

SHEPHERD’S HILL SITE PLAN **2-YEAR EXTENSION REQUEST**

SP# 08-22

STAFF REPORT

November 13, 2024

SITE: Shadowbrook Drive, Map 177/ Lot 005

ZONING: General (G)

PURPOSE OF PLAN: Pursuant to RSA 674:39, the Applicant requests a two-year extension for the approved Shepherd’s Hill Site Plan SP# 08-22 of November 30, 2020. Application acceptance & hearing.

ATTACHMENTS:

- 1) Request letter prepared by Keach-Nordstrom Associates, dated September 26, 2024 – Attachment “A”.
- 2) Planning Board notice of approval for SP# 08-22, dated December 7, 2022 – Attachment “B.”

APPLICATION TRACKING:

- September 26, 2024 – Extension request received.
- October 9, 2024 – Public Hearing deferred.
- November 13, 2024 – Public Hearing scheduled.

COMMENTS & RECOMMENDATIONS:

STAFF COMMENTS

The project is being currently slowed by factors outside the applicant’s control (i.e. the speed of the AG’s office on legal matters). The applicant is requesting an extension of two years pursuant to RSA 674:39. If granted, the approval’s duration for start of construction would be extended to November 2026.

RECOMMENDATIONS

Staff recommends the hearing of testimony from the applicant and public, prior to deliberation. Staff has not identified more information required prior to making a decision on granting the 2-year extension request.

DRAFT MOTIONS:

MOTION TO DEFER:

I move to defer action on the applicant’s request for two-year extension of the site plan approval SP# 08-22, Shepherd’s Hill Map 177/ Lot 005 and approved at the November 30, 2022 meeting.

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

MOTION TO APPROVE:

I move to grant a two-year extension (i.e. from November 30, 2024 to November 30, 2026) of the site plan Shepherd's Hill SP# 08-22, located at Shadowbrook Drive, Map 177 / Lot 005.

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

September 26, 2024

Planning Board
Town of Hudson
12 School Street
Hudson, New Hampshire 03051

Subject: Extension Request
Sheperds Hill Site Plan, Shadowbrook Drive
Tax Map 177, Lot 5
KNA Project No. 17-0824-1

Dear Planning Board Members:

The purpose of this letter is to request a two-year extension on the approval of Tax Map 177, Lot 5. On Wednesday, November 30, 2022, the Hudson Planning Board approved 118 residential units as the final 3 phases of Sheperds Hill. Since that approval, the owner has been working through the Attorney General's approval process. This has been a longer process than anticipated due to legal matters that arose with the Homeowners Association and the previous landowner. The project is making headway in receiving approval from the AG but will need more time before being able to construct the approved project. This is why we are requesting a two extension of the approval through November 2026 to allow time for the legal matters to be remedied and for construction to begin.

If you have any questions or comments, please contact me at (603) 627-2881.

Sincerely,



Allison Lewis
Project Engineer
Keach Nordstrom Associates
10 Commerce Park North, Suite 3B
Bedford, NH 03110

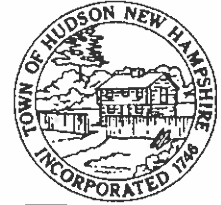


TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



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

NOTICE OF APPROVAL

December 7, 2022

Owner or Applicant: SHEPHERD'S HILL, LLC JESSICA MANOUKIAN
253 MAIN STREET 253 MAIN STREET
NASHUA, NH 03060 NASHUA, NH 03060

On Wednesday, November 30, 2022, the Hudson Planning Board heard subject case **SP# 08-22 "Shepherd's Hill"**.

SUBJECT: **PURPOSE:** TO SHOW THE FINAL PHASES OF SHEPHERD'S HILL CONDOMINIUM, WHICH CONSISTS OF 118 RESIDENTIAL UNITS, PARKING AND ASSOCIATED SITE APPURTENANCES.

LOCATION: SHADOWBROOK DRIVE, MAP 177/LOT 005

On July 27, 2022, The Planning Board accepted the site plan application for the Residential Site Plan / Shepherds Hill, Map 177/Lot 5, Shadowbrook Dive.

WAIVER GRANTED:

On November 30, 2022, the Planning Board granted a waiver from §930, to require a minimum stormwater drainage pipe slope of 2%, based on the Board's discussion, the testimony of the Applicant's representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

MOTION TO APPROVE:

On November 30, 2022, The Planning Board approved the site plan entitled: Residential Site Plan / Shepherds Hill, Map 177 Lot 5, Shadowbrook Drive, Hudson, New Hampshire, Hillsborough County; prepared by: Keach-Nordstrom Associates, Inc. 10 Commerce Park North, Suite 3B, Bedford, NH 03110; prepared for: Shepherd's Hill Home Owners Association C/O Great North Property Management, 3 Holland Way, Suite 201, Exeter, NH 03833; consisting of 54 sheets including a cover sheet and general notes 1-17 on Sheet 1; dated May 2, 2022; last revised October 6, 2022; subject to, and revised per, the following stipulations:

Attachment "B"

1. All stipulations of approval shall be incorporated into a Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. Pursuant to Exhibit B of the Order Confirming Debtor's Plan of Reorganization issued by the US Bankruptcy Court on July 21, 2000, Book 6315 Page 1220:
 - a. Per paragraph 6, a sewer capital assessment fee of \$1,550.00 per unit shall be paid prior to issuance of building permit for any unit.
 - b. Per paragraph 7, an impact fee of \$1,200.00 per unit shall be paid prior to issuance of a certificate of occupancy for any unit. This impact fee shall be proportionately allocated among school impact fee and traffic CAP fee as it is at time of collection.
 - c. Per paragraph 7, a contribution to Benson Park of \$375.00 per unit shall be owed issuance of a Certificate of Occupancy.
 - d. Per paragraph 11, the Applicant, or their assigns, shall pay for the cost of a construction inspection engineer at a rate of \$5.00 per linear foot of roadway & drainage, \$5.00 per linear foot of water and \$5.00 per linear foot of sewer.
3. The Applicant, its successors and assigns, shall comply with all of the terms and conditions of the Settlement Agreement between the Town of Hudson and the Shepherds Hill Homeowner's Association, Inc. dated February 24, 2016, and recorded at the Hillsborough County Registry of Deeds at Book 8835, Page 2477.
4. The approval of this Plan supersedes and replaces all prior approvals to the extent any such approvals are inconsistent with this Plan. The purpose of this condition is to clarify that there is only one (1) approved plan for the area of the subject premises commonly referred to as Phases 5, 6, and 7.
5. The Applicant hereby voluntarily relinquishes the right to develop the property pursuant to any previous approvals, including the right to construct any particular number of units. The total number of units shall not exceed 118 for the remaining undeveloped portion of the property. The total number of units for the entire property shall not exceed 392.
6. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
7. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
8. Prior to blasting, the Applicant shall schedule a meeting with the Fire Marshal.
9. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.

Attachment "B"

10. Hours of refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday only.
11. The sidewalk plan presented, last revised November 30, 2022, shall be incorporated into the final plan set.
12. A note shall be added to the plan stating that all units are two-bedroom units.
13. A detail shall be added to the plan to show trash racks to be installed on drainage pipe.

Signed: Brian Groth Date: 12/7/2022
Brian Groth, Town Planner

cc: Keach-Nordstrom Associates, Inc.
Shepherd's Hill Home Owners Association
Jessica Manoukian