



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES April 13, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, April 13, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Hall to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: None. (All present.)

Alternates

Present: Irene Merrill, Stuart Schneiderman, and Jordan Ulery.

Alternates

Absent: Roger Coutu (Selectmen's Representative Alternate).

Staff

Present: Town Planner John Cashell.

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Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo noted that all regular members were present and that no alternate would be seated at this time.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of September 8, 2010, asking if anyone had had a chance to review those minutes.

Ms. Merrill stated that she had found nothing wrong.

Mr. Barnes referenced Page 6, next to last paragraph, 4th line, saying the word "truck" was misspelled.

Mr. Barnes referenced Page 7, 2nd full paragraph, 3rd line from bottom, saying the mistyped word "trice" should be "twice."

No other changes being brought forward, Mr. Barnes moved to approve the 09-08-10 minutes as amended; Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Chairman Russo addressed the minutes for the meeting of March 23, 2011, asking if anyone had had a chance to review those minutes.

Ms. Merrill referenced Page 6, 3rd paragraph from bottom, noting that it said the Town Planner had said he wanted to make something "more clear"; she asked if this could be "clearer." Chairman Russo said it could be, but that it also might be exactly what Mr. Cashell had said, adding that grammar did not count.

Ms. Merrill referenced Page 9, 3rd paragraph from bottom, noting the phrase "looking to see if there were a planning concern"; she asked if "was" should be used, instead. Mr. Seabury demurred, saying this was a case of subjunctive mode used with a conditional "if" clause.

Ms. Merrill referenced Page 12, 2nd to last paragraph, last sentence, noting that it ended with the phrase "do what they wanted to do". Chairman Russo expressed a belief that this was a quotation of exactly what Mr. Porter had said.

Ms. Merrill referenced Page 13, 2nd paragraph from bottom, noting that the word "why" had been mistyped as "whey."

No other changes being brought forward, Mr. Barnes moved to approve the 03-23-11 minutes as amended, Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

VI. CASES REQUESTED FOR DEFERRAL

Chairman Russo noted that both of the Fairview Nursing Home cases, scheduled for review under **Old Business**, had requested deferral to a later meeting.

Selectman Maddox moved to defer both cases to the meeting of May 11th, as requested in the applicant's engineering representative's letter of April 5, 2011. Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

VII. CORRESPONDENCE

Chairman Russo stated that correspondence received in tonight's handouts would be taken up in conjunction with the associated discussion.

VIII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

IX. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

X. PUBLIC HEARINGS:

Amend the Planning Board's Land Use Regulations, by requiring that Driveway, Excavation of Soil, Site Plan Review, and Subdivision of Land applications, including associated plans and documents, be filed electronically, in PDF format. The aforementioned submission requirement will be in addition to the existing requirement of submitting hardcopies (paper copies) of said applications and materials. NOTE: the aforementioned four amendments were advertised separately in the 04-01-11 edition of the *Hudson/Litchfield News*, and could be viewed/obtained, in their entirety prior to the hearing at the Community Development Dept. at Town Hall, the Rodgers Memorial Library, and the Town Clerk's Office.

Chairman Russo read aloud the published notice, as repeated above.

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Chairman Russo then read aloud the four proposed amendments, as follows:

- (1) Amend: Driveways, §193-9, *Application for permit*, by adding the following language to this section (added language shown in bold print):

Application for a permit shall be made on a form provided by the Planning Board **at the Community Development Department Offices at Town Hall. Said form can also be obtained/downloaded online, via the Town's Community Development Department website – www.hudsonnh.gov/. In addition to submitting a written driveway application form to the Planning Board, electronic filing, in PDF format, is required.**

- (2) Amend: Excavation of Soil, §200-4, *Application for permit*, by adding the following language to this section (added language shown in bold print):

Any owner will apply to the Planning Board prior to excavation of his land and send a copy of the application to the Conservation Commission. The application form shall be supplied by the Planning Board **at the Community Development Department Offices at Town Hall. Said application form can also be obtained/downloaded online, via the Town's Community Development Department website – www.hudsonnh.gov/. In addition to submitting a written excavation of soil application form to the Planning Board, electronic filing, in PDF format, is required.**

- (3) Amend: Site Plan Review, §275-7, *Forms and procedure required* [Amended 3-11-1998], by adding the following language to this section (added language shown in bold print):

All applications for site plan approval shall be made in writing **and by electronic filing, in PDF format**, on forms (see Appendix No. 1 to this chapter) provided by the Planning Board. **Said forms can also be obtained/downloaded online, via the Town's Community Development Department website – www.hudsonnh.gov/.** Such forms will be available to the public in the office of the Town Planner.

- (4) Amend: Subdivision of Land, ARTICLE II – Application Procedure, §289-6, Sub-section A., by adding the following new sentence to this section:

In addition to the aforementioned submission requirements, all applications and associated materials for subdivision of land shall be filed electronically, in PDF format, with the Office of the Town Planner. Said form can also be obtained/downloaded online, via the Town's Community Development Department website – www.hudsonnh.gov/.

Chairman Russo asked for a motion to open the public hearing. Mr. Barnes moved to open the public hearing; Mr. Malley seconded the motion.

**C. 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. Hearing. Deferred Date Specific from the March 9, 2011 Planning Board Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said he had nothing to add to the staff report at this time.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, noted that he had been before the Board a month ago, with some things left outstanding. He then referenced the plan on the wall, copies of which had been distributed to members of the Board by his assistant, Mr. Jeff Merritt, as **Master Plan, Oak Ridge Condominium, A 55 and Older Community (Tax Map 184/Lot 32), 109 Belknap road, Hudson, New Hampshire**, prepared for and owned by K&M Developers, LLC, dated September 2010, revised through March 14, 2011 (Sheet 1 of the plan set).

Mr. Basso noted that the clubhouse had been moved away from all of the abutters, flip-flopping the plan, with the fire pit and shuffleboard having been eliminated. He noted that a berm and landscaping had been added at the north end of the parking to protect the buildings from headlights, noting that a few parking spaces had been added, as well.

Mr. Basso said notes had been added about vacancy and the \$500/unit contribution, with the landscape buffer being touched up. He said a waiver request had been added for the phasing, noting that there would be four relatively same-size phases, as depicted on the revised plan.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo asked if any members of the Board had any questions.

Mr. Della-Monica asked if there were anything to stop people from driving behind people's houses to get to the maintenance road. Mr. Basso said it was purely for maintenance and could be blocked with stones.

Mr. Barnes referenced the landscaping plan (Sheet 23 of 48), saying he interpreted that as being the kinds of plantings inside the parking area, with the different landscaping for each unit being shown on Sheet 24. Mr. Basso expressed agreement. Mr. Barnes noted that some of the parking area had handicapped spaces, but not all of them. Mr. Basso said ADA required a percentage of the total number of spaces be handicapped, and they had provided them on the plan just to satisfy those requirements—pointing out that there were no set handicapped units.

Mr. Barnes asked about the phasing, asking if units not built in a given year would be pushed into the next year or phased out over a longer period of time. Mr. Basso said they would want to carry them over, so that they could finish the entire project within four years. He agreed that this would depend on the economy.

Selectman Maddox asked where this was reflected on the plan. Mr. Basso noted a note on the bottom left of the plan. Selectman Maddox referenced Note 27, asking if moving the clubhouse had changed this, since the numbers did not line up. Mr. Basso said the clubhouse would be sprinklered, and the distant units, starting at Unit 32, also would be sprinklered, same as on the previous version of the plan.

Selectman Maddox asked if Town Engineer Webster had signed off on the water and sewer stations. Mr. Basso said sewer was done, adding that the water had been submitted and NH-DES was going through its process at this time. He said everything had been worked out with Town Engineer Webster ahead of time.

No further questions being brought forward, Chairman Russo asked if there were any motions.

Selectman Maddox moved to approve the request for waiver from the requirements of HTC §275-9 C, *Noise Study*, citing the reason as being because the projected noise levels associated with this project were restricted to those provided within the Town Code Noise ordinances—and; as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Selectman Maddox moved to grant the request for a waiver from the requirements of HTC §275-9 D, *Fiscal & Environmental Impact Study*, citing the reason as being because the said study, in addition to the submitted plans, fees, and other submitted application materials, was not necessary in order to evaluate the fiscal impact of this development, and because the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Malley moved to grant the requested waiver from the requirements of HTC §289-37, *Plan Schedule and Form*, citing the reason as being because adherence to the phasing requirements would result in an unnecessary delay in the completion of this development—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Della-Monica seconded the motion.

Selectman Maddox said he had a problem with the last sentence of that motion, as the site plan regulations said a project of this size should take five years. Town Planner Cashell said the growth impact ordinances had been put in place when there was runaway growth, and the town was not going through that at this time; he said this particular project, designed for senior housing, was not going to put any substantial strain on the community. He then concluded by noting that it was hard to foresee the future.

Mr. Basso asked to speak and Selectman Maddox asked that he be recognized. Mr. Basso said this project would not create a burden that the town could not keep up with, as it was providing impact fees and CAP fees, plus additional fees to improve the road in front of the project.

Mr. Della-Monica expressed agreement, saying he might not have agreed if it had been general housing or a larger project but this was only five extra units per year and he thought it was an acceptable request.

VOTE: Chairman Russo then called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in opposition, and Chairman Russo declared the motion to have carried (6–1).

Mr. Barnes referenced Stipulation 8 on the draft motion, saying he saw nothing to tie the contribution specifically to Belknap Road. Mr. Russo referenced Note 13, saying it specified. Town Planner Cashell suggested some additional language for the stipulation.

Mr. Ulery asked how the money for Belknap Road would be distributed, since it would be coming in with the phased development, questioning if it would just sit in a dedicated account. Selectman Maddox said there would be an agency account. Mr. Ulery suggested this would be a waste of money, saying it could be used for other roads in the meantime. Selectman Maddox said the Town needed to be able to track the money. Mr. Hall said this was being done because work that needed to be done on Belknap Road had been identified—adding that there would be an issue if the Town did not do the work. He said work on other roads would have to be justified in order to use the money there, which was not what had been said; he noted that the money would have to be spent within six years on Belknap Road, adding that the impact really would not happen until the third year of the project, and adding further that the Board was trying to make it easier for the developer to justify the contribution as he added impact to the road, rather than in advance. Mr. Basso said there was a reason for the timing, as Road Agent Burns did not plan on doing the roadway improvement project until the housing project was complete, so that the trucks involved in the development process would not disturb an improved road.

Selectman Maddox said the Planning Board had tried to get better at accounting, noting that previous developers had wanted to get their money back because the accounts had not been documented properly.

Mr. Barnes moved to approve the Site Plan entitled "**Residential Site Plan Oak Ridge Condominium a 55 and Older Community, 109 Belknap Road, Tax Map 184, Lot 32, Hudson, New Hampshire**," prepared by Keach-Nordstrom Associates, Inc., dated: September 2010, latest revision date of January 4, 2011, consisting of Sheets 1 through 48, Sheet E1, and Notes 1 through 27 on Sheet 1, 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 Hillsborough County Registry of Deeds, together with the Site Plan-of-Record.
2. Prior to the Planning Board endorsement of the Site Plan, the Development Agreement, together with the Condominium, Age Restriction and Easement documents, shall be favorably reviewed and recommended on by Town Counsel.
3. All improvements shown on the Site Plan-of-Record, including Notes 1 through 27, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. A CAP fee of \$459.36 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy for each unit.
5. A public school impact fee of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. A public library impact fee of \$124.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
7. A recreation contribution of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
8. An offsite roadway improvement contribution, exclusive to the Improvements of Belknap Road, of \$500.00 per residential unit shall be paid prior to the Certificate of Occupancy.
9. After the issuance of the foundation permit for each of the structures included in this Site Plan and prior to the issuance of each framing permit, the applicant shall submit to the Hudson Community Development Department foundation "As-Built" plans on a transparency and to the same scale as the approved site plan. Each 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" plan shall be documented by the applicant and be part of the foundation "As-Built" submission.
10. Prior to the issuance of a final certificate of occupancy, an LLS-certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Site Plan-of-Record.
11. This approval shall be subject to final engineering review, including approval of the SWPPP.

12. The applicant or his assigns, at his/her expense, shall be responsible for repairing all construction cuts on Belknap Road, and this work shall be properly bonded with the Town of Hudson.

Mr. Della-Monica seconded the motion.

Mr. Russo noted that the date for the revision was March 14, 2011, not January 4, 2011, as stated in the draft motion. Mr. Barnes agreed to the change, as did Mr. Della-Monica, making it a friendly amendment.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XII. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XIII. CONCEPTUAL REVIEW ONLY

No **Conceptual Review Only** items were addressed this evening.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. 13 Park Avenue (Addition) SP# 01-11

**Map 161/Lot 33
13 Park Avenue**

Purpose of Plan: to show the proposed 7,960 sq. ft. addition and associated improvements. Application Acceptance & Hearing.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said the plan was ready so far as submission of material was concerned, noting that he had placed in the handouts copies of zoning violation reports citing a number of violations on this property, including photographs of the site. He said the Code Enforcement Officer was working on the problem.

Mr. Hall moved to grant Application Acceptance; Mr. van der Veen seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Jack Szemplinski, PE, of Benchmark Engineering, Inc., 1 C Commons Drive, Londonderry, New Hampshire, appeared before the Planning Board as the project engineer for the applicant, Mr. Donald Guilbeault, who was also present. He described details of the property and its multiple tenants, acknowledging that there were some issues of encroachment, including exterior storage of equipment in back of the building, pavement over the property line, parking at the side that encroached on neighboring land (which he said would be eliminated), and an encroachment by a neighbor. He noted that the building had been built in the 1970s, saying they wanted to construct a 7,960 ft² addition, taking the existing building 24 feet straight back, but that there would be very little impregnable surface created because of the existing pavement. He noted that the property did not meet some current requirements, such as number of parking spaces, with loading/unloading going on at the rear, along with some industrial equipment being stored outside. He said a little detention pond was being proposed at the back to take care of runoff. He noted that there were 18 existing parking spaces in front of the building, saying the Fire Department had requested installation of an additional fire hydrant, as shown on Sheet 4, but there would be no additional pavement, otherwise. He noted that nine waivers were being requested, mostly dealing with existing placement of the building, green area along the fireway line, green area along the sides, size of parking spaces, exterior landscaping, shade trees, traffic study, noise study, fiscal & environmental studies, and building elevation. He said the plan had been reviewed by CLD (Costello, Lomasney, and deNapoli, Inc.), with Heidi Marshall having made several comments, most of which had been addressed and sent back for a second review, which was not yet returned.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Mr. Della-Monica noted that Mr. Szemplinski had said that loading and unloading was occurring in back of the building; he asked if trucks had to back in from Park Avenue in order to get into the property. Mr. Szemplinski said that Mr. Guilbeault had assured him that there presently was room for trucks to turn around on the property. Mr. Della-Monica asked if there would still be enough room for trucks to turn around after the addition was built. Mr. Szemplinski responded in the affirmative.

Mr. Barnes said he was having a tough time seeing how the size of truck designated on the plan could be maneuvered into the property, especially if the pavement encroaching into the wetland buffer were removed, saying he did not see how it could come in frontwards and back into place, and he questioned the turning radius. Mr. Szemplinski said it was tight but that Mr. Guilbeault, the owner, had assured him that it was being done now. Mr. Szemplinski stated that the building was built at a time when the current setbacks were not required.

Mr. Donald Guilbeault, the property owner and applicant, said the trucks did not come within 20 feet of that pavement area right now, saying good drivers could get a 53-footer in there and that there was no problem with 48-footers.

Mr. Barnes asked how much paving would be on the lot when the construction was complete. Mr. Szemplinski said he was not sure he had that information at the top of his head. Mr. Barnes referenced HTC §275-18 (24), *Open Space*, saying 40% of the lot had to be green space for lots outside of the path of the Circumferential Highway, and he had doubts as to how much green space would be left when this addition was added. He said the addition would have to conform to requirements. Mr. Szemplinski said he believed he had checked that, saying he would be happy to provide it. Chairman Russo said that information should be on the plan.

Mr. Barnes asked about the parking space calculations, saying the total number of employees was given as 20, for a total of 18 spaces—but addition of any employees for any of the four businesses would mean that the property owner would have to come back to the Planning Board, as the plan would then be nonconforming. Mr. Szemplinski said he had never seen more than seven or eight cars at the building, altogether.

Mr. van der Veen asked if the storage would come in through an overhead door on the street side. Mr. Szemplinski and Mr. Guilbeault said it would be at the back, where there were three loading docks. He said there was a ramp with an overhead door at the rear, so that forklifts could drive equipment in.

Mr. van der Veen asked if trucks were driving in headfirst and backing up to the main building. Mr. Szemplinski said there was no organized loading space at the present site, and it was done outside. Mr. Guilbeault showed on the plan how trucks came in and swung around the corner, saying the existing pavement went out to the end of the building, but trucks turned and backed in. Mr. Szemplinski said the number of trucks was about once a week; Mr. Guilbeault demurred, saying it might be three trucks a week, counting his own truck.

Selectman Maddox said the application said the green space was met as described on the plan, but he did not see it on the plan. Mr. Szemplinski said he was asking for a number of green space waivers. Selectman Maddox expressed concern about the fact the pavement went right up to the Wetland Conservation District, expressing concern about things getting into the wetlands. Mr. Szemplinski said nothing was in the wetlands but some was in the buffer; he noted that this building was built before the wetlands ordinance was created—adding that he thought removal of any more than was proposed would constitute hardship.

Selectman Maddox stated that the parking was less than a third of what the regulations called for.

Mr. Hall said a calculation was needed for the present-day green space and then also what was being proposed, so that the Planning Board would know what the difference was. He said he personally agreed that an addition did not mean the whole site had to be made in compliance, but there had to be a balance with respect to the green space being removed by the proposed addition. He added that the Planning Board wanted to be in favor of businesses expanding, but also had to be cognizant of the impacts to the environment under today's regulations, so the Board would not want to say that they could cover the rest of the green space but also leave the parking in the wetlands buffer. Mr. Szemplinski said he had calculated the green space number and would be more than happy to provide it.

Mr. Hall said he also was concerned about the described truck backing maneuver, saying the described process had trucks backing up on their blind side. He said the trucks would have to make a 360° turn and then back in, saying it looked a little tight. He asked what the distance was from the dumpster to the edge of pavement; Mr. Szemplinski measured the distance on the plan and said it was 60 feet. Mr. Hall expressed a belief that a tractor trailer needed up to 70 or 75 feet to turn, and he expressed concern about a truck coming in while another was already there.

Mr. Hall referenced the stippled area on the right-hand side of the property, asking what this meant. Mr. Szemplinski said they intended to remove that, saying some employees parked there and actually encroached on the neighbor's lot, so Mr. Guilbeault planned to loam and seed the area. Mr. Guilbeault said they were going to plant shrubs there. Mr. Hall noted that the plan did not say this; he then stated that this raised more concern about the amount of parking, saying there did not seem to be enough parking the way it was, if employees had to park in that area.

Mr. Della-Monica asked if there were any space at the rear of the building where parking could be put. Mr. Szemplinski said the rear was very tight, noting that the old septic system was there. Mr. Della-Monica asked about putting a couple spaces to the left of the dumpster; Mr. Szemplinski said maybe a couple could be put there, but the right-hand area was next to the wetlands buffer and that would be to the expense of the green area.

Mr. Della-Monica asked what was to prevent runoff water from going into the wetlands, suggesting that curbing would help, with some mitigation measures, such as planters. Mr. Szemplinski said it was designed such that the only water coming there would be from the rooftop or the grassed area, adding that roof runoff did not have to be treated.

Mr. Della-Monica said it looked like a 270° turn to get a truck in there. Mr. Guilbeault said they were doing that now, saying there would be probably 10 feet more available when the equipment currently outside went inside. He said it was common for him to have a truck there and for one of the tenants to have another truck come in to the rear; he stated that he had been there since 2003 and had never had a problem.

Chairman Russo said there seemed to be conflict between the CLD review and the documentation from the applicant's engineer with respect to how trucks were getting into the property, as Mr. Szemplinski's letter stated that the trucks backed in. Mr. Guilbeault said some did. Mr. Russo said he had visited the site and could not imagine a truck turning around in the current space, as there was a lot of stuff, including an extra dumpster, a backhoe, and a lot of equipment. He said he felt CLD was trying to say that trucks should not be backing off the road like that. Mr. Guilbeault invited Chairman Russo to visit the site the next day, saying he would show a 68-foot truck making that turn. Mr. Russo asked if he meant the one parked on the left side of the building, on the grass. Mr. Guilbeault indicated agreement. Mr. Russo asked if the intent were to put that truck inside the addition; Mr. Guilbeault answered in the affirmative. Mr. Russo said there was a lot of stuff in the back area, and he asked where the second dumpster would be placed. Mr. Guilbeault said that dumpster would not have to be moved. Chairman Russo expressed disagreement, saying its location

was where the addition was going, and Mr. Guilbeault concurred. Mr. Russo suggested that there might be a need for a third dumpster. Mr. Guilbeault said the Fire Department had suggested setting up a sprinkler system, so that the dumpster would not have to be moved.

Mr. Hall said he had not been able to look at the site—but looking at the photograph, he continued, he needed a convincing plan to assure the Board that the rear would be cleaned up. He asked what assurances the Town would have—adding that calculations of green space at this time would be kind of a joke, as the property was covered with stuff, as shown in the photographs. He then added that the only assurance he could think of would be a substantial bond. Mr. Guilbeault said a good portion of the stuff on his end of the building was already gone, Mr. Hall said what was being presented was a plan showing no outside storage, so he would like assurance. Mr. Guilbeault said they were not covering any green space; Mr. Hall pointed to objects shown on the aerial photograph, saying that was not green space.

Selectman Maddox said the photographs submitted today showed a lot of stuff out back, including parking; Mr. Szemplinski said those photographs had been taken six months ago. Chairman Russo clarified that Selectman Maddox was referring to the photographs attached to the zoning violations reports, not to the photographs submitted by Mr. Szemplinski. Selectman Maddox said what he saw there looked like disassembled building materials, and he questioned if this were going to be moved inside the building. Mr. Guilbeault said that was fiberglass material belonging to one of his tenants, saying he had been having meetings with that tenant and that the material would be removed.

Town Planner Cashell said the castings outside were for a company that made large-scale products. Mr. Guilbeault said he would have to check with his tenant, explaining that they brought in things such as the top of a church, disassembled it, and then took the parts inside to make moldings; he said some of that stuff definitely needed to go. Selectman Maddox said he was still concerned about the wetlands.

Mr. Russo noted that they had compressors outside, and he expressed concern about possible oil spillage or other contamination—noting that gas stations typically had some sort of retention area to prevent such leakage.

Mr. Della-Monica said this was why he had been suggesting a curb with mitigation planters along the back of the parking lot, to help preserve the wetlands.

Mr. van der Veen asked if the driveway to the addition were legal. Town Planner Cashell said there was no curbcut there now. Mr. van der Veen suggested there might be a need for a second-driveway waiver. Town Planner Cashell said this was not a typical industrial park, noting that the list of violations showed this site was a long-standing problem. He said one of the requirements of the Planning Board would be that the outside storage would be moved into the building, with encroachments being addressed—adding that he had warned Mr. Guilbeault about this, saying the Town would not want this project approved with the outside storage violations continuing.

Mr. van der Veen said he was beginning to lose faith in his ability to see that truck turn around, and he suggested consideration of some sort of drive-around system,

circling the building. Town Planner Cashell said it was 47.3 feet from the corner of the building to the corner of the pavement. He then noted that the aerial view suggested that some of the property on which outside storage was located actually belonged to the adjoining property, and he said the Town would be seeking some protection, such as the bond that Mr. Hall had suggested.

Mr. Della-Monica asked the size of Mr. Guilbeault's truck. Mr. Guilbeault said it was 67 to 68 feet. Mr. Della-Monica said it was parked on the extension to the left, which was not grandfathered. Mr. Russo noted that the truck was parked on the grass. Mr. Della-Monica said it still would not be grandfathered.

Mr. Ulery asked if it needed to be square or if it could be angled off the back, with two driveways. Mr. Szemplinski said he thought that would require substantial cutting down of the proposed addition. Mr. Ulery demonstrated on the wall-mounted plan how he felt trucks could maneuver.

Mr. Russo asked how the building was partitioned. Mr. Guilbeault said there were four 6,000-ft² bays, stating that the fiberglass company had two bays, a wine-rack company had one, and he had one, himself. Chairman Russo noted that moving the addition further would affect the immediate tenant's access to the rear of the building. Mr. Guilbeault said moving the trucks around as Mr. Ulery had suggested would close off the loading docks that he had to keep open.

Mr. Malley asked if the other tenants had loading docks; Mr. Guilbeault answered in the affirmative. Mr. Szemplinski said they sometimes had to ask for a truck to be taken out so that another could be moved in. Mr. Malley said he felt the whole turning configuration died at the loading docks. Mr. Guilbeault said nothing would change, as everyone used what was accessible—noting that just today one truck had sat on the side until another truck pulled out of the way.

Mr. Della-Monica said a frequency of truck visits would be helpful, as well as statements from the tenants as to how this would affect their operation. Mr. Szemplinski said moving the stuff from outside to inside the building would free up a lot of space.

Mr. Russo suggested taking a break. No one objecting, Chairman Russo declared a break at 8:51 p.m., calling the meeting back to order at 9:08 p.m.

Mr. Malley referenced the pictures supplied by Mr. Szemplinski, asking if this represented a normal staffing day. Mr. Szemplinski said that was taken in the early afternoon in November. Mr. Malley said 15 cars were shown. He then asked if a loading space would be lost; Mr. Guilbeault said it would be shifted; he then pointed out on the plan locations of the tenants' loading docks and his own. He estimated the docks would be 10 or 12 feet from the building. Mr. Malley asked that the plan be revised to show the loading docks.

Chairman Russo noted that any intent to continue outside storage would have to be shown on the plan, as well as what would be done to prevent contamination from entering the wetlands. Mr. Della-Monica said he would also like to see what areas were going to be designated not only for Mr. Guilbeault's outside storage but also for

the fiberglass tenants, to show where they would store the structures that were brought in to be replicated.

Selectman Maddox asked if they were going before the Conservation Commission in parallel. Mr. Szemplinski said they had received a decision saying there was no effect on the wetlands. Selectman Maddox expressed concern about this, saying the pictures showed encroachment into the buffer. Mr. Szemplinski said anything inside the buffer would be taken out except for the existing pavement. Selectman Maddox said the new fire hydrant would be inside the conservation district; Mr. Szemplinski demurred, saying it was not, but Selectman Maddox pointed out that it was so designated on Sheet 4 of the plan, and Mr. Szemplinski then expressed agreement, saying he would pull it out.

Chairman Russo expressed a belief that a substantial amount of snow storage area also would be taken away by the addition. He then stated this site would take a lot of effort.

Mr. Della-Monica said Mr. Guilbeault had said the second driveway would only be used a few times a year, so someone else could park there, perhaps with a couple being stacked in. Chairman Russo asked if the garage would be separated with fire walls; Mr. Guilbeault said the existing walls would remain, but it would be sprinklered, adding that he did not want everyone having access into that area. Chairman Russo expressed concern about oil tanks; Mr. Guilbeault said the fuel was not stored but would be dumped a few days after the racing season.

Mr. Della-Monica asked about the barrels out back. Mr. Guilbeault said they were empty, explaining that he cut the tops off and they were picked up twice a week.

Town Planner Cashell suggested deferral to the meeting of May 25th. Mr. Szemplinski said there should be no problem meeting that date. Mr. Malley moved to defer further action on this plan to May 25, 2011; Mr. van der Veen seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XV. OTHER BUSINESS

Chairman Russo expressed a belief that the parking calculations needed to be re-examined, and he asked what the other members felt about this, saying he had never been a firm believer in the employee-count basis. Selectman Maddox referenced the just-discussed case, noting that the basis of one parking space for every 600 ft² of floor space meant there should be many more parking spaces. Mr. Barnes referenced the existing HTC 275-8 D (26) (g) requirement, saying it allowed a count based either on 600 ft², of floor space or a count of 0.75 spaces per employee, whichever was larger. Chairman Russo noted that this was a shift-worker basis, saying the shift concept did not work for him. Mr. Ulery noted that not all businesses operated the same way. Mr. Della-Monica noted that there were other factors that might be considered, such as a

business that had only a few employees during the day but a large number at the beginning and end of the day.

Town Planner Cashell noted that many applicants said they only needed a much lesser number of parking spaces; he then argued that a site should be planned for the maximum, to cover future changes if the property were sold to another business, saying the unused spaces could be green space in the interim. He also noted that the size of parking spaces might be an issue. Chairman Russo suggested all of this should be a discussion for a workshop meeting.

Selectman Maddox asked about planning for a joint meeting. Chairman Russo said it had not been scheduled but he would dig into it.

Town Planner Cashell reviewed the agenda for the April 26th meeting, including a new conceptual for what had originally been approved as Qroe Farm.

XVI. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared this meeting to be adjourned at 9:30 p.m.

Date: April 19, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 05-25-11 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
April 13, 2011**

Page 18

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 05-25-11:

Page 13, last paragraph, 6th line — corrected typographical error “loot” to “lot” so that the phrase now reads “a lot of equipment.”

Page 16, last paragraph, 2nd line — corrected typographical error “believe” to “believer” so that the phrase now reads “he had never been a firm believer in the employee-count basis.”

Page 17, 2nd paragraph, 3rd line — corrected typographical error “anther” to “another” so that the phrase now reads: if the property were sold to another business: