

HUDSON, NEW HAMPSHIRE

Minutes of the Joint Board of Selectmen/Planning Board Workshop of December 5, 2006

1. **CALL TO ORDER** by Chairman Richard Maddox at 7:05 p.m. in the Community Development Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Planning Board alternate, William P. Cole.

3. **ATTENDANCE**

Selectmen: Richard Maddox, Shawn Jasper, Kathleen MacLean, Ken Massey and Ben Nadeau

Planning Board: Jim Barnes, George Hall, Suellen Quinlan, Vincent Russo and Bill Cole (alternate)

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean Sullivan, Director of Community Development; John Cashell, Town Planner; Marty Kennedy, VHB; Brad Seabury, ZBA Chairman; Tim Quinn, Conservation Commission Chairman; Bob Haefner, Vice-Chairman of the Conservation Commission; Ed Vydra, W/S Development; Attorney Jay Leonard; Reverend David Howe; Ed Thompson; Kathy Leary; Connie Owen; Ashley Smith, Telegraph

4. **DISCUSSION ITEMS**

Chairman Maddox asked everyone to introduce themselves, starting with Bill Cole, who said he was an alternate member of the Planning Board, having served for about two months. Prior to that, he served as Selectman for a number of years. Vincent Russo said this was his third year on the Planning Board and is also involved with the Library Building Committee. Suellen Seabury Quinlan said she has been a member of the Planning Board since 1993, taking a brief maternity leave, during which time she served on the Ethics Committee and she is also serving on the Conservation Commission, going into her second term. George Hall said he has been a Planning Board member for about 13 years. Jim Barnes said he's been on the Planning Board for five years and was the current chairman. Previously, he served on the Conservation Commission. Sean Sullivan said he has been the Community Development Director since January 2001. Town Planner John Cashell said he's been here for four years, but has 20 years experience as a municipal planner. Steve Malizia said he's been the Town Administrator for about three and a half years. Selectman Nadeau said this is his first term as Selectman, and has also served on the Budget Committee. Selectman MacLean said she's lived in Hudson for 20 years and this is her first term as Selectman. Selectman Massey said this was his fourth year as Selectman and he is also an alternate on the Planning Board. Selectman Jasper said he has served 12 years as Selectmen, two years as a Selectman rep to the Planning Board and one year as alternate. Chairman Maddox said he was this evening's host, in his third year as Selectman and serving nine years on the Planning Board, three of them as the Selectmen's representative.

Chairman Maddox thanked everyone for coming to the workshop for the discussion on Green Meadow, primarily, but expected a number of other issues would be discussed, as well. His understanding was the plan for RiverPlace was going to be landing on the counter (in Community Development) on December 15. They are getting closer to the time when the Planning Board, the Conservation Commission and the ZBA would be getting involved, which is why they were invited to tonight's meeting. The Board of Selectmen had taken the reins on a number of things, in preparation of that eventuality, but that does not mean the Selectmen are trying to usurp anyone's authority. They just want to be prepared. As the plan moves forward through the process, they will be handing off a lot of the expertise that they have acquired, a lot of the experience and the people they have put together, to the various boards. He also thanked everyone for their patience and understanding and then recognized Marty Kennedy, Director of Transportation Systems at VHB, who has been retained by the Town to serve as its review consultant.

Green Meadow

- a) **Update on the traffic program**

Mr. Kennedy said they received three documents last week, which represent the future traffic volume projections and some operational analysis, which represents the first phase of the real product that will be coming in. Over the last six or seven months, they have been involved in a series of meetings with the project applicant, town officials, NRPC and the state. When they were before the Planning Board a month or so ago, he was asked to provide a summary of environmental permits that would be required for this project, which was done by one of VHB's environmental scientists, which he passed out. He was also asked to put together a project status, which he distributed, and said that's what he would be speaking to. There is two phases to this project. The traffic reports that have been submitted represent the first phase only, approximately 1.3 million square feet of retail space. The second phase is not included in these traffic volume projections, at this point, which includes an additional 150,000 square feet of office space, a 400-room hotel, 600 units of senior residential housing and an additional 600,000 square feet of retail space beyond that which is under phase one. There were a series of meetings over the last several months, which he listed—when and where they occurred. He put together a brief synopsis of the issues that were discussed, particularly relating to the traffic. The real purpose of the meetings was to identify a study area and to have some discussions on the methodology that would be the project applicant's traffic engineer would be including in their traffic studies and discussions on various kinds of assumptions that would be included. The issues that stood out through the meetings was estimating what the total volume of traffic would be generated by the proposed development. They've convinced themselves that the total number of trips that they are estimating at this point are reasonable. They had a lot of discussion relative to, of the total number of trips, how many were actually new trips or how many were trips already on the roadway system. As they go through this process, they will hear more about the difference between new trips, pass-by trips and diverted trips.

This is a large project that will affect more of a regional area. The distribution of traffic, how people come to and leave the site is critical, from the Town's perspective. The applicant's traffic engineer has made some estimates as to where traffic will be coming from. VHB expected that there would be more traffic than the applicant's engineer estimated

coming from the east, as opposed to traffic coming off and on the turnpike from the west. There will be more discussion on that, as they move ahead. If more traffic is coming from the east, that affects Town roads. There was also some discussion early on about the amount of background growth that should be included in the analysis, as presented. Originally, it was proposed that there would be a 1% growth rate. VHB thought that should be a little higher. There was some discussions with NRPC, thought their traffic model, and since then, the applicant's engineer increased that to 1.10-1.2% per year compounded, over the number of future years. In addition to that, there are a number of other development projects in the area that they will include in their future year conditions.

In the memo, he included about 21 intersections that would be included in the traffic study and a Xeroxed copy of the traffic network that is out of the traffic study that has been submitted. The reason he included that was for graphical purposes; sometimes it's easier to look at a map to see where the intersections are. VHB has not reviewed the traffic volumes yet, but he made a copy of a graphic out of the report, solely for the purpose of being able to get a sense of what intersections are being looked at, at this point. Relative to the analysis conditions, under the first phase--the 1.3 million sq. ft. of retail space--they will be evaluating that for an opening year 2009, both no build and build, with and without their development project, and an opening year for 2019, with and without their development projects and evaluating those conditions, so they will be able to compare the difference with and without. Lastly, the applicant had looked at various options for providing a ramp system on to the Sagamore Bridge road. At this point, Option 6 is the latest option that they are considering, so he included that graphic in his memo. They are at the point now where the real serious review is going to begin. It will take several weeks to go through the document and before VHB able to have any real input for the Town.

Ms. Quinlan assumed that, when Mr. Kennedy said the traffic would be coming from the east, he meant traffic coming up from Massachusetts. Mr. Kennedy said from the east and south, coming up River Road, etc. He was also concerned about traffic coming across 111, Salem, Pelham, that neck of the woods. Ms. Quinlan said then they would be looking at traffic impacting town roads on 111, Dracut Road and River Road, so they'd be looking at trying to make those roads more efficient. Mr. Kennedy thought that might be jumping the gun. The first piece of this is to get all of the information out so they know what the impact is on various roads. At that point, they'd decide what they want to do. Ms. Quinlan asked if Mr. Kennedy's study would be looking at the contributory roads, like Wason Road, which is a cut-through through Hudson, possibly Bush Hill, that whole section of Town. Mr. Kennedy said that was included.

Chairman Maddox said, with respect to the plan expected to arrive on December 15, and in speaking with Mr. Cashell this morning, the presentation by the applicant is expected to be on the first meeting of February, which will give all of the review agencies time to go through the traffic volumes and analysis documents for the first phase of the project. The prints are over 100 pages, so with the holidays, that date will give the reviewing agencies time to go through the documents. Mr. Cashell said the meeting would be the second Wednesday in February. He asked if Marty has looked at the draft site plans. Mr. Kennedy said no, he had not seen them. Mr. Cashell said the site plans, themselves, consist of about 100 sheets, but they are also going to get subdivision plans. He hasn't seen them, but is told they are considerable. They also have a set of plans coming in for ZBA action, having to do with wetlands, so Conservation Commission, ZBA, staff, and the consultants are eagerly looking forward to seeing the subdivision plans and site plans. Taking into consideration the size of what they are dealing with, Mr. Cashell asked if the second Wednesday was sufficient for a full first critique of the plans by VHB, or if they were jumping the gun. They could move it up a couple more weeks, or a month. Mr. Kennedy said he hasn't seen the site plans, but it wouldn't take long to look at them and offer some preliminary opinions. However, a detailed review of a plan that size will take longer. As they proceed through this thing, there will be a lot of different issues, and maybe they should select certain meetings to talk on a particular subject--traffic on one, site issues on another, etc.--so, as the materials keep coming in, some type of a schedule should be set up and take up certain things at certain meetings.

Mr. Cashell said one of the issues Chairman Maddox brought up in their discussion earlier today was the best way to try to handle the first meeting. Chairman Maddox hoped they would have it in a venue that would hold all the people that want to hear it, although it won't be a public hearing. It would be, probably, the applicant giving an hour and a half presentation. After the break, VHB would come in for their part, Weston & Sampson explaining the water, CLD doing the sewer, so all of the Town's consultants would have taken their first pass on this, giving their input. The following meeting, whenever that would be, would be opening it up to everybody's input. Hopefully, that is the plan, but they have to wait to see what it looks like on the 15th. Mr. Cashell said that would be along the lines of a presentation meeting for purposes of educating everybody that is paying attention to this project.

Mr. Sullivan said he and Marty spoke earlier today and one item they talked about was the process of review of the project should be driven by the Town of Hudson. The plans can be dropped off, but if it takes three months to review a plan to the extent of detail that the Planning Board would need to have a meaningful discussion and make an informed decision, that is what it will be. That would be in addition to the meeting Chairman Maddox just talked about, which is the presentation of the plan and a brief overview. A plan of this size and magnitude will take an extensive amount of time on the town's behalf, working with its consultants to review the plan. At this point, the town has three consultants on board that will have some role in terms of review of the process on behalf of the Town of Hudson. The lead agency will be VHB, headed by Marty; CLD's focus in terms of this project, would be with sewer-related issues, of which they are many; and similarly, with Weston & Sampson, the town's water consultant, their specialty area will be that of water resources. Shortly after the plan is submitted, if not before that, he and the Town Planner should convene a meeting with that team on consultants and, on a somewhat regular basis thereafter, to evaluate the progress of the plan. One of

the things they talked about, and recommend, would be to broaden the scope of the VHB role in the review process. They came to that conclusion in terms of a recommendation because they realize there is a significant amount of growth that the town is going through, to begin with. There are several plans pending before the Planning Board now that are in the review process and while they may have a dip in activity now that winter and the holidays are here, they all know from experience that it won't be long or significant, and CLD will still be needed to continue the detail review process of site plans and subdivisions, while at the same time, on a parallel track, that this project is on the front burner, and will be for a number of years. They'd like to expand VHB's role and have them be the go-to people, which they are capable of doing, and have them be the lead people, to whom Weston & Sampson and CLD would report to, and then he and John would conduct the meetings on a regular basis, with Marty and other consultants, as needed.

Chairman Maddox said they have the web site for this project up and running, trying to provide all of the information the Town has. They hope to get the traffic analysis in electronic form, so that will be included on the web site, too. Mr. Barnes asked, once the Planning Board gets the formal application, what the handoff was, if they go directly to VHB, or work through the Board of Selectmen or town staff, asking for items that were outlined in the scoping memo, or additional items of work that might come. He asked what the overall process was for handling that. Chairman Maddox thought that when a plan is on the table for the Planning Board, it becomes theirs for the site plan and they would then be getting input to and from VHB directly. The Selectmen will step aside with anything to do with the site because that is the purview of the Planning Board. The Selectmen will still be involved with the roads outside of the site, along with the sewer and the water because the Selectmen are the commissioners of those areas. The Planning Board will be working with Mr. Cashell, the lead person for the Planning Board and VHB.

Ms. Quinlan said that was part of her frustration with this whole project, as well as with the other ancillary projects that are going to be happening down the road. She didn't think for them to do their usual order of business, for the Planning Board to take a plan and process it is really going to work in projects like this. They are not just dealing with a plan that's going to create a loop road, with its own exit in and out, and be a self-contained unit. They are dealing with, not just this project, but three others across the road and south of this that are going to be coming in, along with the other developments that are currently happening on Lowell Road, they are going to be dealing with a project that's going to impact Wason Road, Bush Hill, Route 111, and she thinks Sean is absolutely accurate in that this is a project that the whole town of Hudson has got to get involved in. It's perfectly well and fine for them, as a Planning Board, to say the Town is going to have to do a taking, widen this, widen that, and they are going to ask the developer to kick in those monies, and they can do that, but if it doesn't happen, then it doesn't benefit the citizens. They have all been reading and hearing about concerns from various people about how this project is going to impact everyone. The Planning Board isn't going to be able to direct Marty to read that 6" of material, and then ask him to come back with a recommendation so the Planning Board can make a decision, if it is not going to have the backing and support of the Board of Selectmen. She didn't know how they were going to bridge that chasm. All along, her concern has been that they have to all be on board and this has to be a town planning project, not just a fiefdom for one group. She didn't know how that would be coordinated, but it has got to be done.

Chairman Maddox said they have a liaison from the Board of Selectmen, and the alternate has been attending, as well, so the Selectmen will be informed of what the Planning Board is looking for. There is also representation on the Conservation Commission and ZBA, so there are people crossing back and forth. There will also have to be a certain amount of written communication.

(Start Tape 1-B)

Selectman Jasper said there have been on-going communications with various boards, including the state, to talk about the possibility of utilizing the right of way that exists from Route 111 to 3A, to take, not only the new traffic, but the existing traffic off of Wason Road and the back roads. That's where they really need to focus. The last thing he wants to see is them talking about widening and straightening all of the existing roads in Town, making a multi-road system that leads to RiverPlace. They've got to concentrate on how to get the traffic off the roads and on to a new road. They've talked about actually having the overpass over Lowell Road. How they make that happen, and the partnership, now and in the future, is the big challenge. It would be a huge mistake to assume they are going to try to fix all the roads in town to take care of this traffic. He hasn't seen the particular numbers, but the roads now are already clogged up. To add any significant amount is just not acceptable. They've got to find an alternative. They've told the State they are interested in figuring out how to use that section of road. The conversation he's had with the Commissioner over the past year has been that the process for permitting four-lane divided highway that the state would build on that is significantly different, permitting-wise, than for the town to put in a two-lane, limited access road there. The state couldn't do it as they originally saw it, but they could probably do it as a town road.

Ms. Quinlan said that was an alternative NRPC had, as well, about a year ago when they were talking about building roads that would alleviate the traffic in the southern tier, in light of the fact that the circumferential probably is not going to happen. A two-lane highway is something that would be acceptable. She asked if the Planning Board was going to receive direction from the Board of Selectmen to see if this applicant, or any other applicant, should get money from them, or a promise or commitment from them, to build a portion and/or all of a two-lane highway that would take them out from Lowell Road to Route 111 on what would have been the circumferential highway. Not the four-lane highway that was too cost-prohibitive to be done by the state. She wondered if the Board of Selectmen expected the Planning Board to get commitments from the developers to build that portion of the road. Chairman Maddox said they did and have been working toward goal to support when it comes to that, but it certainly would be the Board of

Selectmen's direction to the Planning Board to facilitate the traffic that is not going to come over the highway—so, yes. That's the effort they are trying to bring together.

Ms. Quinlan said that was good to know. The other issue is that when they have a project of this magnitude, along with three or four other projects coming down the pike, what the cost allocation procedure is that they are supposed to give for each project. If it is determined that each project is going to have to bear a portion of the cost, their reasonable fair share, how is the Planning Board going to allocate what the fair share is for each project? She didn't want to get into a situation where the next project that comes on, that's directly across from Green Meadow, will say they can't just be giving some arbitrary number for their contribution. How do they figure that criteria when asking for off-site contributions? Chairman Maddox said there was a brief discussion amongst the Selectmen and is most likely something that will be handed over to VHB to try to give them a handle for so they don't fall into the exercise they did recently with not having that data to be able to support the charges brought forth. That is something they are working towards.

Mr. Cashell said they wanted to bring Atty. Steve Buckley into the picture and have him attend the meetings, to review the project, the zoning ordinances and come up with an outline, what the responsibilities are, to explain the project before them, the zoning they are dealing with and that there are a lot of legal criteria that have to be met and dealt with by the various town boards. If he does that, the people who are concerned with this project will have a better understanding and knowledge what the boards' responsibilities are for this project. What he fears happening, as has happened in a lot of communities with big projects that abut residential areas, is that the various concerns of the project start to create a lot of animosity in the community. If they bring Atty. Buckley's explanation of everything involved into the process at out outset, it will help people understand and help the community stay together. All of the boards have legal responsibilities when dealing with this project and they have to exercise those responsibilities in an objective, legal manner. As long as everybody willing to listen realizes that, the community can stay together and not start tearing away at one another. They have to believe in the process and in the system and make sure people don't start backbiting and fighting with one another, which would create a tumultuous situation for the town. It should be a goal of Hudson not to let that happen. The Town will do everything it can to effectively deal with this problem, in an honest and objective manner. He didn't want to see appointed or elected officials get fed up with the process and not be able to deal with the personal impacts that are involved with projects of this magnitude. As long as everyone has an understanding of the legalities involved, the town has a chance to stay together and not become a divided community.

Selectman Massey said, effective today, on the Town's web page, there is a link to RiverPlace. There will be a chronology of all the events that have occurred, and will continue to be posted, as they occur. People will also be able to link to appropriate documents and to view the minutes that contain discussions of Green Meadow. They are also working with other boards to have their minutes posted, too. It has been requested that W/S Development, when they submit documents to the town, they also supply it in electronic form, as well, so it can be posted. The fiscal impact document will also be posted. There is a link to W/S Development, but any document that W/S or any other agency develops will be posted on the town's web site, which is the only official web site because it can be controlled by the town. People will be able to do a global search on the web site by using the key word search, which is strictly for the RiverPlace site. Chairman Maddox said they would also be able to track dollars, which a lot of people have asked about—how the money was being spent for the consultants. Selectman Massey said if anyone had any suggestions for improving the site, to send him an e-mail and he would work with the town's IT staff to make it happen. Mr. Sullivan will be issuing a memo to the various boards and other agencies in town, asking them to provide certain electronic data so the site can be populated as soon as possible.

Mr. Cashell said everything submitted in hard copy form, to date, will also be submitted in electronic form and will be up and running, so the entire public will have the opportunity to look what the town is looking at, except for confidential, legal memos. They want this to be a completely open and fluid process. In order to keep this thing as under control as possible, and people will know who to go to to get questions answered, to have VHB as the town's main consultant point agency, while CLD will be reviewing sewer and Weston & Sampson reviewing water, they will be interacting with VHB so that he, Sean Sullivan, Chairman of the Planning Board, or whoever, will have an immediate point of contact. If anyone has a question, they can call or e-mail him or Sean, and they will be able to get an answer directly from VHB. VHB is thinking about starting to gear up their personnel organization chart for the review of this project. The Town has also started to seriously look at organizing, getting itself ready for this personnel-wise. He appreciates the work Chairman Maddox and Sean have done on that. In the near future, everyone will be on the same page and they will have an assistant town planner to handle the stuff he is doing now so that he can focus more of a full-time basis on this particular project, but also to oversee the work that's going to be done by the assistant town planner. Even though the plans haven't been submitted yet, he spent three hours today on this project, two hours yesterday and a significant amount of time last week. It is building more and more, so the project is becoming a part of his workday experience and there are a lot of people involved. It is incredible how this thing has grown and snowballed already, and it's just going to get bigger. It may come to a point where they have to look at it beyond an assistant planner, and make sure that Sean and Tom Sommers have enough personnel. Besides this one project, Hudson continues to grow, and all of those growth issues have to be dealt with on a daily basis, as effectively as they have been. Staff can't abandon what they are involved in on a daily basis. Everything the Planning Board and all the other boards do for the town have to continue. He didn't know how big the organizational chart will end up being, but when it gets to the stress level, they have to deal with it.

Mr. Cole referenced the voluminous traffic report and asked if it was the final draft of what, exactly, and from whom did Mr. Kennedy receive it. Mr. Kennedy said the report was three volumes which includes existing traffic volumes on the networks, the 21 intersections that are in the study area; it includes the future traffic projections for the year 2009 and 2019, with and without the development projects, so they've included in the report the new traffic that would be generated, and they've distributed it on to the roadway system. They've also looked at each of those 21 intersections and did a capacity analysis, the levels of service, the lay and volume to capacity issues at those locations, and they have the backup information for that. That's where it stops. There isn't a lot of text in there; it's the calculations, so it's not the final report. This is the first phase. It's not the full build-out of the project. He believes there will be additional volumes to this that will have more of what happens after they have the numbers.

Mr. Cole asked if there will be other documents that deal with traffic in phase one. Mr. Kennedy said a typical traffic study would include, not only the technical numbers analysis, but would include more extensive text that really talks about what it all means, and then they'd get into the necessary mitigation, and none of that is in this report. What's required in a traffic study is more than what is in the report he had with him, so he expects more will be coming. Mr. Cole asked if VHB's review of this will be based on the data. Mr. Kennedy said that was correct and believes that's the developer's preference. They'd like him to start looking at the numbers so they don't go too far along, in case VHB didn't think the numbers made sense; they are doing that be design. Mr. Cole asked if the documents Mr. Kennedy had were the result of the various scoping meeting and the methodology that was determined—that the data was collected based on certain parameters. Mr. Kennedy said that was correct. Mr. Cole asked if the parameters were listed somewhere that W/S or their consultant put forward and what the final parameters were that it was based on because he has no idea how that data was arrived at. There had to be a set of parameters that was agreed to. Mr. Kennedy said there were a number of things. They agreed on the intersections that would be looked at. The other side proposed a trip distribution, the different areas where people were coming from, but VHB had a different opinion on that, but there will be plenty of time for those discussions. This report is based on all the discussions they had throughout those meetings and they agreed on the vast majority. They will point out the things they don't agree on , as they go along. Mr. Cole asked if it was fair to say, under the heading of traffic, this report is just a work in progress. Mr. Kennedy said yes. Mr. Cole asked why they would want to put this document on the web site at this time, since there are probably only four or five people within a 20 mile radius that has the slightest idea of what any of it means. He understands the rush to make sure the process is transparent because they've taken hits about that for the last year. At the same time, he couldn't understand putting three volumes of data on the site, which means little or nothing, and which possibly will change. It will only confuse the issue and wondered if it was prudent to put it on the web site. Mr. Kennedy doubted that it would change; it would be a step process. The report has been submitted; VHB will go through it and will raise issues. There will be comments and discussions about the differences and then the other side will come in with the next step of this. He didn't think this document would be revised. He suspects there will be another document that will have more information and more clarity on issues they disagreed on.

Chairman Maddox said he'd like to see it on the web site now, just so they don't have to backtrack later on. He'd like it on from the get-go, to put it on as it is received, whether or not it is irrelevant in two weeks. Ms. Quinlan said her and Bill's concern is what a lot of citizens have expressed, that underneath the ITE manual, which is the god of all manuals of traffic, there is no model for a life-style center. The numbers of traffic that might work at the Pheasant Lane Mall, plus a restaurant, plus a cinema, etc. This project is going to attract a lot of different people for a lot of different reasons, not people just coming to shop, but people coming to shop and take in a movie or take in a canoe ride out on the river. There is no model that will generate a precise methodology of traffic measurement. If they know, with some sort of certainty, that this Town is going to be looking at 50,000 trips a day, then they can plan for that. The boards who are going to be deliberating about whether or not this is a good project, a viable, doable project for the Town are going to be able to make decisions, based upon that number. Instead of a loose set of numbers, they need to have some assurances, but they don't have a guarantee of, under Phase 1, the number of cars coming to and leaving Hudson. They don't even have an estimate with a margin of error; they don't have anything to plan from. That's all that they are really asking because that's what the citizens want to know and what the boards need to know in order to make any decision with respect to roads, improvements, etc.

(Start Tape 2-A)

Mr. Cashell was speaking, saying three or four box retailers on a site like this; 200 smaller retail stores within the complex, putting that altogether, and how much traffic they would typically figure on happening on a daily basis. They can put those numbers together so they will have an accurate traffic count and its multitude of uses on any given day and whether or not the roadway infrastructure that's in place now can handle that with the additions of infrastructure improvements that the applicant is proposing. They can start looking seriously at those numbers and then figure out what Hudson is going to look like, the quality of driving, or lack thereof, the driving experience in this town before and after, build and no build. They can start looking at that and the reason why VHB is on board. Look at other life-style centers that have been built across the country and look at what that community, or series of communities bordering a complex such as that, what the changes are, the traffic impacts, what those communities have done to address the issues. No matter what they plan for and the town decides will be the mitigation measures, maybe will work for the first year or two, but five or six years out, find out they may have undersized roadway improvements, and they are dealing with levels of service at the critical intersections that they didn't anticipate, that the engineers got wrong. The Planning Board knows that this happens, using Dunkin Donuts as an example. The best way they can plan is to have VHB come into the Planning Board with some real good examples of lifestyle centers that are out there and the changes that have happened in those communities.

Chairman Maddox said NRPC has been working with the Town. Their traffic modeling is the best in the state and they have been working with the applicant's engineers and VHB to look at the impacts to regional traffic.

b) **Status of life center projects in other locations**

Mr. Kennedy said VHB checked out a number of W/S development projects—Milbury, MA, which is 789,000 sq. ft. of retail space; Canton, CT, which is 420,000 sq. ft.; and Hingham, MA, which is 430,000 sq. ft. VHB contacted each town to talk with the town planners and town engineers and asked them questions relative to what was presented and what is currently happening. They asked if reasonable estimates on traffic were presented. They also asked questions relative to the economic impacts, whether it was a positive or negative. He would put the details together and get it for them, but generally speaking, the people they talked to said traffic is the big issue. All three towns said there were no serious economic impacts. An issue with the Milbury, MA site, similar to this site, located close to an interchange on to a state highway, relative to traffic, was there was a neighborhood nearby. One of the discussions early on was how much traffic would be going through this residential street. A traffic study was prepared and submitted, which VHB got a copy of. They looked at the traffic projections and then they went out and did their own traffic counts, now that the shopping center is up and running. What they were hearing from the planning department was that, after the project was up and running, there were a number of complaints from the neighborhood, that there was an increase in traffic on their street. What VHB found, when they compared their counts to the traffic impact study that was prepared was that, overall, the total volume of traffic that was generated was actually quite a bit less than what was projected overall. However, the amount of traffic and where it was on which roads was actually higher on the residential street. It's not just about the volume of traffic; it's which roads are going to be used. That will be important in their work here to really take a look at where traffic will be coming from and going to. He'll put this all in a report for the boards, suggesting that the board members might want to make their own phone calls and talk with the town officials to get a sense of things, the before and after.

Mr. Barnes said the three lifestyle centers Mr. Kennedy mentioned are all significantly smaller than what is proposed in Hudson and asked if something more of this size was also looked at. Mr. Kennedy said they looked at other developments that were put together by this developer, and the largest one they had was in Milbury. They have not gone out and looked at other lifestyle centers not done by this developer.

Mr. Cole asked when they would have a copy of the summary. Mr. Kennedy said within the next week or two. Mr. Cole asked if it would be prudent for Hudson's committee chairmen from Conservation, Planning or directors from town departments to call their counterparts in the three cities mentioned to find out what approach the various and diverse groups might think. Mr. Kennedy thought that made sense, but not to bombard them with calls from a lot of different people.

Mr. Quinn said he used to work for Westinghouse in the planning office and they used to do simulations. It bothered him to hear that they found out afterwards that the traffic overflow was going on to residential streets because in the models, there were constraints that when that thing became full, they had to have the overflow going somewhere else. The model should have picked that up. Chairman Maddox asked if that was something VHB would be looking at. Mr. Kennedy said absolutely. The applicant and their traffic engineer is going to present information on where they think traffic is going to go and then VHB will present their thoughts.

Selectman Massey said last year, the Board of Selectmen contracted with NRPC to give some idea of how to solve the problem on Route 102 and 3A. Their traffic model clearly showed that the problem couldn't be solved just by pushing the traffic on to another street. Last summer, they did a model in which they looked at the queuing at Library-Central, Library-Chase and the three triangle intersections in the center of town. He asked if they could ask NRPC to take volume numbers, much like what Mr. Quinn referred to, and have them run scenarios so the town can compare those results to what they get from W/S. Mr. Kennedy saw no reason why the town couldn't do that. In some of their earlier discussions, NRPC was willing to run the model for this project. Selectman Massey said the model should be run more than once, to base it on some perceived flow and then start having the model vary those flows so they could test what would happen in order to have a clear understanding of how the local roads would be impacted.

Ms. Quinlan said it was important that VHB was looking at all of the W/S projects because he was looking at their traffic projections for the traffic to see if, after the fact, the traffic is on point. With respect to what they are looking for from NRPC to do, once the application comes before the Planning Board and they vote that it is a project of regional impact, having them come on board, she's not sure what they are going to do with that process, other than get the various other state and regional agencies involved to be part of the whole planning process. At the last meeting, she told NRPC that with the new I-track project which they are presenting to all 13 communities in the region, Hudson was going to commandeer their individual to do I-track services for Hudson. That's something available to towns, to be able to negotiate with them to have a designated individual come and look at it. If Hudson makes the determination it wants that individual to run traffic models for this project, than that can happen at, allegedly, no cost to the Town. She told the other 13 communities that were there that Hudson had more of a need and would take that individual and the whole \$150,000 grant, but she was shouted down. Everyone did, however, recognize that Hudson did have a significant need for that individual, so that's part of the service. They won't really know that until they actually take the vote and have that application, and then they come on board. She has seen Steve and at least two other individuals at the scoping meetings. Someone from NRPC went on a site walk when the Conservation Commission went out initially to do their site walk. They've been involved in the process and will be there to help with that issue. If not, she'll remind them.

Chairman Maddox said once there is a plan on the counter, which is projected to be on the 15th, they should declare this a project of regional impact so the information can get out to the communities that abut Hudson that will be affected. They need time to look at these documents, as well. Mr. Hall said the way he interprets the RSA is they have to have the application in hand before the Planning Board can take that vote. Not just NH towns are going to be affected. At least Dracut and Tyngsboro will be affected, as well—Tyngsboro Bridge and down River Road. If they ask the applicant to expand the traffic study to include other areas and other towns, would the Planning Board have the authority to ask VHB to also include that in their recommendations? Chairman Maddox said yes. That is part of the planning function.

Selectman Massey said he was talking with a town official from Tyngsboro recently and there are currently no firm plans for when the rehab of that bridge is going to occur. They are looking at the temporary bridge much the same way that Lowell has been looking at their temporary bridge. Mr. Sullivan said he's spoken to the town administrator in Tyngsboro during the summer and he have her his understanding of the project at the time. They are keenly watching the process. He has a contact in Dracut and can contact them, as well. Nashua has been an active participant in terms of attending the scoping sessions, so some of the outreach has occurred by virtue of what the media has printed in the newspaper. Once the regional significance determination is made, he expects that will grow to a further extent.

Chairman Maddox said Salem had a huge mall built, Rockingham Mall, then all of the other development that followed behind. It's a five lane road until it gets to the Mass border, then it goes to two lanes. They need to be concerned about the traffic dispersion after it gets to Massachusetts, so he's certain the Board will request that information.

c) **The advisory committee's thoughts on the issue**

Chairman Maddox said this committee was a suggestion made by Mr. Kennedy in his original document to the Board of Selectmen and asked for the rationale, when there were so many people involved already on the various boards. Mr. Kennedy said that recommendation was made back at the very beginning of the project when they were coming in to talk about what they could do for the review. If it was just going to be the Planning Board and the Planning Board members did not want to be involved in the day to day runnings, it's a good idea to have this kind of secondary advisory committee. What he is hearing, however, is they've got a lot of people already involved, so it may not be make sense to have an advisory committee. Chairman Maddox asked what the boards' thoughts were, saying if they were going to create such a committee, it should be done fairly soon.

Selectman Jasper said he didn't think it was needed and would probably tend to get in the way of the autonomous bodies that are working on this. Having another group out there throwing suggestions is probably not the best way to move forward. He didn't think this would be a positive move at all. Mr. Cole said he would agree with Selectman Jasper if someone could tell him what the mechanism was going to be to coordinate all of the various aspects that are going on that no one single board is capable of coordinating. All the projects that are on the books right now and those 800-lb. gorillas that they know are sitting out there, all the other development that will come, as a result of RiverPlace, the traffic, etc.—the whole thing. What is the mechanism for coordinating that so the right boards and the right committees and the right elected and appointed officials know what they should be dealing with at any given time. If someone can tell him the mechanism, he'd support Selectman Jasper 100%. If not, then they will have to create a mechanism, and it might well be called an advisory committee.

Mr. Sullivan said there was an ad in the paper seeking a contract town planner for services from January through June 2007. He is going before the Budget Committee on the 19th for the full-time staff position as an associate planner, which was a real position within the last 10 years. Through attrition, it was rerouted. The goal is that the associate planner would handle the existing growth in town, without Green Meadow. The secondary impacts associated with Green Meadow, which is a whole lot of work for one person, and then John Cashell's primary responsibility would be the RiverPlace/Green Meadow development. He would provide oversight, as best he can, to John and the associate planner, but they are already a pretty busy department. Once this hits, they will be a very busy department, not only from a planning perspective, but once the first shovel hits. They're not there yet, but they have to think about it. Given the resources they have today—him, John and a contract planner, with assistance from VHB—it is a very challenging task. Chairman Maddox thought it would be Mr. Cashell coordinating through VHB that would make sure all the various boards are advised of whatever, how the reports were being transferred, how the stream would actually run. Mr. Sullivan said he and John would be the go-to people. Mr. Cashell said, in response to Mr. Cole, the whole idea is to try to manage the agenda of the Planning Board on a month by month basis. When he first got here, he was used to having up to 20 items on an agenda, but he learned that isn't the way things are done in Hudson. This Planning Board wants to be thorough and participate and understand everything in a more detailed manner, which is a much better process than what he was used to. He thinks they will be able to accomplish that with this project, in addition to the other developments. The first regular meeting in May is going to be the six or seven projects they are dealing with on an on-going basis, new projects they are approving or denying, so that the first meeting in June becomes pretty much those same items. They would get RiverPlace in every month at the second meeting, or the first meeting, but they deal with RiverPlace on a month by month basis and try to fit in all of the other agenda items in between. At least for this year, they may end up having three meetings a month dedicated to project reviews and forego having workshops. They did a lot of work this past year, not so much planning for RiverPlace, but they got a lot of workshop agenda items accomplished, to a point where they really don't have to do too much of that, at least for the first half of the year. If they get overburdened with projects and review, they may have to forego a lot of the workshop agenda work and focus

on three Planning Board meetings per month, dealing primarily with projects already in the pipeline, projects that have to go through the review process and that they have to deal with. They should be able to handle this particular project and everything they are dealing with on a day by day basis.

Mr. Sullivan said he agreed with Mr. Cashell, but if it comes to the point that the Community Development Department is overwhelmed, as staff members, they have a responsibility to come to the Board of Selectmen to say they need more help. From an administrative standpoint, they are committed to managing this project to the best of their ability and if the workload becomes overwhelming, and he's not suggesting it is at this point, the Board will be hearing from them. They will rely heavily on VHB and their resources and will do the best they can with what they have. It's a challenging task, but they will give it their best shot. On a daily basis, John deals with engineers and property owners. The requests they frequently get from an applicant, an engineer, is when they can be put on an agenda. It's not fair to anyone to put someone on an agenda that is not ready or prepared because Hudson's Planning Board is very thorough

(Start Tape 2-B)

which demands a significant amount of staff time, as well as a lot of appointed and elected officials' time, but they will do the best they can with what they have. It will be a challenge and a learning process for everyone.

Chairman Maddox said, in response to Mr. Cole's question, Mr. Cashell will be the keeper of the gate, keeping the calendars and the transfer of information from various groups. Mr. Sullivan said Mr. Cashell is the point person on this project and he will be helping him. There isn't enough hours in the day for Mr. Cashell to be the only guy doing it. They will share that, but John will be the lead contact. In his opinion, his department isn't slowing down, but is getting busier, from inspections to inquiries to zoning related issues. They are busier this year than they were last year, and the plan isn't even on the table yet. Chairman Maddox asked if that answered Mr. Cole's question. Mr. Cole said not really, but his intention wasn't to put Mr. Sullivan on the spot this evening. The individuals were identified who are going to do things, but he was still interested in the mechanism, how the information is going to get out to the right people. How is Mr. Quinn on the Conservation Commission, or Mr. Seabury on the ZBA, going to know about something coming down the track that may impact them, etc.? What is the mechanism for getting the information out? Is there going to be a matrix, a spreadsheet that talks about various things and where they stand? They all know that on the periphery of RiverPlace is going to be something that no one has even considered in New England, and it is going to have to be coordinated. He's not looking for anything complex, but something that brings them all together. The first area in which they need to be brought together is clarity.

Mr. Cashell said he didn't mind being put on the spot and didn't think Sean did, either, because every day they are put on the spot and have to make decisions. He has had some real productive meetings with the developer, with the peer review people. That level of the project is moving along pretty well. People are working very hard to accommodate the town's concerns and process, what they are going to expect of the developer, etc. A lot of exciting things are happening behind the scenes right now that could really end up benefiting the community in a big, big way. Those aspects of the project will come out as they proceed in the public realm of the project. The whole idea really boils down to him and Sean Sullivan. He has been here four years and he's ready to commit his experience level, his professional being, for this town to go through this entire process, and put all his energies forward with it. He knows Sean is geared up on a daily basis for what is taking place. It's a very busy town, developing hand over fist. He didn't see any slow down. This community is in southern NH with complete access to interstate highway systems and the developers see that capacity going over the Sagamore Bridge, just as he did four years ago when he came up here for the first time during the interview process. He saw a very big bridge going over Route 3, and he thought someone was thinking 20-30 years out. After he got involved, he learned of the circumferential highway, that there was going to be a super highway going through town, bisecting it, connecting to 93 and 293. People were thinking long term and a lot of people have big plans for New Hampshire. He didn't think they could put anything together to increase the number of Planning Board members that could possibly come up with an organizational chart where a sub-committee of the Planning Board, made up of five people, handle all the review projects that they are dealing with on a daily basis, and then another sub-set of the Planning Board handling the review of the RiverPlace project. He didn't think they could put something like that in place. The statutory authority of the Planning Board is the only authority relative to issuing or denying a site plan. Unless they come up with an organizational chart that is approved by the state, some type of organization they don't have right now in place, they are dealing with the Planning Board being the site plan approving or denial authority, the ZBA doing their part, the Conservation Commission being advisory, and the Board of Selectmen playing their role in their capacity with this thing, all based on state RSA's. Unless they work fast and wanted to and think they need to alter what they have in place now, organizationally, they have what they have. They may need additional staff, which they will let people know as they go along, which can be added, if they need to. This isn't going to be a permanent situation. He was looking at a 12-month process they are beginning to face; it may turn into a couple of years, but they will get through it. He thinks the Planning Board will have the sufficiency to get through it, with sufficient staff. It will be a matter of dealing with all of the requests on a daily basis. The Board of Selectmen members and Planning Board members have to realize they are really very busy on a daily basis, and there are a lot of people to accommodate, so everyone has to bear with them. If they're not there, it's for a reason, or if they're not available on a split second notice, it's for a reason. Today, he had a meeting with RiverPlace personnel, which lasted a good two hours, but they got a lot accomplished in that time. When he went upstairs, he had 10 messages. A lot of it is public inquiry, and they cannot not accommodate them; they have to try to answer the question, or point them in the right direction. They don't want a bunch of people leaving town hall, scratching their head.

Mr. Sullivan said that was a good point. When people leave their office, he wants them to feel as though they got something accomplished, their questions answered, or pointed in the right direction. That's customer service, and this project is going to demand a whole lot of customer service. There's a dozen of them who work upstairs. If he had a crystal ball, he could anticipate every question that is asked of them, but that's not reality. In addition to this project, there will be a whole host of inquiries. When he was hired, he committed to returning every phone call within 24 hours, and John does the same thing, so they are on the ball when responding to people, but people do need to bear with them when this project hits because it's going to be a whole lot more work than they have today.

Chairman Maddox suggested they look at Frequently Asked Questions, since a link is included on the web page. If they get the same question a few times, he hoped it would be committed to writing and have it available on the web site, or when someone came in, they could be handed the sheet that answered 90% of their questions. It would save staff time and also put out a consistent message. Mr. Sullivan said he and Selectman Massey have talked about that.

Mr. Cashell said he wasn't going into this particular project naively, even with the magnitude of it. He has been doing this for 21 years. He used to handle a lot more work on a daily basis in Woburn, where he was the planning director for 17 years. He put in many hours there and was responsible for a lot of development. They had over 12 million sq. ft. of development take place in those years, and he was primarily responsible for managing that growth almost single-handedly, with an assistant. So, it can be done, and he is looking forward to it, as a planner. To him, this is a gift of a challenge and he is truly looking forward to it. He wants everyone to know he is committed to getting through this entire process, and it is going to be tough, but he's confident and feels this town can do it. One of his main goals is to keep the town together and not fighting against itself. Chairman Maddox thanked him in advance for his services and asked Mr. Cole if that answer sufficed. Mr. Cole said he was fine for the time being.

Mr. Quinn, picking up of Mr. Cole's concern of how they are going to put this together, said he spent 10 years in corporate planning and industrial planning and they always had a tool, Microsoft Project, and that forced them to do a lot of planning up front in terms of time lines, the relationships between the various elements of the plan, what resources they needed, when they were going to make expenditures, etc., and they published that. They would meet once a month on it and that's how they tied everybody together. Everyone knew where they were in the plan. He wondered if that was available because that was an excellent tool, and it would make their work a lot easier. It sounded to him like there was going to a lot of effort put in, but it was all reactive, being driven by something else. Mr. Sullivan said they can have a process, which they do now—for example if someone needs a wetland permit in a subdivision approval—his recommendation is to start with the Conservation Commission, proceed to the Planning Board, providing it's more than a two family house, then proceed to ZBA, then back to the Planning Board for subdivision approval. That's their standard procedure. This project is so large, it's almost outside the box, so it takes thinking outside the box. He likes Mr. Quinn's idea. In a perfect world, the answer is yes, but this is something they've never seen before, but will attempt to manage it in terms of the permitting process like they have every other project. He can't help but think, at some point down the road, they will think about a wetland impact they didn't think of before. The effort will be there, but it's thinking outside the box. Mr. Quinn suspects there are programs out there for urban planning, and they might want to check that out to see what's available.

Chairman Maddox said the boards need to support staff and when the plans are brought forth for all the projects, if they are not ready, they don't get put on an agenda. Mr. Cashell is a bit of a softie sometimes, in that plans are almost ready. If they are not completely ready by the checklist, they should not come to a meeting. Mr. Cashell has tried to accommodate any number of citizens or groups or whatever, but because of the program they are going to be in for the next X months, they really need to buckle down and if a project comes in that is not ready, it needs not be put on an agenda. This is something they've seen lately and space on an agenda is precious. Chairman Maddox said he is in full support of saying no, and if the applicant has a problem, they can come before the Board of Selectmen. It's imperative they don't have people clogging up the system that aren't ready. That goes for RiverPlace, as well. If they are not ready, they shouldn't be put on an agenda automatically.

Chairman Maddox asked if everyone was in agreement pretty much with Selectman Jasper that there is no real need to create an advisory group.

Ms. Quinlan said it wasn't necessarily on that, but to follow up on what John said about his hopes that the town doesn't turn into citizens and elected and appointed officials all fighting and arguing, and to dovetail into the FAQ's on the web site, one of the things she is frustrated with, and they're not even at the beginning of this process, is how do they dispel the myths that citizens may have of this project. For example, they've all been reading various newspapers and articles and listening to people talk and there have been suggestions that the town should possibly consider a 10-year moratorium on building. She knows that that is patently illegal; it goes against the statues and against the constitution. If they were even able to do that, they would be sued into the next century, not just by this developer, but by any developer. How do they express that to a citizen, who is well meaning and thinks it is a real good idea to take a 10-year period out on growth and figure out where the town was going and put some long-range plans into effect? It's just not legally feasible. By the same token, other myths are, with this development and other developments that are down in this relatively undeveloped area, what's the town's commitment toward open space? Every time she gets a citizen who talks to her about that, her first question is, "What did you vote the last time there was a bond article to raise money for open space?" Most of the time they ask, "What bond article?" Or they sheepishly say they didn't vote. At that point, she tells them, like every other person, they wait until the wolf is at the door before they start screaming there is a wolf.

All of them who are sitting there have put in years of service to the town, as have other people on other boards who aren't represented tonight. They are saying to the town they may want to think about some open space and saving money towards open space. It would be helpful if the citizens would educate themselves and be part of the process, but people are busy and they are living their lives, and doing the best they can do for themselves and their neighbors and their community and they can't hold that against them. One of the things she'd like to talk about is when land is taken out of current use, that money is put into a fund to buy open space. She had asked John if he had a dollar figure for what the town has allocated to the purchase of open space. Mr. Cashell said he was told that it was close to \$1 million. Ms. Quinlan said there was some talk about some on-site versus off-site mitigation. They were going to be given this large parcel of open space and what they've been hearing from the citizens who have been vocalizing it in the newspaper is there is this big interest now in the citizens having them allocate some portion of open space. If that's part of what the Planning Board is going to be discussion, and the Conservation Commission addressing, what is the Board of Selectmen's plan for some on-site or off-site mitigation in terms of this project and what they could potentially promote to the town as some open space, if this project is fully built out the way it's supposed to be? Are there any plans in the offing? Chairman Maddox said there are ongoing discussions about some parcels that may be in that realm. It's something they are working on and will keep them apprised when they can.

Ms. Quinlan said, and the commit would be, during this development process of RiverPlace, if there was a parcel that was identified, and if the applicant had indicated that they would be willing to contribute some monetary amount, they would then bring that to the Board of Selectmen because they are the spending authority, in terms of whether or not they are going to purchase or be on board with that, and that would be something that this \$1 million that is allocated would be available for the purchase on an open space parcel? Chairman Maddox said that was correct.

Chairman Maddox called for a recess at 8:54. The meeting resumed at 9:10 p.m.

(Start Tape 3-A)

Chairman Maddox asked if Mr. Kennedy had any further input from VHB's perspective, after hearing the questions and comments. Mr. Kennedy didn't have any questions, saying he had the picture. Chairman Maddox asked if anyone had any questions for VHB. Ms. Quinlan asked if Mr. Kennedy was going to be present on a regular basis, or if it would be upon request. Chairman Maddox said when the plan is put on the counter on the 15th, they will start working on it and would be providing an update.

Mr. Cashell said once the plans are submitted, along with all of the documentation that goes along with that, VHB will look through everything and provide the Town with an initial idea of when they would be able to come back with their initial critique of the information and to produce their first written reports of what they've looked at. Ideally, it would be a matter of having the first public hearing scheduled after they've been able to look at everything, give a critique of the first set of plans and, possibly, be dealing with the first set of revised plans, if necessary, and those would be the plans the Planning Board would be dealing with at the initial public hearing. Working with Marty when the plans are submitted, Mr. Cashell said they'd be able to figure out a time frame for the board to schedule that first public hearing. That decision will probably come after the first couple of weeks, after the material is submitted. If the plans are submitted on the 15th and there are no glitches, they are dealing with a seven day time frame, in which anything is going to be done with any type of sincere effort, before the holidays start. He'll be working with them; he's not going on vacation. They'll be able to figure out the best time to present the plans, or to schedule the first public hearing. Maybe as late as January 3, when the Planning Board has their first workshop, that's when they'll decide the appropriate date to have the public hearing. Worst case scenario is the second Wednesday in February that they have the first public hearing, and probably the most appropriate date, if the plans are submitted on the 15th. Chairman Maddox said they don't want to do it until they are ready. Mr. Sullivan said the consultant has to be ready, too. Mr. Cashell said they're not in a situation where they have to go rushing into a public hearing. It may not be until the first meeting in March. Agenda time is precious and they don't want to waste anyone's time by bringing something forward that isn't completely ready—and this project will require a lot of review with a lot of questions that will need to be answered because the radius of impact is huge, and might even grow into Massachusetts. There's a lot of things to be taken into consideration with a project of this size.

Selectman Jasper thought Suellen's question was when was the Planning Board going to see Marty Kennedy again. Ms. Quinlan said her question was answered in a veiled sort of way, but she was used to and understood "John-speak," and she believed she would probably see Marty sometime the second week in February, if not before, once he's had an opportunity to review the plan, once it is on board, and he'll be worked in as part of the agenda. Mr. Cashell said the whole idea of the first meeting was to give the applicant sufficient time to present their plan and for VHB to critique it.

Mr. Barnes said beyond the first meeting, any time this project comes to the Planning Board, he would expect someone from VHB to be in attendance at that meeting. This will be an on-going relationship and they will always be there when they are reviewing the project. Chairman Maddox said they will also be at Conservation and ZBA, also. Mr. Cashell said he and Mr. Sullivan talked about this aspect of VHB, which is growing in significance. This is a major project for a company, such as VHB, and VHB is going to be playing a major role, which will probably go beyond a year, into the implementation phases of the project, if it is approved, and VHB is ready to commit to a long-term involvement, to be the review consultant for this project. They are the peer consultant and are committed to the town, seeing the project through to fruition. He didn't see any threat to that, unless they are pulled in all kinds of directions.

Mr. Cole referred to something Mr. Quinn said about Office Project, thinking about the basic managerial skills, asked if anyone could define what the goals were here, using the Planning Board as the vehicle with regard to RiverPlace. He is pretty sure he knows what W/S's goal is—to receive site plan approval not later than such and such a date. A goal needs to be attainable and quantifiable. The Town's goal is to vote on the W/S-RiverPlace site plan not later than a set date. They can change that date, based on reality, but he asked if they agreed that's what the town's goal should be. Chairman Maddox said Mr. Cole should quantify his question a little better and asked if Mr. Cole's goal was to vote on RiverPlace by August 31st. Mr. Cole said he wasn't setting a date; he was suggesting that the town's goal, using the Planning Board as the vehicle, but the town—because it's a community effort, a community-impacted situation—the goal should be to have a vote on the site plan for RiverPlace—date specific, but they can change it later—but that's the goal. Is it attainable? Yes. Is it quantifiable? If they vote, they know it is and if they don't, they know they didn't vote. Out of that goal comes various objectives—little bubbles, called objectives. Mr. Seabury is going to have one for the ZBA to, for instance, resolve all ZBA-related issues not later than such and such a date. Mr. Quinn will have a bubble for the Conservation Commission to resolve all conservation issues—dredge permits, wetlands special permits, etc.—by a certain date. And the Board of Selectmen are going to have a bubble, such as traffic issues. From those bubbles, action plans will emanate—all of the things that have to be done for the Planning Board to complete its bubble. Once all those bubbles—those objectives—have been reached, they will know whether or not they achieved the goal. He asked if they agreed that the goal was to eventually have a vote on a site plan for a project referred to as RiverPlace.

Mr. Cashell said he had no doubt that it would get to that eventually, but he didn't know how long that would take. Mr. Cole asked John to give him another goal if that wasn't the right one. Selectman Jasper called for a point of order, saying this wasn't a debate and discussion needed to go through the chair. Chairman Maddox said that's where he was headed. Mr. Cole asked the Chairman to poll the members to see if that was the goal, or what the goal should be, or if they even have a goal. Chairman Maddox thought that would be a general goal. Selectman Massey raised a point of order and said if they have no more questions for Mr. Kennedy, it would be appropriate to let him leave. Chairman Maddox said Mr. Cole was the only one who submitted any questions to the Planning Board chairman, some of which might pertain to Mr. Kennedy. Mr. Cole said Mr. Kennedy was the subject matter expert, so if they are going to talk about their collective organizational skills, or lack thereof, Mr. Kennedy could probably give some good advice to put them on the right track, but he can't believe that the community of Hudson was going to wander down a road without an ultimate goal having been identified.

Selectman Jasper said he's never considered the job of the Planning Board to be goal-oriented. That's the job of the applicant. He sees the job of the Planning Board to be process-oriented. They have a process to go through in helping the applicant achieve his goal, but in terms of the Planning Board's goal, the only goal it should have is to treat the applicant fairly, according to the process within the law. It would be irresponsible to even consider what the date might be because that's totally arbitrary. They don't even have all of the elements brought into this, so it didn't make any sense to say they've got to have this done by September whatever. What is relevant is there are statutory obligations within the process they need to be mindful of. There are also extensions that are possible there. He is sure the applicant is going to be reasonable in this process, understanding that this is something the likes of which the town has never seen before. He thinks the goal of the town and the Planning Board should be to treat the applicant fairly, in a judicial manner, and make sure this plan is either approve or rejected, based on its merits, according to the statutes and zoning. Beyond that, they shouldn't have a goal. Selectman MacLean said she couldn't have said it any better, and she agreed.

Mr. Hall said, having been a Planning Board member for 13 years, never thought of the planning process as having goals. They are to see that the regulations are followed and sometimes that takes a long time and sometimes it doesn't. It depends on the quality of the information provided by the applicant. Sometimes it comes fast, sometimes it doesn't. The more complex the project, the more time-consuming that is. His goal is to see that the town is protected and treated fairly and everyone's rights are respected and that is not necessarily time-sensitive. The Planning Board is provided with all the information necessary to make an informed, proper and legal decision. All of that takes varying amounts of time and effort. Oftentimes, the applicant's idea of what that might take varies tremendously with the Planning Board's expectations. How fast the process works depends on how close those two are, but he didn't consider it a "goal."

Chairman Maddox guessed it was a goal, but they've never looked at it in the same terms as Mr. Cole has described. They want to make sure the ZBA information is brought to Conservation after it has gone through the Planning Board—all of those steps, but to have a date certain on any one of them was ever really done. He asked if Mr. Cole's question had been answered. Mr. Cole understood they were not goal-driven and, perhaps, misunderstood him, saying he didn't say it needed to be date specific, that it could be moved around as need be, but by setting a goal gives the other participants—ZBA, Conservation, etc.—an idea of how they might want to structure their proceedings over the next month, months or years. He didn't know how long it was going to take. Chairman Maddox asked if Mr. Cole had any other questions for Mr. Kennedy because, if not, Mr. Kennedy could leave because they were going to be discussing things other than RiverPlace. Mr. Cole said he'd defer to Mr. Barnes, who had some questions, as well.

Mr. Barnes said there were a couple other things in VHB's outline of services that didn't seem to be tied to receipt of the plan and the traffic study. One was the database of environmental studies and collection of environmental information about the site that could pertain to the Conservation Commission. He asked if any of that has started. Mr. Kennedy said the first piece of that is what he handed out tonight, a list of the various environmental permits and a little discussion about them and what kicks those in. Once the plan is submitted, they'll be doing as much review as the Planning Board wants them to do, relative to those. Mr. Barnes said, "perform a database search of available federal

and state files to identify available information relevant to the environmental characteristics of the site,” which is the one he was picking up on. VHB was going to review the existing by-laws and other statutes, as it may apply. He wondered if any of that had been done. Mr. Kennedy said no. They originally put that together as these were the things they could do. As he heard tonight, they are going to be asked to do additional things. He’s expecting to work with Sean, asking him what the most important things are and when they are wanted. He expected that would vary, depending on what is most important. If that particular item, or something else, is important to those present tonight, let him know and they will focus on that.

Mr. Barnes said as they are going through the process and asking Mr. Kennedy for different items that may or may not have been included in the outline, asked what the process was for requesting them. Put in writing or verbally during a meeting, etc? Mr. Kennedy said he’d prefer that information and requests be funneled through Sean to him. That would work the best for him. Mr. Barnes asked Mr. Sullivan is he’d like to have a formal memo written to him so he could keep track of everything. Mr. Sullivan thought that would be wise and e-mail would be another option, but he gets 30 or 40 junk e-mails a day, so sometimes it’s hard to decipher junk from the real stuff. Perhaps, the old-fashioned way would be best because that would be foolproof. Mr. Cashell said, on that issue, he’d like Chairman Maddox to have a discussion with the IT people. He’s been putting forth a request for a new e-mail address for quite some time because his e-mail is so backed up now, he hasn’t gotten anything since November 11. It has been so infected with spam, e-mails can’t get in. He needs a new address for people he has to correspond with. Chairman Maddox asked Mr. Malizia to take that as an action item. Ideally, he’d like to see all of the town boards have e-mails through the town, but it is still an on-going project. The Board of Selectmen is trying to get this in-house, so a lot of this information could be distributed electronically to all of the members, and there would be a paper trail.

Mr. Cole had a couple of follow-ups. Earlier, when they were talking about the web site, they talked about Sean being able to put something on there that laid out the procedures they are using for the accountability of funds, both taxpayer and developer funds. He asked what monies they were talking about, so far, both taxpayer and private, what accounts have been set up, the accountability of the money—there was money for the water tank and for financing some of the VHB work right now—so he could get a flavor for how some of the money was being accounted for, and what money they were talking about. Mr. Sullivan said the money he’s been involved with directly would be the money for the review and participation of VHB during the trip generation methodology that Marty alluded to earlier. The initial \$15,000 deposit made with the town has been managed through the Community Development Department. They have expended nearly all of that money to date, with about \$1,000 balance. Most of that was paid to VHB, with one minor bill in the interim. There are monies that Town Meeting has authorized, a \$25,000 carry-over from last year and \$100,000 appropriation that became available July 1. There have been nominal amounts spent from that total dollar value that he estimated being less than \$5,000 at this point. They anticipate, and he’s had discussions with Mr. Vydra and officials at W/S, that they have committed to a \$40,000 deposit with the town for the contract planner for a six-month period, from January through June 2007. He has also asked for another \$15,000 deposit from the developer, so they can have monies available to continue to pay VHB for their traffic analysis services for the project. He had an additional discussion with Ed that it would be prudent that, perhaps, on a quarterly basis, W/S makes a deposit with the town and it would be the town’s responsibility to track the expenses made from any account that W/S would make. That information would subsequently be made available to the Selectmen, Planning Board and W/S Development from an accountability standpoint. As they would approach the next quarter, they would evaluate what the anticipated expenses are and agree upon a deposit. If they can’t agree, they have the taxpayer funds available. W/S has been agreeable to participate in the cost and the goal is for them to continue doing that. Chairman Maddox said that information would be on the web site, also, which is what he thought Mr. Cole was asking. That information would be on a spreadsheet on the web site.

Selectman Jasper said the hour was late and he was present for a meeting with the Planning Board and the Board of Selectmen, not for a question and answer session with town staff. There can be a more appropriate forum for that. If they are going to have a workshop between the Board of Selectmen and the Planning Board and the other boards, that’s what they should be doing. That’s what was posted and that’s why he was present and if there were no other questions for Mr. Kennedy, he ought to be excused and allowed to go and that last question wasn’t to him at all. They ought to focus on the purpose they are there and if there is nothing else for Mr. Kennedy, he should be excused. Chairman Maddox asked if Mr. Cole had any further questions that would involve Mr. Kennedy. Mr. Cole didn’t think so. If fact, they could let staff go, too, because his next question wasn’t for them, either. At this point, Mr. Kennedy, Mr. Sullivan and Mr. Cashell left the room.

Mr. Cole said the last question he had submitted, in response to Chairman Barnes’ request, was dealing with procedures or rules of order supporting the anticipated participation by the people, as a result of the potential development at Green Meadows. At the board’s last meeting, they talked about a couple of items, one of which was to have the meetings that were relative directly to

(Start Tape 3-B)

held at a venue, other than here in town hall, a venue that was capable of holding at least 100 people. That passed as a vote by the Planning Board, for at least the first three meetings. The next one he brought up which didn’t pass by the Planning Board was that when they deal with the Green Meadow-RiverPlace project, that it be a stand-alone item, a stand-alone agenda. Mr. Barnes agreed that that was not approved. Mr. Cole said he heard tonight from the Town Planner that he was suggesting the Planning Board have three meetings a month, and believed he inferred they would have a stand-alone meeting for Green Meadows during one of those. He asked if his inference was correct. Mr. Barnes

said the first meeting, at least, would be totally dedicated to that, which is appropriate. Follow on meetings would probably depend on how much material needed to be covered and what the past history of the meetings had been. If there was a lot of input at a lot of the meetings, and a lot of people attending them, then they would need to be in places that can accommodate a large number of people and they have to structure the agendas so they can spend sufficient amount of time on that. The last time they had the presentation on the conceptual, it was planned to take the first two hours of the meeting, but went beyond that. They need to be sensitive to what the needs are from people to get the information out, to hear their comments, but to have a specific, rigid requirement that it only be at a meeting by itself all the time is not necessary. They should, however, take the people's needs into account.

Chairman Maddox said the town was looking to find a venue and thought it would probably be the Community Center for the first three meetings. The first meeting would be presentations by their people and the consultants. They'd then open up the second meeting to probably some amount of time for what had changed between that meeting and the second one, and then public input. That one could go the entire evening of just public input. The third one is still up in the air. They will look at the amount of people coming to the meetings. People may be riveted to their televisions and may not attend in person. If there are only 12 people in the audience, they will probably come back to town hall.

Chairman Maddox asked if there were any other questions with regard to RiverPlace. Mr. Cole said he didn't have any more questions. Mr. Barnes said the RSA and zoning and sub-site regulations specify a particular amount of time, from the time an application is presented to them and they accept it until they actually take a vote up or down. He thinks in the RSA's, it's 65 days and in the site plan regulations, it's 90 days. After that, if they can't come to some kind of an agreement with the applicant, the applicant can appeal to the Board of Selectmen to direct the Planning Board to make a decision. The regulation is there to avoid a situation where the Planning Board just kind of stonewalls something and refuses to make a decision. When they have the application in front of them, he's going to ask the applicant to give them a waiver on that because everybody recognizes that this is going to take a much longer amount of time than what the statute and the regulations allow. He wanted to make sure he has the support of the Board of Selectmen in asking for that because it could come to a point when the applicant would go to the Board of Selectmen, if the applicant perceives they aren't getting enough attention from the Planning Board or the Planning Board was shirking its duty. He wanted to make sure the Board of Selectmen was aware of what he was going to be asking the applicant for.

Selectman Jasper said it's not just that the Board of Selectmen can direct the Planning Board to make a decision; they can grant an additional period of time. He would hope that the applicant would realize that the normal time frame is not going to work very well with this project, but if they didn't, he would support the extension. At that point, if there was still too much information, he'd support the Planning Board having to deny or turn down the project because it didn't have enough time to review it properly. His goal is to make sure the Planning Board has ample time and information to make the right decision for the town. This is going to impact this town beyond any of their lifetimes.

Selectman MacLean wasn't comfortable with a blanket waiver. When they get the plan, they could maybe agree on a time frame, and when that gets closer, move it out, if they have to. Mr. Barnes said Mr. Kennedy said, in his report, that he expects it could last as long as a year to do all the reviews. Selectman MacLean said then that's what they could agree on, so everyone has a certain expectation. Even if it is two years, that would be some idea, instead of just issuing a blanket waiver. There should be a date agreed to. Ms. Quinlan said it's not that the Planning Board isn't going to pay attention to this or shirk their duty. They're not asking for a blanket waiver for those reasons. It wouldn't be for that purpose. It would be because, as Marty indicated, just to do the reviews it would be—this is going to be the first time that, since she's been sitting on the board, they've done the actual statutory vote that this is a development of regional impact, a so-called DRI, and as a result, that sort of sets up a whole bunch of unknowns. She has no idea what NRPC is going to do with respect to notifying its sister agencies in the commonwealth, but the Southern Regional Planning Commission in Manchester, Rockingham, etc. and what that will do to the process—probably delay it or slow it down. They will come in, review it, bring people on board, look at what they are going to do in their regions, they bring that information back—it's just not doable in 90 days. Even to arbitrarily set a date, like Mr. Cole said, to be goal-oriented, it's just not something they are going to be able to do with this project. What they have to do is work it through, due diligence, just as they do with every project before them and make sure, if they need additional time, they will get it. That's what she is hearing the Board of Selectmen will give them.

Mr. Hall said he feeling is they wouldn't even raise the issue. The applicant is well aware that this is a very large project, involving an awful lot of information and it's not going to get processed in any specific time. If they get to the point where W/S thinks they should have made a decision, then they reach that impasse and they don't grant extensions. To start out by saying they need a waiver and then arguing about how long it might be is not productive. They've had plenty of projects that have taken more than 65 days because the applicant hasn't provided the information they asked for. To start out saying they need to argue about how much time is necessary is not productive. The only time that becomes an issue is when the applicant figures that they've provided everything that they needed to provide and the Planning Board is stonewalling them by not voting, then they feel they have to force it, but most applicants know that if the Planning Board figures they haven't got enough information, there's only one way they are going to vote, and then they want to take the legal course. If they get to that point, they have a problem, anyway. The best way is to go along in good faith and assume they are going to provide the information they need in whatever time it takes, and let it go.

Selectman Massey agreed with Mr. Hall and also with Chairman Barnes. As a member of the Board of Selectmen, he would support the Planning Board in any need to extend the review period, but Mr. Hall is spot on that both sides to this project understands that it's a monumental task and not something that is going to happen within a finite period of time. They are going to know, as they go along, how much more information they need and whether they are getting it, or not. He would not want to see some artificial date proposed at the beginning, but he would support the Planning Board, if they need to have any extensions granted. Chairman Maddox assumed that all of the information would be provided and the board would work diligently, and then he would say, "continue on," but to remember that the last part of this is they can go to court. They need to show they are doing everything they possibly can, and that's what the Selectmen would look at before they just blanket grant a "continue on." They all know the process, so he didn't think they needed to put it to a vote. They will do what they do and the town will do what they do and everyone understands the process. He asked if there was anything else in regards to Green Meadow. There was no response.

d) **Additional topics for discussion**

Chairman Maddox asked if there were any other issues from the Planning Board. There was no response. He asked if there were any issues from the Board of Selectmen.

Mr. Hall said on tomorrow night's Planning Board agenda, they have the issue of the minor site plan approvals and he wondered if they should discuss that with the Selectmen. Chairman Maddox said the Board of Selectmen saw it and the consensus was it was something they would like to see the Planning Board look at to try to take away some of the pressure on a Wednesday night—flag poles, transformer pads, etc. There was a whole criteria that had checks and balances to it, so he hoped it was something the Planning Board would vote on as soon as possible. If it becomes a problem, they will back up and take a look at it again, but they have the staff in place today that has the history that understands a lot of the site plans now. When it was brought to them a couple years ago, people had just started, and they had some bad experiences. Current staff understands the Hudson zoning requirements and, hopefully, they will be able to make this work and take some of those site plans off of the Planning Board agendas. Selectman Massey said there is also a circuit breaker in there in that it is possible that two or more people could request that the site plan actually come before the Planning Board. The key to the whole thing was there has to be an approved site plan before somebody can come and request the process to be used. In other words, if there is not an approved site plan, that mechanism wouldn't be available to the applicant. If they have an approved site plan, but have outstanding violations and the minor site plan they are bringing forward does not correct those violations, they also wouldn't fall under that.

Mr. Hall said he'd like to see happen, and hoped it would have happened sooner, but the Planning Board didn't have confidence in the staff that was turning over pretty fast. They are confident that site plan regulations are going to be protected, but they are at the point where they could save an awful lot of time on trivial issues that the Planning Board spends a lot of agonizing over. It's time to give it a try.

Chairman Maddox said for the Planning Board members whose terms are up at the end of the year, he hoped to see them before the Board of Selectmen next week. There were no further questions or comments.

5. **ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman Nadeau, to adjourn at 10:0 p.m. carried unanimously.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Shawn N. Jasper, Vice-Chairman

Kathleen R. MacLean, Selectman

Kenneth J. Massey, Selectman

Benjamin J. Nadeau, Selectman