, including that a fence by the daycare be installed
81 prior to any construction. This was indicated to be a stockade fence, 6' tall, in a color other than
82 white as that can be hard to keep clean. The applicant has agreed to comply fully with those terms.
83

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

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

98
99 Mr. Oates stated that it is part of the Town code for an emergency generator to be factored into the
100 plan. Ryan Callahan, Epsilon Associates, stated that the emergency generator is not included in
101 the modeling of the site. If it were to be included and compared to the Town's limits, it likely would
102 need to be in an enclosure. As these types of generators are for emergency use, they are generally
103 dealt with in a variety of ways. These are typically only cycled during daytime hours and operated
104 during emergencies. The noise study did not account for the generator or attempt to demonstrate
105 that it would meet the Town's codes. Mr. Oates asked if the Board would require for a waiver for
106 the emergency generator to bypass Town code. Mr. Callahan stated that the applicant would
107 remove the emergency generator from the plan.

108
109 Public input opened @ 7:24PM.

110
111 Brian Sojka, 11 Atwood Avenue and speaking on behalf of his mother, expressed concern with
112 placing the fence directly on the property line. He suggested moving the fence back slightly in
113 order to include some shrubbery in front of it but was told this would not be acceptable to the
114 applicant. Mr. Sojka also expressed concern that the applicant may see a car wash and vacuum
115 stations in the future. Mr. Mallery stated that the Planning Board does not have the authority to
116 stop the applicant from being able to come back with a future application.

117
118 Daryl Noble, 12 Atwood Avenue, stated that the applicant did agree to make a change to the fence
119 based on discussions about sight lines. He stressed that plantings on the fence line will need to be
120 maintained on the inside of the fence. Plantings along the outside of the fence line should be
121 included, with the applicant responsible for maintaining them. He expressed concern that the sign
122 in front of the business will be 25' high. He does not believe there are any other signs in Town that
123 are that tall. This will stand out and be an eye sore. This is Hudson, not Las Vegas.

124
125 Public input closed @ 7:30PM.

126
127 Attorney Drescher stated that the desire for shrubs was not expressed until approximately 4PM
128 today. In terms of the sign, a variance has already been obtained from the ZBA.

129
130 Mr. Gazdacko noted that a fence on the property line would not allow for plantings within the right
131 of way. The applicant checked with Mr. Sojka numerous times and believed everything was taken
132 care of, until receiving a text this afternoon regarding the desire for shrubs. Mr. Gazdacko
133 expressed concern with trying to maintain shrubs planted on the other side of the fence. There is
134 no intention to build a car wash at this time. Unless the Town bylaws change in the future, a car
135 wash would not likely be approved due to the noise bylaws.

136
137 Mr. Crowley suggested moving the fence back slightly and adding a gate in order to access the
138 shrubs for maintenance. Mr. Gazdacko stated that he believes the abutters do not want a gate in
139 the fence. Mr. Malley stated that a fence is not generally obtrusive to look at, and it does not seem
140 to be a reasonable expectation to require the applicant to maintain shrubs additionally. Mr. Lyko
141 stated that he does not believe additional shrubs will make the fence much better. The fence itself
142 will be an improvement for the abutters.

143
144 Chris Rice, TFMoran, stated that there was some disagreement on the Board during the last
145 meeting regarding curb cuts for the property. A second traffic study was completed to evaluate a
146 right in/right out option. The letter submitted from this study agreed with the original traffic study's
147 methodology and the conclusion. That conclusion was that there is no difference in traffic patterns
148 for either option. The applicant is willing to do whatever the Board's pleasure is. Both curb cuts
149 can be left full access, or the southerly curb cut can be made right in/right out.

150
151 Mr. Boyer asked if there are three driveways shown on the plan, one driveway for the old garage
152 and two for the new curb cut on Lowell Road. The ordinance allows for two. Mr. Malley explained
153 that this requirement was changed, if the applicant obtains the Board's approval.

154
155 Mr. Malley expressed concern with keeping the old garage driveway in terms of the extra pavement
156 in place. Mr. Rice explained that the driveway was 100' wide and is shown to be reduced to 62'
157 wide. Mr. Malley stated that this is for the driveway, but the pavement internal to the site for this
158 driveway is not proposed to change. Mr. Gazdacko stated that this is to allow access to the old
159 garage for storage. Some of the pavement in this area could be cut back. He agreed to cut the
160 pavement area to 30' wide from the easterly edge of the storage building to the easterly edge of
161 pavement.

162
163 Mr. Crowley expressed concern regarding sight distances. The engineering guidelines, Section
164 525.3, states in part that a minimum of 400' of sight distance is required for all intersections, unless
165 otherwise allowed by the Planning Board and Town Engineer, However, the driveway sight
166 distance plans, show that driveways 1 and 2 do not follow these minimum 400' distance
167 requirements. This is standard for sight distance plans approved by the Planning Board on other
168 applications. During the site walk, all of Planning Board members were extremely concerned with
169 the difficulties of traffic entering Lowell Road from both the right and left turns. Additionally,
170 residents have given testimony regarding their difficulties of entering Lowell Road from their
171 neighborhoods. He asked about the criteria being used to justify that this should be less than the
172 usual 400' distance. Mr. Rice stated that the AASHTO guidelines were followed for the plan.
173 Attorney Drescher noted that Fuss & O'Neill agreed with the site plan submitted.

174
175 Mr. Oates stated that AASHTO requires that the 25' tall sign be built into the sight distance
176 requirements. All of the signage, including across the street, needs to be factored in to make sure
177 this does not obstruct any sight distances. Mr. Rice stated that their sign meets the requirements.

178
179 Mr. Crowley asked that the peer reviewer review the sight distances again. Attorney Drescher
180 noted that there have been three peer reviews thus far and all came back acceptable.

181

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

190
191 Mr. Oates stated that 95% of the traffic from this site will be right turn in/out. Attorney Drescher
192 stated that the applicant is okay with making the driveway right turn in/out only, which would
193 eliminate any issues with turning left. The Town Engineer could review this, if the Board sees a
194 need for it.

195
196 Mr. Crowley stated that the plans do not show signage or anything other details to discourage left
197 hand turns from the driveway.

198
199 Mr. Ulery stated the driveway sight line requirement per RSA 636:13 is 400' in either direction.
200 This is not reflected on the plan. This is slightly different than the AASHTO standard.

201
202 Mr. Oates noted that the NH DOT follows AASHTO standards.

203
204 Mr. Oates moved for the Board to require a right hand turn in/out for the southern driveway
205 location. Motion seconded by Mr. Ulery.

206
207 Discussion:

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

209
210 Mr. Crowley stated that this requirement, if approved, should lead the applicant to include signage
211 and other details on the plan.

212
213 Mr. Oates stated that something being enforceable is not the Board's responsibility. Design
214 standards are under the Board's purview. This requirement would force 95%-98% of law abiding
215 vehicles to follow it. Drivers will still do what they are going to do in the end. Painting the picture
216 for traffic may help with the design standard.

217
218 Mr. Ulery stated that, if the driveway is clearly posted as right in/right out, it would make a future
219 civil case easier.

220
221 Mr. Lyko stated that he prefers the plan as submitted. If the southern driveway was left unaltered,
222 aside from changing the painting and signage, this may still not be clear enough for people. It
223 would likely have to be reconstructed to be a right in/out only, but then it is unclear why people
224 would not simply use the other driveway.

225
226 Motion failed 2/5/0 (Malley, Van der Veen, Guessferd, Lyko, and Crowley).

227

228 Mr. Crowley moved that the peer reviewer look at the sight distance plans for the driveways and
229 advise the Planning Board if they meet true AASHTO criteria. Motion seconded by Oates.
230

231 Discussion:

232 Mr. Oates stated that it seems clear that the Board has already determined its view of the southern
233 driveway, and the Chair has decided that there have already been three engineering studies
234 completed. Another study will not likely shift any views.
235

236 Mr. Crowley stated that the Board is supposed to be concerned with the health and safety of the
237 community, but it does not seem to be moving in that direction with this plan. The proposed plan
238 is not a good solution to the property.
239

240 Motion failed 2/5/0 (Malley, Van der Veen, Guessferd, Lyko, and Ulery).
241

242 Mr. Crowley asked why right turns are 294' for both driveway 1 and 2, but driveway 1 has a left
243 turn onto Lowell Road of 405' and driveway 2 is less than 550'. Mr. Rice stated that the
244 requirements are exceeded because looking to the north is a straight shot down the road.
245

246 Mr. Oates stated that it appears that the Board does not believe traffic is a concern. A statement
247 was made by the applicant that they are following the standard which meets the requirements.
248 However, Mr. Ulery also shared a separate RSA for which the plan does not meet the requirements.
249 It is unclear what standard the peer reviews followed because this information is not available. It
250 has been established that there does not seem to be a traffic concern on behalf of the Board. It is
251 not the Board's concern if someone gets creamed coming out of the driveway while taking a left.
252 It appears that the Board does not believe sight distances need to be adjusted. The Board has voted
253 in this way multiple times. While he believes Mr. Crowley's concerns are valid, he also believes
254 they will fall on deaf ears.
255

256 My. Boyer stated that the applicant was previously asked to eliminate the second driveway. The
257 Board does care about public safety and does have the public's interest at heart. However, the
258 applicant meets all of the requirements and regulations.
259

260 Mr. Crowley stated that the sheet C-02 demolition plan includes rock blasting notes but no
261 information regarding pre- and post-blasting surveys. He asked why the geotechnical conclusions
262 were not updated or presented with the new application that no longer contains the car wash. Mr.
263 Rice stated that the blasting notes are included on the plan, which covers everything in the
264 geotechnical report. Attorney Drescher stated that blasting is noted as being "as applicable"
265 because the applicant would prefer not to blast, if not needed.
266

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

274
275 Mr. Oates expressed concern with a 14 day requirement because Chapter 202 per the Town
276 requires a pre-blasting survey which can take between 10-30 days to complete. Following the
277 Town code should be sufficient. He suggested a stipulation that the applicant will follow Chapter
278 202 verbatim.

279
280 Mr. Crowley stated that post-blasting surveys are also optional. Mr. Malley stated that the Town
281 has a law which regulates blasting. The applicant must follow this law. The Board has no authority
282 over the blasting requirements.

283
284 *The Planning Board took a five minute recess and reconvened at 9:06PM.*

285
286 Mr. Crowley noted that page 3 of the staff report states that the existing garage is to be used for
287 storage, with no outdoor storage allowed. However, the plan does not include removal of outdoor
288 pavement and driveway in this area. Mr. Malley stated that the applicant agreed to no outdoor
289 storage and removal of some amount of the pavement width in this area. Mr. Gazdacko stated that
290 the applicant would agree to a stipulation that the garage will not be rented out.

291
292 In response to a question from Mr. Crowley, Eric Simpson, Tg2 Solutions, explained that in
293 December 2021 soil borings were installed on the site based on the applicant's potential interest in
294 the property. Also, a groundwater monitoring well was installed. The soil data came back below the
295 NH residential standards. There was no reason to collect a groundwater sample. If the project
296 moves forward, a sample will be collected at that time.

297
298 Mr. Crowley asked about potential offsite drainage issues with removal of the car wash from the
299 plan. Mr. Rice stated that the drainage system is now overdesigned, based on removal of the car
300 wash and DES was okay with the proposal.

301
302 Mr. Oates stated that he is impressed that the applicant took questions off the Board's plate by
303 doing the legwork and working with abutters to meet their needs.

304
305 Mr. Oates moved to grant a waiver from **§275-9.A(1)**, stormwater runoff rates, to allow for
306 excess drainage beyond prior existing rates, where normally no increase in rates is allowed,
307 based on the Board's discussion, the testimony of the Applicant's representative, and in
308 accordance with the language included in the submitted Waiver Request Form for said waiver.
309 Motion seconded by Mr. Lyko. All in favor – motion carried 7/0/0.

310
311 Mr. Oates moved to grant a waiver from **§276-11.1.B(12)(C)**, General Plan Requirements, to
312 allow improvements within 100' of a residential property, where normally no improvements
313 would be allowed, based on the Board's discussion, the testimony of the Applicant's
314 representative, and in accordance with the language included in the submitted Waiver Request
315 Form for said waiver. Motion seconded by Mr. Lyko. All in favor – motion carried 7/0/0.

316
317 Mr. Oates moved to approve the Colbea Enterprises Proposed Gas Station & Convenience Store
318 Non-Residential Site Plan SP# 12-25, Map 198 / Lots 11, 12, 14, 15, 16, 14 Brenton Ave, 7
319 Atwood Ave, 91, 95 & 97 Lowell Road, Hudson, NH; prepared by: TF Moran, 170 Commerce

320 Way, Suite 102, Portsmouth, NH 03801; prepared for: Colbea Enterprises, LLC. 695 George
321 Washington Highway, Lincoln, RI 02865; consisting of 34 sheets and general notes 1-19 on
322 Sheet C-01; dated October 28, 2025, last revised February 9, 2026; and:
323

324 That the Planning Board finds that this application complies with the Zoning Ordinance, and
325 with the Land Use Regulations and for the reasons set forth in the written submissions, together
326 with the testimony and factual representations made by the applicant during the public hearing;
327

328 Subject to, and revised per, the following stipulations:

- 329 1. All stipulations of approval shall be incorporated into the development agreement, which
330 shall be recorded at the HCRD, together with the Site Plan-of-Record.
- 331 2. All improvements shown on the Site Plan-of-Record, including Notes 1-19, shall be
332 completed in their entirety and at the expense of the Applicant or his/her assigns.
- 333 3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final
334 administrative review by Town Planner and Town Engineer.
- 335 4. Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As-Built" site
336 plan shall be provided to the Town of Hudson Development Services Department,
337 confirming that the site conforms with the Planning Board approved site plan.
- 338 5. Maintenance of the onsite drainage system shall be constructed and maintained in
339 compliance with NHDES requirements for such systems.
- 340 6. Construction activities involving the subject lot shall be limited to the hours between 7:00
341 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall
342 be allowed on Sundays.
- 343 7. A cost allocation procedure (CAP) amount of \$45,972.00 for the gas station/convenience
344 store only shall be paid prior to issuance of a Certificate of Occupancy. An additional
345 CAP Fee for the drive-thru will be determined once an occupant is secure.
- 346 8. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00
347 P.M., Monday through Friday only.
- 348 9. Prior to application for a building permit, the Applicant shall schedule a pre-construction
349 meeting with the Town Engineer.
- 350 10. A note shall be added to the site plan stipulating the removal of any existing shrubs that
351 will cause sight distance concerns when exiting the property.
352

353 Motion seconded by Mr. Lyko. Majority in favor – motion carried 5/2/0 (Oates and Crowley).
354

355 **VIII. ADJOURNMENT:**
356

357 Mr. Oates moved to adjourn. Motion seconded by Mr. Lyko.

358 All in favor – motion carried 7/0/0.
359

360 Meeting adjourned at 9:29 P.M.
361
362
363
364
365

Ed Van der Veen
Secretary

366
367
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369
370

*These minutes are in draft form and have not yet been approved by the Planning Board.
Note: Planning Board minutes are not a transcript. For full details a video of the meeting is
available on HCTV (Hudson Community Television) www.hudsonctv.com.*

DRAFT