



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES April 6, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, April 6, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Selectman Coutu 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, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: George Hall.

Alternates

Present: Irene Merrill, Stuart Schneiderman, Jordan Ulery, and Roger Coutu (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.)

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Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Ms. Merrill in place of the absent Mr. Hall.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo said he was reviewing with Ms. Lavoie, the Planning secretary, what minutes the Board had to catch up with. Mr. Della-Monica noted that the chairman had previously asked the Board to be ready to review some minutes this evening. Chairman Russo said the Board could address some of the minutes later in the meeting if the Board members were so inclined, but he would first take up issues for which other people were present.

VII. CORRESPONDENCE

Chairman Russo noted that the Board had received correspondence regarding Wetlands Special Exception issues, saying he would defer discussion of this item until later in the meeting.

VI. CASES REQUESTED FOR DEFERRAL

Chairman Russo noted that there was a request for deferral of the 27 Hurley Street lot-line relocation plan, which had been scheduled to be taken up as **Old Business** Item A, and he asked Town Planner Cashell to expand on that request.

Town Planner Cashell said he had been talking with an attorney for one of the abutters, saying they were still working on the needed paperwork.

Selectman Maddox moved to defer action on that item to the meeting of April 27th; Mr. Barnes 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).

there was not much call for offsite use at this time, so as much of it as possible would be placed under the football field.

Mr. Maynard said the Elevation 263 plan was the ideal one with respect to grades, to accommodate the 5% grade along Industrial Drive to the parking lot and an additional 2% grade for emergency vehicles, noting that they would need retaining walls (3 feet high along the southeast side of the field, 5 feet high at the east corner) to avoid excessive slopes near the wetland conservation district line. Noting that the periphery of the football field would be coming close to the wetlands buffer line and that there would be significant encroachment with the proposed baseball field, he discussed the need for encroachments, including a walking trail that would run around all of the perimeter of the combined area of both fields, saying they still had to go through the Conservation Commission—adding that some people thought there might be fish in the existing pond, which might be carp. He discussed the plans for a three-story building for storage, noting there would be a drive-through feature with an overhead door, along with locker rooms, restrooms and concessions stands. He said the plan provided seating for 640 spectators on the bleachers, saying there could also be other spectators on the hill and in various other areas. He discussed parking, noting that Mr. Leonard Lathrop would discuss this later, but the onsite parking would be in the 140s, with other parking available on Industrial Drive and overflow parking arrangements with other lots in the neighborhood, and he explained that the 640 seating was based on an assumption of four people per car (mostly families). He said runoff would be handled or could be handled with an underground storage system, which would be very expensive, perhaps costing as much as \$100,000, but an interim measure could use a temporarily open shallow retention area where the future baseball field was proposed to be located, noting that a lot of options depended on the available funding.

Mr. Maynard said expectations for opening the field this coming fall in his opinion were a wish and a hope, noting that there was a lot to do, particularly with respect to addressing the asbestos, and approvals by outside agencies did not work particularly fast. He suggested that the immediate goal was to initiate remedial action with respect to the asbestos, adding that he would be returning in about a month with an official application, looking for approval to mobilize local support and get the long process initiated.

Addressing the Elevation 266 option, which might be necessary if they found they could not get rid of all of the surplus ledge material, he said there were complications with this plan because of the slope encroaching into the buffer, so he would have to use 5-foot retaining walls in both locations. He noted that the walking trail, because it encroached, also would require a State permit. He said the 5% grade was not the end of the world but was not as good as the 2% they could get with the Elevation 263 plan.

Addressing the Elevation 271 plan, in case they needed to use up a lot of the crushed ledge fill, he said there were lots more complications, as the fill would be going into the buffer, requiring 12-foot retaining walls, and there would be problems going to the street, requiring an 8% grade for the emergency access to the field, adding that the building would have to be pushed off to the side in order to get a level grade between the field and the parking lot, which was not ideal for what was a main feature.

Mr. Maynard noted that everything was pretty much the same on all three drawings except for the grades, saying they were going to try to do Option 1 (Elevation 263) of Option 2 (Elevation 266), but it all depended on the demand for crushed rock this summer and fall. He said it was routine nowadays to put a rock crusher on site, suggesting this might be done if the local rock people could find a market for the crushed rock.

Chairman Russo opened the meeting for public input and comment, to provide additional information.

Mr. Leonard Lathrop, 31 Winslow Farm Road, spoke in support of the plan, saying there were many facets going on with respect to this project, from asbestos removal to working with NH-DES for wetlands permitting, with people moving in many different directions at once. He said people wanted the best possible site, but no one would know exactly what was there until the asbestos was removed from the hill.

No one else coming forward, Chairman Russo asked if there were questions or comments from the Board.

Mr. Della-Monica said all of the plans showed a great deal of encroachment into the wetlands buffer for the baseball field; he suggested that rotation of the football field by some 15 or 20 degrees could alleviate this problem by eliminating half of the encroachment or more, at the cost of a few parking spaces. Mr. Maynard said he could not pivot the field, saying the right field line could not go in that direction. Mr. Della-Monica said he meant to pivot the entire field, but it would lose some parking spaces. Mr. Maynard said he was caught, as it had been said at a previous meeting that there was not enough parking. He said he would look at it, but he was concerned about the nonparallel layout and the loss of parking spaces.

Mr. Schneiderman asked if the site currently was a wooded lot at this time. Mr. Maynard said some selective clearing had been done a few months ago. Mr. Schneiderman asked about the wetland, noting that Mr. Maynard had said earlier this was not a prime wetland, but "prime wetlands" were not defined in the Town's ordinances. Mr. Maynard clarified that this was not a quality wetland.

Selectman Maddox referenced a copy of the Phase II asbestos report. Noting that there were 149 parking spaces shown on site plan at this time, he said the Board needed to decide if that was the number it wanted to see or what else could be provided. Chairman Russo asked Mr. Lathrop to expand on the off-site parking situation.

Mr. Lathrop discussed possible exterior parking, noting that the Bears had been playing for ten years at Hudson Memorial School, which had a total of 210 parking spaces, but with the new 60-space area not being used on any game day—even on game days with overlap. He suggested this meant 150 parking spaces had been enough for the Bears for the past ten years. He then discussed the possibilities for parking on the streets in the industrial park area, as well as on some of the nearby industrial lots, but avoiding the area near the Lux trucking lot. He said he could come up with 315 "easy" spots, which was double what they were using at Hudson Memorial

School. He stated that double-sided parking on the streets would not be allowed, leaving one side of the roadway completely open.

Selectman Maddox asked if the Board wanted Mr. Maynard to look at pivoting the baseball field, in view of the parking situation, suggesting that might also get him out of some of the ledge removal issue. Mr. Maynard said he would look at it, but he did not know at this time what his answer would be.

Town Planner Cashell asked if Mr. Maynard would be ready to submit a full site plan application for the April 27th meeting. Mr. Maynard said he was almost ready to go. He said they would come to the Planning Board for approval, subject to approval by the Conservation Commission and the Zoning Board of Adjustment. He said all he had to do for the present plan was add the notes and an abutters' list, which he said was not a big deal, and all he had to do was press a button.

Mr. Barnes asked when the games would be played, asking if they were played on Saturdays and Sundays. Mr. Maynard said they were played on Sundays. Mr. Barnes asked if there would be practicing during the week; Mr. Maynard answered in the affirmative.

Chairman Russo asked if there were any plans to expand this to use by other towns in the future, perhaps including Alvirne High School. Selectman Coutu said the Town ballot had included the proviso that the Bears could have semi-exclusive use of the site for the period from July 1st through November 30th. He said the Bears had agreed that, should another organization or another function want to use the field, provided that it did not interfere with the Bears' scheduled games or practice sessions, the Bears would relinquish the use of the field. He said the Board of Selectmen would expect any other parties allowed to use the field to clean it up afterwards, adding that the Town had the right to use the field from December 1st through June 30th—but noting that there would not be much practical use after December 1st. He reiterated that the Bears had agreed that, within reason, they would allow other groups to use the field.

Mr. Della-Monica provided a sketch of his idea for shifting the orientation of the baseball field. Mr. Maynard said it went over the line and messed up the orientation and the aesthetic relationships with respect to the other field, the building and the parking lot—saying the result would look like some idiot had laid it out.

Chairman Russo said he liked the 266 elevation with respect to location of cameras associated with the building location, which was pretty much on the center line. Mr. Maynard said he could make that work just as well on the 263 plan.

Mr. Ulery asked what amount of buffering the ledge was actually doing. Mr. Maynard said it was not a permanent intrusion, as the area would be loamed and seeded and allowed to revert to wild over time, noting that it would be on the other side of the fence. He said there would not be much runoff going into that area, so the purpose of the buffer would be minimal.

Mr. van der Veen asked if there would be a disposable site for all the gravel. Mr. Maynard said: "One way or the other, yes"—adding that the first choice would be a construction company. If that did not pan out, he said, he would do more calculations and might take it to Boston, which would cost more.

Mr. van der Veen asked how long the walking path would be. Mr. Lathrop said that would be just under half a mile, noting that the trail would be Phase III or IV, as it would have to go on a neighboring property. Mr. Maynard said there had never been a full survey of the Clement Industrial Park area because of the wetlands, which were more easily determined nowadays—adding that he had discovered some problems with property layouts for the park, which had been developed by a group of Hudson townspeople in the 1960s and had been initially laid out by his father and others back in the 1960s, and he did not know where the property lines shown on the tax map came from.

**B. 76-78 River Road
CSP# 05-11**

**Map 251/Lot 11
78-78 River Road**

Review Existing Conditions of the site and affirm the use of the 1,665-ft² commercial office building as it has existed since the approximate time of the issuance of building permit dated July 7, 1987.

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

Town Planner Cashell said the owner of the property had requested that the Planning Board review the existing conditions on the property, and Mr. Sommers, representing the owner, was going to go over the evidence he had relative to the principle building on the property, which had been used commercially on and off over the years. He asked if the building were being used right now; Mr. Sommers said it was not being used right now, which was why he was here. Mr. Cashell said there was some dispute with the Zoning Administrator with respect to what was actually permitted on the site.

Mr. Tom Sommers, PE, 8 Nichols Road, Amherst, identified himself as a former consultant of this town and also a former Town Engineer, saying he was present as the representative of the property owner, Doris Ducharme, Trustee. He then displayed two plans, which he identified as follows:

- **Tax Map 251/Lot 11, “Existing Conditions,” Boundary Plan, 76-78 River Road, Hudson**, prepared for Doris Ducharme, 76 River Road, Hudson, New Hampshire; prepared by Michael J. Grainger Engineering, Inc, Sheet 1 of 2, dated March 16, 2011, with no revisions.
- Tax Map 251/ Lot 11, **78 River Road, Hudson, New Hampshire**, prepared for Doris Ducharme, 76 River Road, Hudson, New Hampshire; prepared by Michael J. Grainger Engineering, Inc, Sheet 1 of 2, dated March 16, 2011, with no revisions. Mr. Sommers clarified that this second drawing was a site plan showing as a close-up where the buildings were.

Mr. Sommers discussed details of the property, noting that it fronted on both River Road and Pine Road and that there were four buildings: Ms. Ducharme’s home, her garage, a storage shed (which he said was related to the business building use) and an approximately 1,600-ft², L-shaped building. He noted there were two entrances off River Road, one being Ms. Ducharme’s personal driveway and the other being for the

business building. He noted that Ms. Ducharme maintained a lawn around the buildings and recently had removed a large stand of trees for sight-distance purposes, with that area now being grassed.

He said he was here because Ms. Ducharme kept running into questions when she came in to look for occupancy permits for the rental space about what buildings were valid with respect to the business building—explaining that the Zoning Administrator/Building Inspector had said in his 02-14-11 letter that he could not find evidence of any Building Permit or a site plan, other than a 01-12-83 plan that provided for expansion to only half the size of the currently existing building. Mr. Sommers said he had subsequently found a 07-07-87 plan in the Town Assessor's office showing there used to be a barn, which had been moved from another location on the site to the rear portion of the business building, with a connection being made in the 1987/1988 timeframe. Since that time, he said, the building had been used for office/retail uses, of which there had been a variety over the years,

Mr. Sommers described the layout of the inner portion of the building, noting changes that had been made over the years, including the addition of a second bathroom, which allowed separate uses on either side of the partition, and he had found evidence that it had been used at least once by two different tenants simultaneously. He said Ms. Ducharme would like to use this building in the same way for which she thought she had a right. He said they were looking for authorization to have the two uses by right, and also to put on record that the site had been this way since about 1987, at which time a Building Permit had been issued, with that and other Building Permits being on file in the Assessor's Office. He said Ms. Ducharme wanted to remove the question of whether two commercial uses were allowed and also to resolve the question of what she could do there. He noted this property was in the G (General) zoning district, saying the questions seem to have come up because of the partition inside. He said the building had not changed in any substantial way since the late 1980s, and he thought this would be the correct forum for that. He said Ms. Ducharme wanted to rent out the property with the least amount of impediment to potential renters, noting that there had been some parties interested, including a landscaping business that would have some storage in the shed but he did not know of any outside storage plans—adding that he had told Mms. Ducharme that that could be an issue. He said he wanted to establish what she could do by right and what she could not do without coming to this Board, and also what she would have to come to this Board for. He then concluded his presentation by stating that there was no intent to expand the existing site that he was aware of, saying he was open to questions.

Selectman Maddox said the expansion had already happened, with the building having apparently doubled in size without a permit, and he asked if there had been associated permits for electrical work, etc. Mr. Sommers said the July 1987 permit was for a barn addition, which was all it said. Selectman Maddox said that one would expect, since this was for a commercial business, that there would be a site plan to reflect that. Mr. Sommers said he could not answer that question, which was why he had suggested going forward.

Town Planner Cashell noted that Zoning Administrator Oleksak's 02-14-11 letter was provided as Attachment B to his staff report, noting that Mr. Oleksak also had provided

what the Community Development Department had on file, which was Attachment C—saying the latter was an 8.5"x11" site plan that had been signed off as approved by Marilyn McGrath, at that time the chairman of the Planning Board, on 01-02-83—adding that this plan did not show either the rear portion of the business building or the shed, and that Mr. Oleksak had no idea as to how the back of the building had come about.

Chairman Russo asked if the 03-16-11 site plan had been generated so that Mr. Sommers could present it to the Board. Mr. Sommers said it had originally been done for a daycare center that had not gone through, and he had asked Mr. Grainger to resubmit the plan with all the existing site conditions so that they could come forward.

Chairman Russo noted that most of the current Planning Board members had not been on the Board at that time. He said the plan that had been signed by Ms. McGrath suggested that the Town had granted a permit for something. He then expressed a belief that what Mr. Sommers had presented was a viable plan with respect to establishing what existed and was allowed.

Selectman Coutu expressed puzzlement, saying that Mr. Sommers was correct in saying Ms. Ducharme had applied for a daycare which had been rejected on the basis of traffic, because of the curve on the road coming from Sanders (BAE) south. He said he knew that Ms. Ducharme had rented the building in the past to a minor retail outlet and also most recently to a computer school. He then asked what was the confusion that this Board needed to clarify with respect to specific uses for that property.

Mr. Sommers responded that it was if Ms. Ducharme were allowed to have the uses listed in Table of Permitted Uses, *per se*, or at least some of them. He said there could be two uses there, as there was an internal partition and two separate bathrooms, which had been there for a long time, perhaps from the 1987/1988 time period. He said the Building Inspector had said he was not comfortable issuing Certificates of Occupancy for two uses. Mr. Sommers added that he needed to flesh in whether the site could be used for certain uses, such as displaying of cars for sale for car sales, and he needed to find out whether a full site plan was needed.

Selectman Coutu asked if Mr. Sommers could state firmly that no adjustments had been made while other tenants were in there. Mr. Sommers said he was going by what Ms. Ducharme had told him, but he noted that he had seen no changes in that building over the past several years, during which time he had worked for Ms. Ducharme as a carpenter.

Selectman Coutu noted that Ms. McGrath was almost an abutter, and he expressed a belief that she would have brought any problems to the Town's attention. Selectman Coutu then noted there were State regulations about used-car lots, which he listed, including the requirement to be associated with an existing car business and to have a garage. Mr. Sommers professed not to have been aware of these requirements. Selectman Coutu suggested to Town Planner Cashell that someone should look into the used-car lot that had just opened further up the street. He then stated that General Zone uses were quite extensive, and he asked if the problem were that the Zoning Administrator wanted to limit Ms. Ducharme to only some of those uses.

Town Planner Cashell said the problem was that Ms. Ducharme wanted to have two uses going on simultaneously. Selectman Coutu asked if there were separate entrances and exits for each one. Mr. Sommers answered in the affirmative, saying there were two existing accesses for each, and adding that this was required by the Fire Department.

Town Planner Cashell noted that his draft motion would allow the site to have two uses and recognize it as a 1,665-ft² building—or the Board could say they needed to come back with a new site plan.

Selectman Maddox said the Board was not seeing the notes on the 1983 plan, but this plan essentially covered everything shown on the proposed plan. He asked if there had been notes limiting the use; Mr. Sommers answered in the negative. Chairman Russo asked if there had been notes on the 1983 plan that were not shown in Attachment C; Town Planner Cashell answered in the negative, saying that sketch was the site plan and that this was how the Town had used to do it. Selectman Maddox said the issue was that the drawing the Zoning Administrator had said the building was about 600 ft², with the addition, but the existing building was more than double that; he then suggested that the Board should make this the site plan and move on.

Chairman Russo asked if the 1,665-ft² building measurement included the rear portion of the building, saying he did not think the 1,665 ft² figure was big enough. Mr. Sommers said that was the figure for the entire L-shaped building—adding that he had checked it on the inside and had come within 40 or 50 ft² of the same number, which had been calculated from the external measurements. Town Planner Cashell asked if it would not make sense for Mr. Sommers to advise his client to come in with this 03-14-11 drawing presented as a site plan, which could be recorded at the Hillsborough County Registry of Deeds and make the property marketable, whereas right now there was a cloud on it.

Mr. Sommers said he had thought that this conceptual process would allow him to uncloud it without going through a full site plan review, because it was an existing condition that had been there a long time. He said he had not thought recording was necessary, reiterating that they were not trying to expand the site, which was the way it had been since 1998.

Town Planner Cashell said Mr. Sommers' hope could be the Board's command—or they could come back for a formal site plan.

Mr. Barnes asked if there were a reason why this 03-14-11 plan could not be recorded. Town Planner Cashell said a public hearing would need to be held.

Mr. van der Veen asked if there were a list of the types of businesses that had been in the building, saying he would like to review that. Mr. Sommers said he had a list that had been prepared by an attorney for a former Zoning Administrator, noting that some of them had been there at the same timer, saying they were basically office-type uses. He then listed those uses, including a jewelry business, a pet goods store, a bird shop (with two uses going on at the same time in 1988/1989), a floral/gift shop from 1989 through 1990, a construction firm's office, a baby furniture/accessories business in 1993/1094, a dating club in 1994/1995, a Voltek Systems office from 1995 to 2000, and

another office use from 2000 to 2004—noting those two uses had overlapped, indicating they were going on at the same time. He said the building had been in use for business since 1977. Mr. van der Veen said these were small office or small retail uses, and he asked if there were any way to limit the uses to small retail or office use, to prevent used-car lots, etc. Chairman Russo responded that notes could be added to the plan if the Planning Board wanted to accept it.

Mr. Ulery asked if he were correct in saying that this 03-14-11 plan, if accepted by this Board and placed on file, would-become the basis of any additional filing or changes that might take place in the future, so it did not necessarily have to be recorded at the Hillsborough County Registry of Deeds in Nashua. Chairman Russo said he could say from his experience on the Board that not every commercial use had to be recorded, but they did need some sort of a site plan. Mr. Ulery said this could be the basis of any subsequent site plan taking place. Town Planner Cashell expressed agreement, saying the draft motion could be expanded to include the plan.

Selectman Maddox asked if Town Planner Cashell were saying that Attachment C to his staff memo was all that was on file at the Hillsborough County Registry of Deeds. Mr. Cashell said he did not know that it had ever made it to the Registry. Mr. Sommers expressed a belief that it probably did not. Selectman Maddox expressed concern that there might be something else on file, saying Mr. Sommers had not done all the due-diligence investigation that could be done.

Chairman Russo asked if Ms. Ducharme would be opposed to certain stipulations with respect to usage—saying he had no problem with general office use but had a problem with auto sales and he was not certain about general retail, noting that there was an existing residence fairly close to the building. Mr. Sommers said he had told Ms. Ducharme that landscaping or another business with outside storage might be “iffy.”

Selectman Maddox suggested that it be limited to the amount of parking shown (12 parking spaces). He then stated that there was a stream that was not shown as going across the property. Mr. Sommers said it went into Limit Brook. Selectman Maddox said he was talking about the back. Mr. Sommers noted that outside storage could not go within 50 feet of any wetlands, anyway. He then said he thought he was hearing that the Planning Board would want a site plan if there were anything else going onto the site.

Ms. Merrill expressed concern about there not being a public hearing on this matter, as it was a conceptual hearing, and no one would know about any changes. Chairman Russo said he was not certain the Board would not want to ask for a public hearing. Mr. Sommers said he had to ask Ms. Ducharme, but noted she had a place sitting vacant, and she would like to go forward and have it occupied without changes being made on the site, noting that she lived on the property and was asking to be allowed to have two commercial tenants in the business space. He said he agreed with Selectman Maddox that there would be an issue if they went beyond the parking allowance, but the Zoning Administrator seemed to have an issue with there being two uses.

Chairman Russo said he was not certain he was hearing that from the Board.

Ms. Merrill said she thought it would be a concern if there were two businesses without leaving a proper paper trail, noting that a barn had been turned into a business. Mr. Sommers said he did not know if that had not occurred at the time of the addition.

Selectman Coutu said he was concerned about the number of parking spots, noting that the request for a Stateline store had come in with only eleven parking spaces. He said he was familiar with the property and did not see that any problem would be created in the neighborhood if there were two office businesses there; he then asked how that could be defined. Chairman Russo suggested the site could be prohibited from having a retail use—noting that the motion before the Board said “general office,” but there was nothing for general retail. Mr. Sommers said the G1 zoning district had a fairly large amount of uses permitted. Chairman Russo said he agreed but that the motion before the Board was for “general office” use. Mr. Sommers said he felt it should be a little broader than that, saying that had come about because there had been someone interested in having a small sound studio there.

Selectman Maddox said he felt the Zoning Administrator’s issue was that there was twice as much building. Mr. Sommers expressed agreement. Selectman Maddox said he would not care if there were three offices in the business building. He suggested wording it as “general office, 1600 ft², 12 parking spaces, no retail.”

Mr. Sommers said what he was hearing was that without going through a full site plan review Ms. Ducharme was permitted to have anything allowed in zoning. Chairman Russo said he would also say that site plan approval would be needed for a significant change in use—such as a change from general office use to retail. He also suggested that outside storage should be addressed at this time.

Mr. Sommers asked about an art studio. Chairman Russo said he saw no problem with that; he then expressed a belief that the Zoning Administrator, if he had an issue, needed to go to the Zoning Board of Adjustment, saying it was up to the Zoning Administrator’s discretion. He said he saw no problem for someone with an offsite business, such as an electrician, using this strictly as an office, and he was hearing that the consensus of the Board was in agreement with that.

Town Planner Cashell suggested rewording the draft motion to accept the existing building with no retail use being allowed. Chairman Russo expressed disagreement, saying some office use had retail use tied into it. Ms. Merrill also expressed disagreement.

Mr. Sommers said he wanted to clarify that Ms. Ducharme could have anything on the G1 zoning district list if she came in for a full site plan review, and this wording would prohibit that. Selectman Maddox agreed that it would be precluded until Ms. Ducharme came in with a new site plan for full site-plan review. He then expressed agreement that this should go through public hearing.

Ms. Merrill said she would like it to say very specifically “commercial office building” and no more, with anything else requiring them to come back with a site plan.

Chairman Russo noted that the plan said “current use,” not what Mr. Sommers was projecting.

Mr. van der Veen said there was an attempt to maintain status quo but with an underlying current of wanting to change the type of businesses allowed. He said he was willing to maintain the status quo but would want to see a site plan if the use were to be changed.

Mr. Sommers noted that retail uses had been allowed in the past. Chairman Russo said no one was questioning that, but the issue was when a use changed, saying changes in use had to come in before the Planning Board for site plan review. Town Planner Cashell said this Planning Board only had authority to approve or disapprove site plans—adding that Mr. Sommers could come back with a site plan.

Mr. Sommers said he wanted recognition of the fact that this site was the site and also that there could be two uses of an office-type nature, saying he could report to Ms. Ducharme that the issue was what the uses were. Town Planner Cashell said this was the crux of the problem, as Mr. Oleksak had a problem with two commercial uses at the same time on the property, saying he had not found anything to support that. Mr. Cashell said he did not see how this Planning Board could override the Zoning Administrator's determination.

Chairman Russo said there was one structure with a dividing wall with two accesses from the front and two from the rear, saying he would have a hard time saying they could not have two office uses.

Mr. Ulery said that, if the Planning Board made the definition broad enough, it would cover most things that could take place except "real" retail operation, but he then suggested that the Board would not want to deny an Avon-type store, such as was down the street. Chairman Russo said that really had to be left up to the Zoning Administrator.

Mr. Della-Monica said technically an Avon store was a beauty consultant. He asked whether the Planning Board should also consider acknowledging the shed, which did not appear on earlier plans. Mr. Sommers said it would only be used for storage for the business, as an accessory use. He acknowledged that he had not looked for any permits for the shed in the Town's records.

Selectman Maddox said he felt the Zoning Administrator was concerned about the building having doubled its size, as it had gone from 600 ft² to 1600 ft², and that the problem could be fixed by accepting the new site plan, but it depended on how far Ms. Ducharme wanted to go with the process. He then pointed out that the previous retail uses might not have been allowed uses under the original 1983 plan, suggesting that the minutes from the time of that approval should be looked into. He then said he was fine with "general office" use.

Mr. Sommers said he would accept a directive motion from the Board to that extent, and Ms. Ducharme could decide whether she wanted to take it further.

Selectman Maddox and Chairman Russo suggested "general office" did not limit how many offices could be there. Selectman Coutu noted that he had a friend who had multiple business uses within one office.

Chairman Russo said he would like the Board to make two motions, one saying what the Planning Board expected Ms. Ducharme to do and the other telling the Zoning Administrator where the Planning Board stood.

Town Planner Cashell said a major point that was being forgotten was that this was a dual-use property, with a residential use and a business use, and the dual use was under the jurisdiction of the Zoning Board of Adjustment, saying this hearing had been an experiment, but the whole issue had to be handled by Mr. Oleksak in his official capacity as the Zoning Administrator, and Mr. Sommers and his client might have to go before the Zoning Board of Adjustment. He said Ms. Ducharme had grandfathered rights but he did not see how they could be altered, as the property was subject to zoning.

Chairman Russo declared a recess at 8:53 p.m., calling the meeting back to order at 9:08 p.m.

Mr. Barnes moved for the Planning Board, based on the evidence presented by the applicant, to accept the existing office building at 76-78 River Road as being approved for 1,665 ft² of general office use with 12 parking spaces, as shown on the plan entitled ***Tax Map 251/Lot 11 "Existing Conditions" Boundary Plan 76-78 River Road, Hudson, New Hampshire***, dated March 16, 2011, prepared by M.J. Grainger Engineering, Inc., and consisting of Sheets 1 and 2 and Notes 1 through 12 on Sheet 1.

Mr. Della-Monica seconded the motion.

Chairman Russo asked if the Board did not want to put this forward to some sort of public hearing. Mr. Barnes said he would like to move forward as stated.

VOTE: Chairman Russo then called for a verbal vote on the motion. Finding himself unclear on the result, he then called for a hand vote on the motion. Mr. Barnes, Mr. Della-Monica, and Mr. Malley voted in favor and all others voted in opposition, and Chairman Russo declared the motion to have failed (3–4).

Selectman Maddox said this was only because no public hearing had been scheduled.

Selectman Maddox moved to defer further action on this motion to the meeting of May 25th. Chairman Russo demurred, saying this was here as a conceptual and it was up to the applicant to take the next step. Selectman Maddox expressed disagreement, saying the Planning Board was telling the public that it would pass this plan if nothing came in. Chairman Russo said he could not see how to defer it when there was no formal plan before the board.

No second being offered, Chairman Russo declared the motion to defer to have died for lack of a second. Mr. Sommers asked if the members of the Board agreed that Ms. Ducharme had the right to occupy the building with a general office use now, if he could get the agreement of the Zoning Administrator. Chairman Russo expressed a belief that this was the general consensus of this Board, so long as that was the case and fit within the realm of parking and the other existing rules.

Mr. Sommers expressed a belief that to this Planning Board the number of users was not the issue. Chairman Russo asked if any member of the Board would like to state otherwise. Selectman Maddox responded in the affirmative, saying he was going to agree with the Zoning Administrator with respect to multiple uses. Chairman Russo said he thought Ms. Ducharme could get that if she went forward with the existing plan.

C. Pete's Gun & Tackle

**Map 234/Lot 44
2 Dracut Road**

Review Approved Site Plan (1997), which calls for expansion of the existing facility.

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

Mr. Ulery stepped down from his nonvoting alternate position, leaving the table.

Mr. Michael Goyette, owner of the Pete's Gun and Tackle shop, said he was here to find out if he could resubmit his old plan or if the Board would require him to bring in a new plan and start the process all over again. He noted that it had been a big expense back in 1997 and he was just trying to cut costs.

Selectman Maddox said nothing had changed in those many years with respect to zoning, noting that this was an approved plan with a Hillsborough County Registry of Deeds number, and he did not feel Mr. Goyette had to do anything except to notice it as such and to have a public hearing—but large-size drawings would be needed. Mr. Goyette asked about changes; Selectman Maddox advised him not to change them, saying all he had to do was bring in large-size drawings on May 25th.

Chairman Russo asked if the signature block had to be cleared and resigned. Mr. Goyette said he felt drainage would be different but parking had not changed.

Town Planner Cashell asked if the signature block had to be cleared and resigned. Mr. Goyette said he felt drainage would be different but parking had not changed.

Town Planner Cashell said a development plan had been recorded, with a full site review. If Mr. Goyette had put in a foundation, he said, he would be grandfathered and could start construction tomorrow. He said this was a rare exception that the Planning Board could consider, to vote to approve what had already been approved.

Mr. Barnes asked if none of the changes made to parking regulations over the past few years, as well as internal landscaping, would change this. Town Planner Cashell said he felt it could just be re-approved, noting that Cynthia May had weighed in on the landscaping at the time of the original approval. He said nothing had changed that would cause the property owner to have to start all over again. If the Board required things to be changed, he continued, Mr. Goyette would have to come in with a new site plan.

Mr. Barnes asked when the St. Kathryn Church had been built. Mr. Goyette said this plan had been approved just before that, as the plan showed that Manny Sousa had still owned the property that was subsequently turned over to the church. Mr. Barnes

suggested this was a change to the neighborhood, suggesting that there probably had also been some changes in traffic. Chairman Russo asked if there had not been any changes in drainage requirement that would affect this plan. Mr. Goyette said there was a detention pond. Town Planner Cashell said plans back then had required detention ponds, just as was true today—but nothing that had been approved on the site plan had actually been implemented. Chairman Russo expressed agreement that the construction of the St. Kathryn Church was a change in the neighborhood.

Mr. Della-Monica asked if the original site plan included a description of the building, asking if Mr. Goyette would want to change anything. Mr. Goyette answered in the negative.

Selectman Maddox asked when the traffic light had been put in. Mr. Goyette said that had been done in the late 1980s, before this plan. Selectman Maddox noted that the Board did not have a landscaping plan, which had been going to be provided by Cynthia May, according to Stipulation 5 of the original plan; he then suggested that there were some small things that could be made right.

Chairman Russo asked if there were any wetlands on the property, or any changes. Mr. Goyette responded in the negative.

Mr. Malley asked if the CAP fees would remain the same. Town Planner Cashell responded in the negative.

Town Planner Cashell said the abutters' list would have to be updated and all the abutters notified, and the application would be for re-approval. He said he would have Town Engineer Webster review the plans to see if he had any issues.

Ms. Merrill asked if there had been any developments other than the church. Mr. Goyette said the only change was the chiropractor's office across the street, in what had been a house prior to that.

Town Planner Cashell noted that this area was zoned Business in accordance with a Town vote many years ago.

Mr. Della-Monica noted that the approved plan had projected eight trap-shooting lanes; he suggested most people would be there for about an hour, and he asked if Mr. Goyette had sufficient parking. Mr. Goyette expressed a belief that there was sufficient parking.

Mr. Barnes noted removal of the curbcut for Lot 51, which was St. Kathryn's Church, which had not been eliminated, saying he was not sure what curbcut that was about, so that would have to be changed. He noted that the old-style lot numbers were shown on the plan. Mr. Goyette said there had been going to be a mall there, back in the 1980s, before the church came in, so that might have been what the curbcut note was about.

Mr. Malley noted there were things in the notes that had changed, such as the change from the R-2 zoning district to B. Chairman Russo concurred, saying that was a big change and had to be changed on the plans. Town Planner Cashell pointed out that the property was zoned B now.

Selectman Maddox asked how Lot 51 connected to Lowell Road. Mr. Goyette explained that the state had moved the area down and changed the entrance, back before this plan was drawn up. He said the facility had never been moved, but the change had changed the address from Lowell Road to Dracut Road.

Selectman Maddox moved for the Planning Board to hold a public hearing on May 11, 2011, relative to considering the re-approval of the previously approved Pete's Gun & Tackle Shop's 6,200-ft² expansion plan. Mr. Barnes seconded the motion.

Selectman Maddox suggested that Town Planner Cashell provide a copy of the minutes for the 1997 meeting at which the plan had been approved.

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).

V. MINUTES OF PREVIOUS MEETINGS (Continued)

Chairman Russo noted that Mr. Della-Monica had reviewed some minutes of past meetings.

Mr. Della-Monica addressed the minutes for the meeting of December 1, 2010, , noting that his own first name was misspelled in the Roll Call listing on the first page.

He then addressed Page 7, 2nd paragraph from the bottom, noting that Mr. van der Veen was quoted as having said the program would not work until the parents convinced the kids to go to school by themselves, when what Mr. van der Veen had actually said was that it would not work until the parents were convinced to let the kids go to school by themselves.

Mr. Barnes referenced Page 5, noting that reference was made to the Port Authority Complex in Nashua, saying this should be to the Sports Authority shop.

Ms. Merrill questioned "stormwater" as one word. Mr. Seabury said it varied but was used as a single word in wetland/conservation documentation. Town Planner Cashell confirmed that the one-word format was standard—noting that Microsoft Word identified this use as an error.

Mr. Barnes moved to approve the 12-01-10 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).

Mr. Della-Monica addressed the minutes for the meeting of March 9, 2011, referencing page 9, 2nd paragraph; with respect to the comment he had made at the

end of that paragraph, saying it was not an incident” but an installation, saying he knew of a new installation that was required to have doubled the first year.

Mr. Della-Monica then referenced Page 11, second paragraph, last line, saying it should say “specific point source of noise.”

Mr. Ulery returned to his nonvoting alternate seat at the table at 9:30 p.m., with Selectman Coutu leaving the meeting at that same time.

Mr. Della-Monica referenced Page 12, second paragraph, fifth line from the bottom, saying Chairman Russo had agreed with Mr. Della-Monica that there was no way for a tractor trailer to come into the site if not coming from the southern entrance, not the northern one.

Mr. Della-Monica referenced Page 16, 3rd paragraph, saying the name “Caminiti” should be spelled with a final “i” instead of a “y” character.

Mr. Della-Monica referenced Page 15, fifth paragraph, saying “F215” should be changed to “F250.”

Ms. Merrill referenced Page 4, fifth paragraph, second line, stating that the word “all” was misspelled.

Ms. Merrill referenced Page 6, next to last paragraph, third line from bottom, saying the word “waiver” was misspelled.

Ms. Merrill referenced Page 14, 3rd paragraph from the bottom, second line, saying the word “on” had been misspelled as “ob” in the phrase “on the plan.”

Ms. Merrill referenced Page 16, saying she did not know if Mr. Russell Caminiti’s first name was spelled correctly, as it normally had two “l” characters at the end.

Ms. Merrill referenced Page 17, second paragraph from the bottom, first line, noting that the sentence said “Chairman Russo said the colored engineering drawing did not match up with either of the three alternatives”; she suggested that the word either” should be changed to any.”

Ms. Merrill referenced Page 18, fourth paragraph from the bottom, second line, saying the period after “informal should be deleted.

Mr. Barnes referenced Page 9, first two paragraphs, saying Mr. Sommers’ name had been misspelled.

Mr. Barnes referenced Page 10, first full paragraph, saying the name of the Haffner’s Service Station had been misspelled.

Mr. Barnes referenced Page 10, second full paragraph, 7th line, saying “NH-DES” had been mistyped as “NY-DES.”

Mr. Barnes referenced Page 13, third paragraph, third line, noting there was another reference to the Haffner’s station, which had again been misspelled.

No further change requests being brought forward, Mr. Della-Monica moved to approve the 03-06-11 minutes as amended; Mr. Barnes 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).

VIII. PERFORMANCE SURETIES

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

IX. PUBLIC HEARINGS

No **Public Hearings** were scheduled for this evening.

X. WORKSHOP

A. ZBA Input - Review Process and Procedure.

Chairman Russo noted correspondence from Attorney Buckley had been received.

Town Planner Cashell said there had been discussion at the previous meeting regarding the proper procedure about ZBA input from this Planning Board, saying Town Attorney Buckley had expressed his opinion, citing an example from the Zoning Ordinance of the Town of Bow, which put the Wetland Special Exceptions in the lap of the Planning Board. Chairman Russo suggested taking time to read the memo and then discussing it at the next meeting. Mr. Barnes said he felt the ZBA and the Conservation Commission should be consulted at a joint meeting as well, as this would be quite a substantial change. Selectman Maddox expressed agreement, saying he thought the issue had been more concerned with standardized responses; he said he did not want to fix it if it were not broken, but he was looking for consistent language, while what the Town Attorney was proposing was turning things 180°. He then asked when a joint meeting could be held. Town Planner Cashell said it could be at the next workshop, adding that he was questioning if the Planning Board wanted to get involved in evaluating the expertise of the wetland experts, or should just stick to what was in the Planning Board's area of jurisdiction—noting that the only thing he could think of about which the Planning Board might have any concern would be if the proposed roadway were a cul-de-sac extending beyond 1,000 feet..

Mr. Ulery said it raised the question of, if some of the activities of the other board were consolidated into the Planning Board, would it make it easier or less complicated, or less expensive for individuals to get things done—or would it get accomplished quicker, thus increasing the tax base of the community? Town Planner Cashell said that was a great point. Chairman Russo said the Planning Board did not actually land on the plans that much, other than to see if there were concerns that should be brought

to the attention of the ZBA. He said he agreed with Selectman Maddox that the process really was not broken, and the reason he had brought it up was that this Board through all of his experience had simply said "The Planning Board has no concerns," adding that Mr. Hall had said there probably was not a lot of them.

Selectman Maddox said there was balance involved, and he expressed a belief that meetings would get slowed down even more if the Planning Board got involved with deciding Wetlands Special Exception cases—adding that he felt the Planning Board's concern should be with wetland problems pertaining to planning issues.

Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, said the standard statement by the Planning Board to the Zoning Board of Adjustment had been that the Planning Board had no issues, and that Mr. Hall had said at the last meeting that the Board would state them if there were issues—but the Planning Board had said, on at least two occasions, that the Planning Board had issues, without saying what they were, which gave the Zoning Board of Adjustment absolutely no input at all.

Selectman Maddox expressed a belief that there should be a form, saying the Planning Board had no issues—or stating them, if there were.

Town Planner Cashell said it was almost a waste of time, saying the Zoning Board of Adjustment was going to take the action it was going to take. He reiterated that it was almost a waste of time for developers to come to the Planning Board first for input, but the RSAs required them to do that. Selectman Maddox said that might be changing. Town Planner Cashell said that might be a good thing.

Mr. Della-Monica said any issues that the Planning Board might have should be stated—saying that instead of saying the Planning Board had issues, the letter report should say "the Planning Board has the following issues:" Selectman Maddox concurred, saying he thought there should be a checkbox approach to identify concerns, but the issue at the previous meeting had been that the two draft-motion statements had been worded differently.

Chairman Russo suggested that Town Planner Cashell bring this up at another meeting.

Selectman Maddox spoke in favor of having a joint meeting. He suggested that June would be better. Town Planner Cashell concurred, saying LMRLAC (Lower Merrimack River Local Advisory Committee) could be brought in at the same time.

XI. ZBA INPUT ONLY

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

XV. NEW BUSINESS/PUBLIC HEARINGS

No **New Business** items were addressed this evening.

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**HUDSON PLANNING BOARD Meeting Minutes
April 6, 2011**

Page 21

XVI. OTHER BUSINESS

No **Other Business** items were addressed this evening.

XVII. 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 the meeting to be adjourned at 10:00 p.m.

Date: April 18, 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 6, 2011**

Page 22

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

Page 3, 3rd paragraph from bottom — corrected “aid” to said” so that the sentence now reads: “Town Planner Cashell said he had nothing to add to his staff report.

Page 10, eth paragraph from bottom, 2nd line — corrected typographical error “pan” to “plan” so that the phrase now reads “a full site plan review.”

Page 16, 4th paragraph fro the top, 2nd line — corrected “fir” to “if” so that the phrase now reads “Mr. Malley asked if the CAP fees would remain the same.”