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**HUDSON PLANNING BOARD  
MEETING MINUTES  
March 14, 2007**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:01 p.m. on Wednesday, March 14, 2007, in the Town of Hudson Community Development Conference Room.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

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

**Members**

**Present:** James Barnes, Suellen Quinlan, Marilyn McGrath, George Hall, Vincent Russo, Richard Turcotte, and Richard Maddox (Selectmen's Representative).

**Members**

**Absent:** None.

**Alternates**

**Present:** William Cole, Brion Carroll, and Ken Massey (Selectman's Alternate Representative).

**Alternates**

**Absent:** Robinson Smith (Excused).

**Staff**

**Present:** Town Planner John Cashell, and Assistant Town Planner Cynthia May

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes noted that no alternates needed to be seated since all regular members were present.

Chairman Barnes noted that there had been a request to take the Greeley Park Lights case out of order. Adding that it looked as if there were a number of people in attendance with interest in other cases on the agenda, Chairman Barnes then asked the members of the Board if they felt that case should be taken out of the order or heard as published in tonight's agenda. The consensus of the Board was to hear the cases in the order published in tonight's agenda. Chairman Barnes then stated the cases on tonight's agenda would be taken in order.

**V. MINUTES OF PREVIOUS MEETINGS**

Chairman Barnes noted that there were no minutes to review at tonight's meeting.

**VI. CORRESPONDENCE**

Chairman Barnes noted that items of correspondence received in tonight's packet would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

**VII. PERFORMANCE SURETIES**

**A. Gates Lane – Release of Maintenance Bond  
Letter of Credit # S901404, Amendment No. 001, \$15,400.00**

**Reference: memo dated February 26, 2007, from Tom Sommers to John Cashell.**

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

Ms. McGrath moved to release the maintenance bond for Gates Lane in the form of Letter of Credit # S901404, Amendment No. 001, for \$15,400.00, in accordance with the written recommendation of Town Engineer Tom Sommers. Selectman Maddox seconded the motion.

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

**VIII. OLD BUSINESS**

**A. Bradley Motors (Addition)  
SP# 16-06**

**Map 190/Lot 189  
42 Lowell Road**

**Purpose of Plan: To construct a 50 x 62 foot addition onto the rear of the existing building for internal vehicle display (vs. existing outside display) as well as a 5-foot by 8-foot covered entrance/storm enclosure. Hearing. Deferred Date Specific from the February 28, 2007, Planning Board meeting.**

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

Assistant Town Planner May noted that the easement documents were still being put together, adding that they were currently being finalized by CLD (Costello, Lomasney, and deNapoli, Inc.). She noted that a letter in tonight's packet from Mary Bradley stated that she promised to sign the required sidewalk easement document.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said that a CAP fee of \$1,598.00 had been set at the last meeting and that several minor changes had been made to the plan as requested. He then concluded by saying that he thought the plan was all set.

Selectman Maddox moved to approve the Site Plan application entitled: ***Bradley Motors, 42 Lowell Road, Map 190/Lot 189, Hudson, NH***, prepared by Maynard & Paquette, Engineering Associates, LLC and dated August 28, 2006, last revised March 7, 2007, consisting of Sheets 1 and 2 and Notes 1 through 18, in accordance with the following terms and conditions:

All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Site-Plan-of-Record.

All improvements shown on the Site-Plan-of-Record, including Notes 1 through 18, shown on Sheet 1, shall be completed in their entirety and at the expense of the applicant or his assigns.

A Cost Allocation Procedure (C.A.P.) amount of \$1,598.00 shall be paid prior to the issuance of a Certificate of Occupancy, subject to annual inflation indexing as permitted by the impact fee methodology.

The applicant shall complete pavement removal and landscaping in accordance with the previously approved site plan, entitled: ***Bradley Motors, 42 Lowell Road, Hudson, NH***, dated May 5, 1997, and revised through June 30, 1997, prior to issuance of a building permit, and in accordance with the site plan of August 28, 2006, last revised March 7, 2007.

Prior to Planning Board endorsement of the site-plan-of-record, and prior to the issuance of a building permit, the Lowell Road Sidewalk Easements, for 42 Lowell Road, shall be signed by the applicant. The site plan shall be revised to incorporate the meets and bounds description as defined in the easement documents, which include a temporary construction easement, and a permanent sidewalk easement.

Prior to the issuance of a final certificate of occupancy, an LLC-certified "As Built" site plan shall be provided to the Town of Hudson Community Development

Department, confirming that the site conforms with the Planning Board approved site plan from 1997.

The applicant's engineer and/or contractor shall contact the Town to schedule a preconstruction meeting, which will be held with staff prior to starting construction.

Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays.

This plan shall be subject to final engineering review and approval.

Ms. McGrath seconded the motion.

Ms. McGrath requested that stipulation number 5 be changed to read "Prior to Planning Board endorsement of the site-plan-of-record, and prior to the issuance of a building permit..." Selectman Maddox concurred, accepting this as a friendly amendment.

Mr. Russo questioned the wording of stipulation number 6, asking why this plan did not include the 1997 plan—adding that one could not conform to two plans. Selectman Maddox expressed agreement with Mr. Russo. Mr. Cashell said the new plan referenced the 1997 plan. Mr. Maynard said Mr. Russo was technically correct, adding that the 1997 plan did not serve any purpose.

Selectman Maddox said he would amend his motion to change stipulation number 6 by deleting the words "from 1997" at the end of the stipulation. Ms. McGrath concurred.

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

## IX. NEW BUSINESS/PUBLIC HEARINGS

**A. Power Street Substation  
SP# 02-07**

**Map 167/Lot 009  
Power Street**

**Purpose of Plan: Construction of new power switching substation and access road for modernization of existing facilities. Application Acceptance & Hearing.**

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

Mr. Cashell said the plan was ready for Application Acceptance.

Mr. Hall moved to approve Application Acceptance. Ms. Quinlan seconded the motion.

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

Mr. Hutton Snow, from PSNH, discussed the desire to build a power switching substation at the end of Power Street.

Atty. Weitzan, a PSNH consultant with AI Engineers in Middletown Connecticut, described the building, saying it would be a switching substation, adding that there would not be any transformers. He said the applicant wanted to build a new access road to the building. He said the drainage would be split, some to a pond and the rest to a normal path. He said there were no impervious surfaces. He noted that the facility would be gated. He said there would be an emergency gas generator as well as communications lines.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition.

Mr. Joe Potzaer, Power Street, asked if there would be security lighting. Mr. Weitzan said there was no plan for security lighting. Mr. Hutton said that typically there was security lighting but that it would be deflected so as not to impact Mr. Potzaer.

Mr. Potzaer asked if the existing access road would be redone. Mr. Weitzan said it would be regraded, adding that there was a gate there now.

Mr. Peter Linsey, an abutter, asked about the access road. Mr. Weitzan referenced the plan and described the new access road, saying it was all on PSNH property.

Chairman Barnes asked a second time for public input and comment, in favor or opposition. No one else coming forward to provide input, Chairman Barnes asked if the members of the Board had comments or questions.

Ms. Quinlan asked if there would be any noise. Mr. Weitzan said there would not be any moveable parts, adding that the switches were mechanical. Mr. Snow said if something were to trip, a noise would be heard.

Ms. Quinlan asked about the traffic. Mr. Snow said there would be construction equipment during construction but then only an occasional pickup truck after that.

Ms. Quinlan asked about the lighting. Mr. Snow said that typically there would be 300- to 500-watt quartz lights. He said the lights would be on the structure and in the yard. He said the lighting would be 15 to 20 feet high.

Ms. Quinlan asked if the area would be fenced. Mr. Snow said that it would be.

Mr. Carroll asked if the structures would be 30 feet high. Mr. Snow said they were, adding that was in the same range as was there now. Mr. Carroll asked about line pole placement. Mr. Weitzan referenced Sheet 5 of the plan and described the location of the new poles.

Selectman Maddox asked how staff could have reviewed plans signed on March 13, 2007. Mr. Weitzan said the applicant had submitted the plans for review. He said he

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had told staff that the plans would be signed and stamped before the case came before the Board. Mr. Carroll noted the plans were signed on February 20, 2007.

Chairman Barnes stated that the plans the Board had been given were different from the plans being presented at tonight's meeting. Mr. Weitzan said the plans were the same. Chairman Barnes said that Sheets 3 and 5 were dated March 5, 2007. Mr. Weitzan said the plans had to be submitted by the 6<sup>th</sup>, noting that everything was done and sent in but not signed. He said the only difference in the plans was the signatures and stamps.

Mr. Carroll asked if there would be an increase in the electronic influence in the area around the substations. Mr. Weitzan said there was no scientific evidence to support the idea that electromagnetic energy caused by power lines was a health hazard. Mr. Hutton said it would not be any different from what was there now.

Mr. Hall noted a lot of new poles. He asked about the size of the generator. Mr. Hutton said it would probably be 125 KW.

Mr. Hall referenced Sheet 4, saying there was a garage on Lot 167-19. Mr. Weitzan said things shown on the plan were taken off the Town tax maps, adding that there was a discrepancy between the tax maps and the surveyor's map. He said he did not believe the garage was in the easement. Mr. Hall demurred, stating that the entire garage was inside the easement.

Mr. Hall said the lighting must be shown on the plan.

Mr. Russo asked if the abutters would hear the generator. Mr. Hutton said the generator would not be used very often.

Mr. Russo said the lines would be noisier on humid days. Mr. Weitzan said there were more grounding controls now. Mr. Russo said he wanted to make sure the lines would not bother the abutters any more than they did now. Mr. Weitzan said the equipment was being upgraded. Mr. Hutton said the lines going in would not cause the humming that Mr. Russo had heard on older-type lines.

Mr. Russo expressed agreement with Mr. Hall's request for a lighting plan.

Mr. Carroll asked about the easement increasing in size. Mr. Weitzan said the easement would expand at some point.

Ms. McGrath asked if the easement lines should be correct, according to the easement documents. Mr. Cashell expressed agreement. Selectman Maddox concurred.

Ms. Quinlan said she felt the Board got carried away at times. She said the bottom line was that the power lines were required. She said she was ready to approve if the easement were clarified and the lighting plan was included.

Mr. Weitzan said PSNH wanted to be a good neighbor.

Ms. McGrath said she was concerned about the easement documents.

Selectman Maddox said PSNH should be treated the same as any other applicant, adding that PSNH needed to go through the same scrutiny as other applicants. He referenced Sheet 5, asking if the shaded areas were for expansion. Mr. Hutton answered in the affirmative. Selectman Maddox asked if a truck would turn around. Mr. Weitzan said the truck would back in.

Mr. Hall expressed confusion, saying that Mr. Weitzan had said there were no differences in the plans, but that his drawing did not have the little truck on it. He then said he wondered what other things had changed. Chairman Barnes said the notes on Sheets 4 and 5 did not match. Mr. Weitzan said that two sets had the same revision dates, adding the Board should have gotten the later set.

Chairman Barnes asked how close the site was to Lockwood Place. Mr. Weitzan estimated the distance was between 600 and 800 feet.

Mr. Russo moved to defer further review of the Power Street Substation plan date specific to the March 28, 2007, Planning Board meeting.

Chairman Barnes questioned that date, asking if the plans could be revised and resubmitted for delivery to the Board members a week ahead of that date. Mr. Hutton requested a deferral to April 11, 2007.

Mr. Russo moved to defer further review of the Power Street Substation plan date specific to the April 11, 2007, Planning Board meeting. Mr. Hall seconded the motion.

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

**B. Carpet Creations (Addition)  
SP# 04-07**

**Map 204/Lot 007  
121 Lowell Road**

**Purpose of Plan: To show proposed 4,562 ft<sup>2</sup> building addition with accompanying parking and site improvements to complement the existing 2,900 ft<sup>2</sup> Carpet Creations facility with bulk warehouse storage. Application Acceptance & Hearing.**

Mr. Cashell said the plan was ready for Application Acceptance.

Ms. McGrath moved to approve application acceptance. Mr. Hall seconded the motion.

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

Ms. May noted that waiver number 4 should be HTC 275-B (12)(C), not HTC 274-B (12)(C).

Mr. Patrick Collburn, with Keach-Nordstrom Associates and representing the applicant, posted a plan entitled ***Carpet Creations, 121 Lowell Road, Map 204, Lot 7*** on the meeting room wall. He referenced photographs of the existing facility and described the building and parking. He said the installers only came to the building once a day. On a busy day, he said, five to six customers visited the building. He said most of the business was done in the potential customers' homes. He referenced existing conditions and noted improvements that would be made to the site. He said test pits had been dug on the site, adding there were no signs of a seasonal high water table within seven feet.

Mr. Colburn described the proposed building, noting the expansion would be used for storage. He said the building was in keeping with the existing structure, saying the entrance to the site would be widened. He noted that the proposed building would have four additional parking spaces and a new dumpster. He said the retaining wall would be moved slightly. He said the proposed use would not change, and no additional employees would be added. Mr. Colburn discussed the drainage design. He also discussed the proposed landscape plan, adding that a strong evergreen line would be built. He then identified the requested waivers.

Mr. Colburn said the noise level would not change. He said there would not be any storage of chemicals on site, adding that customers would not use the new space. He said deliveries would normally take place between 9 a.m. and 11:30 a.m., adding that there was plenty of room for trucks to turn around. He then concluded by noting that Mr. Tony Basso and the owner were also in attendance at tonight's meeting.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition.

Mr. Jerry Desmarais, 935 Fox Hollow, asked if the addition had been planned when the building was purchased. The owner said it was a new plan.

Mr. Desmarais asked if the proposed building would be one story or two stories—and, if it were two stories, would the owner be able to add a third story. He asked about the lighting on the property, noting that the light from the existing building shone into his building. He asked if more expansion were possible. He asked about the time of pickup for the dumpster. Ms. McGrath said the pickup would take place between 7 a.m. and 7 p.m., Monday through Friday. Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., said it was a new plan. He said it would be one story, with no future plans for any expansion. He said there would be no new lighting. If there were a problem with an existing light, he added, the owner had said he would be willing to fix that.

Ms. Margaret St. Onge, 238 Fox Hollow, said she had been a resident of Fox Hollow for 23 years. She said she felt that the residents of Fox Hollow were being squeezed out of their residential area. She said all the homes were gone and had been replaced by businesses. She said the Fox Hollow residents needed more room, adding that the granting of the 100-foot waiver would impact their quality of life.

Ms. Katherine May, 335 Fox Hollow, asked if the building were being proposed because the current lease was not going to be renewed. She said she could not

understand that rationale. She asked why the building had to be built, saying she was concerned about the traffic. She asked what size trucks would be making the deliveries. She asked how far the building would be from the nearest Fox Hollow building. She asked where the dumpster would be located. She then concluded by asking what the height of the building would be.

Mr. Basso responded to Ms. May's questions, saying the warehouse was being built for convenience. He said there would not be any increase in traffic. He said the trucks would range from a small truck to a 30-foot box truck. He said the nearest building would be 90 feet away, adding that the dumpster location was in the back corner. He said the buffer was only as useful as the screen it provided, noting that the proposed buffer would be heavily vegetated with evergreen trees that would provide screening year-round. He said the applicant would be willing to provide a decent buffer, as the building was the new encroachment. He said the area had been commercial since the 1980s, adding that the site plan was dated 1987. He said the use was very benign, noting that the building would be 50 feet from the line and the height of the wall would be 18 feet plus a pitch.

Ms. Amy Beaulieu, 123 Fox Hollow, said she felt that building the warehouse was completely irrelevant.

Ms. Jean Adams, 68 Fox Hollow, said she did not think the Planning Board should grant waivers for the convenience of the applicant. She suggested that the applicant should use rental space.

Mr. Jerry Desmarais, 935 Fox Hollow, said that even though there were not any plans for future expansion, that could change. Chairman Barnes said there was a 38-foot maximum height restriction in the Town, pointing out that any future expansion would require going through the same process. Mr. Desmarais asked about security lighting. Mr. Basso said one did not know what would happen in the future. He said the current use was extremely benign. He said the convenience was really to improve the efficiency of the business. He said the owner did not want additional security lighting, noting it was not depicted on the plan.

Ms. Dot Shay, 127 Fox Hollow, asked if the trees that had been mentioned would be removed. Mr. Basso said they would remain.

Ms. Lyn Mari, 727 Fox Hollow, said the plan was squeezing Fox Hollow out. She asked about the trees. Mr. Basso said there would be a mixture of 17 trees, 11 of which would be evergreen trees.

Ms. Jean Adams, 68 Fox Hollow, said she did not believe a warehouse of that magnitude could be built without expecting an increase in business. She said she would request that the Planning Board deny the waiver of the requirement for a 100-foot buffer.

Chairman Barnes asked a second time for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Barnes asked if members of the Board had comments or questions.

Selectman Maddox asked if the features within 200 feet were reflected on the plan. Mr. Colburn said they were reflected on the cover sheet.

Selectman Maddox asked what the item on the GIS map was. Mr. Basso said that item no longer existed, adding that he thought it was a swing set and a fenced-in area.

Selectman Maddox questioned the number of trees in the buffer. Mr. Basso said his client had no problem with adding landscaping, adding that he would work with the Town regarding the buffer. Selectman Maddox asked about noise from within the building. Mr. Basso said the building would be insulated.

Selectman Maddox said he felt the Planning Board needed to be assured that the buffer would be effective. Mr. Basso said the trees could not be planted too close together. He said he was sure he could come up with an acceptable plan. Selectman Maddox said he could not understand why the trees could not be planted close together.

Selectman Maddox asked about the doors. Mr. Basso said there was loading dock access only.

Ms. McGrath asked about the delivery truck access. Mr. Basso explained how the trucks would access the loading area. Ms. McGrath said that a couple of years ago, Mr. Basso had indicated that the traffic would be very limited at the site. She said she had never seen more than a few cars in the parking lot, adding that what he had said was evidentially true.

Chairman Barnes declared a break at 9:01 p.m., calling the meeting back to order at 9:16 p.m.

Mr. Russo referenced the new Table of Permitted Uses, saying that these plans had been submitted after the new Table of Permitted Uses had gone into effect. He said warehouses were not permitted and that the plan needed to go to Director Sullivan for his determination. Mr. Basso said this was not a primary use and not a new use to the site. Mr. Russo said that would have to be up to Director Sullivan's determination. Mr. Basso said that would have been determined at the IDR meeting. Mr. Cashell said the Table of Permitted Accessories was not touched. Mr. Russo said this plan was questionable. Chairman Barnes said the Board could ask for that determination.

Mr. Russo moved to put this plan before the Zoning Administrator for a zoning determination to determine whether this addition complies with the current Permitted Table of Uses, and to determine whether this use then becomes a change of use. Ms. Quinlan seconded the motion.

Mr. Hall said he had a problem with the motion. He said he had a problem asking the Zoning Administrator to make the decision. Mr. Russo said he wanted a definition of what primary and accessory meant. Mr. Hall asked for the motion to be read back. Ms. McGrath read the motion back. Ms. McGrath said she did not have a problem with the motion, adding that she wanted Chairman Barnes to make the request in writing. Mr. Russo concurred, adding that as a friendly amendment to his motion, with Ms. Quinlan concurring. Mr. Russo asked if the use would be considered a change of use and said he would amend the motion to include that point as part of the question to

Director Sullivan. Mr. Cashell said the primary use was sales, adding that the warehouse would not bring more people to the site. Mr. Russo said that was up to the Board to decide.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Selectman Maddox and Chairman Barnes, who both abstained. Chairman Barnes then declared the motion to have carried (5–0–2).

Mr. Carroll asked about the 100-foot buffer, asking why everything was shoved in the way it was. Mr. Basso said that, after taking everything into account, the building was positioned in the best possible location.

Selectman Massey said the 100-foot buffer waiver was HTC§275-12 (c).

Mr. Susan Wilson, 327 Fox Hollow, said she had worked for a flooring company for five years. She said she found it hard to believe that the workmen would go out to get their product elsewhere. She said the combustible stuff would be close to Fox Hollow. Mr. Basso said that he had stated for the record that there would not be combustible materials stored at the site.

Chairman Barnes there were two issues to be resolved: a determination from the Zoning Administrator, and the buffering. Chairman Barnes asked for a deferral date. Mr. Cashell suggested April 25, 2007.

Ms. McGrath moved to defer further review of the ***Carpet Creations Addition Site Plan***, date specific, to the April 25, 2007, Planning Board meeting. Selectman Maddox seconded the motion.

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

**C. Derry Street Professional Building  
SP# 19–06**

**Map 174/Lot 023  
26 Derry Street**

**Purpose of Plan: To show a proposed commercial site development, consisting of a professional building, for Tax Map 174/Lot 23, 26 Derry Street. Deferred Date Specific from the February 28, 2007, Planning Board meeting. Application Acceptance & Hearing.**

Chairman Barnes stepped down, noting that the applicant was his dentist, and he passed the gavel to Vice-Chairman Quinlan.

Acting Chairman Quinlan asked if the plan had been accepted. Mr. Cashell answered in the negative, adding that the plan was ready for Application Acceptance.

Acting Chairman Quinlan seated Mr. Cole in place of Mr. Barnes.

Ms. McGrath moved to approve Application Acceptance. Mr. Cole seconded the motion.

Mr. Hall noted that the issue had been a significant expansion of use. Mr. Cashell said the Community Development Director had determined that the applicant could go up but not out. Mr. Hall said adding a second floor was a huge expansion. He said he could not vote for Application Acceptance, expressing a belief that Director Sullivan had not seen the two-story plan.

Ms. McGrath withdrew her motion to grant Application Acceptance.

Mr. Hall moved to deny application acceptance because the proposal was an expansion of a non-conforming use. Ms. McGrath seconded the motion.

Selectman Massey read HTC 334-31, adding that he felt that the applicant could build up but not out. Ms. McGrath noted that the ordinance applied to the structure, not the use.

Atty. Jeffery Zoll, said that the applicant had presented a plan for a two-story building to the Zoning Administrator. He said the use was a grandfathered use for professional office space. He expressed agreement with Selectman Massey regarding the ability to add another story to the structure.

Mr. Cashell said Director Sullivan had not neglected the review of this application. He said Director Sullivan had made a determination. Mr. Cashell said the applicant would keep to one story if he had to do so, noting that the abutters had spoken in favor of the plan. He said the use would improve the area.

Mr. Hall said the applicant had been asked to clarify that issue. He said he thought it was a significant expansion. He said a zoning determination was not official until distributed to the Planning Board and the Zoning Board.

Ms. McGrath said the Planning Board could not go any further because the Board did not have the determination from Director Sullivan in writing.

Selectman Maddox said Director Sullivan had seen the plans, so he would not vote in favor of the motion.

Mr. Russo asked Atty. Zoll about the previous use of the property. Atty. Zoll said it had been used as professional offices and a fuel oil facility and was allowed to be continued as professional offices as a result of litigation. Mr. Russo said HTC-334-30 said that the use may have lapsed. Atty. Zoll said that issue had been determined by the Zoning Administrator. He said the plan had been discussed with Mr. Cashell, noting that the Zoning Administrator had said the plan was okay. He said the Zoning Ordinance in Hudson defined abandonment in HTC-334-6, stating that this case did not meet that stipulation because there was never intent to abandon the property. He said the applicant could not make improvements to the property until the oil cleanup had been completed.

Mr. Cashell said the applicant had met with Director Sullivan on March 16, 2006, and had submitted a request for zoning information and determination. He said the applicant had described what he wanted to do with the property in the application—i.e.,

to construct a two-story dental/medical facility on the exact footprint of the original building. He said Director Sullivan had written back to the applicant on March 22, 2006, stating that the proposed use would be permitted.

Mr. Carroll asked if the new permitted uses were relevant to this case. Mr. Russo expressed a belief that the new uses were not relevant to this case.

Mr. Hall said he had no argument with the use but that the letter from Director Sullivan did not specify two-stories in his determination. Mr. Cashell said the applicant had asked specifically for a two-story building. Mr. Hall said the determination from Director Sullivan did not mention a two-story building.

Selectman Massey said he thought Director Sullivan's letter said it all.

**VOTE:** Acting Chairman Quinlan called for a hand vote on the motion. All members voted in opposition except for Ms. McGrath and Mr. Hall, who voted in favor, and Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have failed (2-4-1).

Mr. Russo moved to approve Application Acceptance. Mr. Cole seconded the motion.

**VOTE:** Acting Chairman Quinlan called for a verbal vote on the motion. All members voted in favor except for Ms. McGrath and Mr. Hall, who voted in opposition, and Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (4-2-1).

Atty. Zoll turned the presentation over to Mr. Matt Hamor, with Polaris Consultants, LLC. Mr. Hamor described the parcel and said that the proposed use was for a professional office building. He displayed the site plans and distributed elevations and a colored rendering of the building. He said the building would consist of approximately 5,500 ft<sup>2</sup> of professional office space with 19 parking spaces. He said there would be one entrance/exit with one continuous curb cut. He said the drainage would be handled in a subsurface drainage facility. He said the plan had been submitted to CLD, noting that some of CLD's comments had been incorporated into the current plan. He said there would be significant landscaping. He noted waiver requests for the following requirements: HISS Study, Fiscal Impact Study, Traffic Study, NGVD Benchmark, Test Pit, and Open Space, as well as to allow parking within the side and rear setbacks, off-street parking, and reduction of parking space dimension requirements for three spaces.

Acting Chairman Quinlan opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the acting chairman for comment for or against, she pointed out that the chairman had received a letter from Ann Brooks Smith, an abutter, in which Ms. Smith noted the

deplorable condition of the site and asked that any new venture create the least amount of impact on the residents.

Acting Chairman Quinlan declared the matter before the Board, asking if members of the Board had comments or questions.

Selectman Maddox asked where the abutter list was located on the plan. Atty. Zoll said they were on Page 3. Selectman Maddox said his copy did not have the list. Acting Chairman Quinlan asked if the Board was confident that all abutters had been notified. Mr. Cashell answered in the affirmative.

Selectman Massey said he would not be in favor of sub-standard parking spaces.

Mr. Hamor said the applicant would not have a problem with removing the garage to create standard size parking spaces and to increase the green space percentage.

Mr. Turcotte said the dumpster could go in the area where the garage currently stood.

Acting Chairman Quinlan asked about provisions for medical waste. The applicant said medical waste was collected in small red containers located in each examining room. He said the contents of each small container were deposited into a larger container located in the basement and then picked up about every three months.

Ms. McGrath said the note about trash pickup would have to be added to the plan. The applicant noted that the dumpster was picked up at his current location on Thursdays.

Mr. Hall referenced Sheet 3, noting that he did not see a dumpster location on the plan. He discussed the parking spaces, adding that the parking would go up to the property line. He said the benefit would be additional green space. He asked if the plan was adding to green space, and he asked about the parking calculation.

Mr. Hamor said the NH DOT had taken property for sidewalks and planters along Derry Street, saying that had pushed the property line back into the site.

Selectman Maddox said he had spent time with his constituents the previous day, noting that they had indicated they wanted to stop development. He said the applicant was filling the parking lot with parking spaces to try to make the lot work. The applicant said he usually had one patient per hour. Selectman Maddox reiterated his comments.

Atty. Zoll said the use was grandfathered and restricted to professional office space. He said the spaces would not all be used. Selectman Maddox said only 12 parking spaces would be required if the building were a one-story building.

Mr. Russo asked who would govern the number of parking spaces. Mr. Cashell said the Planning Board would decide that.

Mr. Cashell said all abutters within 200 feet had been notified. Ms. May said that had been a second notification.

Atty. Zoll asked if the number of parking spaces on the site was a Zoning Board of Adjustment issue or a Planning Board issue. An unidentified member of the Board said

that would be a Planning Board issue. Atty. Zoll expressed willingness to reduce the number of parking spaces to get more green space. Selectman Maddox said his point was how much was being put on the lot.

Mr. Cashell said he would not recommend smaller parking spaces, but many people drive smaller cars. He said some towns allowed up to 30 percent of the parking spaces to be designed for smaller cars.

Mr. Russo referenced the floor plan, specifically the second floor plan, asking how the second floor would be used. Atty. Zoll said the second floor would be used for future expansion of the applicant's dental practice. He said it would also be used for a break room and conference room for the applicant's staff and storage as necessary, and also that the applicant's wife might use part of the second floor as a psychiatrist's office at some point in the future. Mr. Russo calculated that 14 parking spaces would be required, saying he had a problem with the number of spaces that would be required when the second floor expansion took place. He said he did not have a problem with parking for the first floor plan but did have a problem with parking for the expansion plan. The applicant said the existing building would never sell or rent. He said only three parking spaces were used at his current location, noting that his lease would be up soon.

Selectman Massey said Selectman Maddox was on the right track. He said the building should be limited to a one-story building, which would solve a lot of problems.

Acting Chairman Quinlan asked for an informal poll regarding a one-story building. Mr. Cole, Mr. Russo, Ms. McGrath, and Mr. Turcotte indicated that they did not have a problem with a two-story building. Selectman Maddox, Mr. Hall, Selectman Massey, and Mr. Carroll indicated that they had a problem with a two-story building. Acting Chairman Quinlan declined to answer.

Mr. Russo said the parking would limit the use of the building.

Mr. Carroll asked what waivers had been requested, noting the granted waivers would determine what the applicant could do.

Selectman Maddox suggested a one and one-half story building. He said the second floor could be limited to 1400 ft<sup>2</sup>.

Selectman Maddox moved to defer further review of the Derry Street Professional Building, date specific, to the April 25, 2007, Planning Board meeting. Mr. Russo seconded the motion.

The applicant asked if the process could be speeded up if he went to the architect tomorrow and had the suggested changes incorporated. Acting Chairman Quinlan said she was sympathetic to the applicant, adding that she thought that what the applicant was proposing to do would be a great improvement to the site—but that the Planning Board could not act on the plan until the Board had seen the plan. She said the applicant might want to come back to the Board with a plan that depicted a reduction in building size, conforming parking spaces, and more green space. Mr. Russo asked for more plantings and a maintenance-free fence.

Atty. Zoll asked if the plan could be moved up to the last meeting in March, noting contract problems by the applicant. He said the April meeting would present a significant problem from a business point of view. Selectman Maddox objected that there was a motion on the table.

**VOTE:** Acting Chairman Quinlan called for a hand vote on the motion. All members voted in opposition except for Selectman Maddox and Mr. Hall, who voted in favor, and Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have failed (2-4-1).

Ms. McGrath moved to defer further review of the Derry Street Professional Building, date specific, to the April 11, 2007, Planning Board meeting. Mr. Cole seconded the motion.

Mr. Cashell said there were five items on that agenda already. He said there might be room on the March 28<sup>th</sup> meeting. Mr. Hall said the plan would have to be done by March 20<sup>th</sup>. Selectman Massey asked about the April 4<sup>th</sup> Workshop, but objections were raised to hearing cases at a workshop meeting.

**VOTE:** Acting Chairman Quinlan called for a hand vote on the motion on the floor. All members voted in favor except for Selectman Maddox and Mr. Russo, who voted in opposition and Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (2-4-1).

## X. ZBA INPUT ONLY

### A. Continental Paving ZI# 02-07

Map 100/Lot 003  
22R West Road

**Wetland/Wetland buffer impact plan. Purpose of Plan: To propose a 24-foot wide paved access drive to the upland portion of the subject parcel.**

Chairman Barnes stated that he would remain stepped down.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, said that the applicant had requested that this item be deferred.

Selectman Maddox moved to defer this item, date specific, to the April 25, 2007, Planning Board meeting at the request of the applicant. Mr. Turcotte seconded the motion.

**VOTE:** Acting Chairman Quinlan called for a verbal vote on the motion. All members voted in favor except for Acting

Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (6-0-1).

## XI. CONCEPTUAL REVIEW ONLY

### A. Greeley Field Lights CSP# 02-07

Map 168/Lot 001  
8 Greeley Street

**Purpose of Plan: To show proposed lights at the baseball field. (Conceptual Review)**

Mr. Cashell said the applicant was asking to go through a conceptual rather than the full site plan.

Mr. Ron Falcone, representing Hudson Youth Baseball, said the proposal was to install electrical service and lights to extend the play into the evening hours.

Acting Chairman Quinlan opened the meeting for public input and comment, in favor or opposition.

Mr. Jeff Emanuelson, 3 Hillside Drive, noted that his son had constructed the dugouts at Greeley Field. He said drainage and site work had also been done. He said it was his son's dream to have Greeley Field benefit the youth of Hudson. He said the purpose was not to have to call a game because of darkness.

Acting Chairman Quinlan asked for a second time for public input and comment, in favor or opposition. No one else coming forward to provide input for comment for or against, Acting Chairman Quinlan asked if members of the Board had comments or questions.

Mr. Carroll noted that the area was sunken, and he expressed concern about the lights affecting drivers on Greeley Street.

Mr. Falcone said Mike Barry had been consulted regarding the lighting. He said Mr. Barry had provided a spill span, saying that the lights would not affect drivers.

Mr. Russo expressed concern about the lights down the right field line. Mr. Falcone said they would be looking down on to the field, not down on the street.

Mr. Carroll expressed concern about kids being in the area at night and getting involved with pedestrian accidents. Mr. Falcone said this were street lights already there. Mr. Carroll said he was asking to see what could be done to improve that situation. Mr. Falcone said the proposal was that Hudson Youth Baseball would control when the lights went on and when they were turned off. Acting Chairman Quinlan asked what the latest time would be that the lights would be turned off. Mr. Falcone said he would doubt if the lights would be on after 10 p.m. Acting Chairman Quinlan asked if the field would be used for adult baseball. Mr. Falcone said the field was too small and the dimensions were all wrong.

Mr. Russo noted that he lived in the area, saying he was in favor of athletic activity but that he thought 10:00 p.m. was too late to turn off the lights.

Mr. Russo said the field had a real problem with parking. He said parking was not allowed on Crystal Drive and he found it hard to believe that people would be able to park on Greeley Street. He asked if the church went along with spectators parking on church property. Mr. Falcone answered in the negative. Mr. Russo asked if the spectators would have access to the parking down by the basketball courts. Mr. Falcone answered in the affirmative. Mr. Russo said signs needed to be addressed.

Selectman Maddox moved to grant waiver HTC 275-8 B (Engineered Site Plan). Mr. Turcotte seconded the motion.

**VOTE:** Acting Chairman Quinlan called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (6-0-1).

Selectman Maddox moved to approve the request to waive formal site plan review for the Greeley Field lighting proposal in accordance with the following condition:

Lighting shall be installed in a manner that cuts off lighting at the property line and prevents off-site intrusion or impact to drivers.

Mr. Turcotte seconded the motion.

Mr. Hall suggested specifying a time that the lights would have to be shut off. He expressed concern about partying, etc., that might occur if the field were used by adults. Mr. Falcone said it was his understanding that the park curfew was 10:00 p.m. Mr. Hall said a time should be in the motion.

Selectman Maddox amended his motion to include Stipulation 2, as follows:

Lights shall be turned off no later than 10:00 p.m.

Mr. Turcotte concurred.

**VOTE:** Acting Chairman Quinlan called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (6-0-1).

Mr. Russo moved to direct the Chairman of the Planning Board to send a letter to the Highway Traffic Safety Committee requesting a review of the parking on Greeley Street in the vicinity of Greeley Field ball fields to determine if any parking restrictions needed to be implemented. Mr. Hall seconded the motion.

**VOTE:** Acting Chairman Quinlan called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Quinlan, who abstained. Acting Chairman Quinlan then declared the motion to have carried (6–0–1).

Chairman Barnes returned to his regular position as the Chairman of the Planning Board, with Ms. Quinlan resuming her role as a regular member and Mr. Cole returning to his normal position as a non-voting alternate member.

**B. Derry Road Retail Development  
CSP# 01–07**

**Map 165/Lot 151  
Derry Street/ Rt. 102**

***Purpose of Plan:* To show the conceptual development plan of an 11,680 ft<sup>2</sup> pharmacy with a single drive-through, 46 parking spaces and associated landscaping. (Conceptual Review)**

Mr. Cashell said this project had been under review for a couple of years and the applicant finally had the opportunity to present a plan at tonight's meeting. He said the plan was a rehabilitation of an existing developed site.

Chairman Barnes noted that conceptual reviews were limited to about 15 minutes.

Mr. Robert Cruess, with T.F. Moran, representing the applicant, noted others were also present on behalf of the applicant. He displayed photos of the existing site. He said the site was at the point where it needed a re-use, saying the applicant was proposing a pharmacy. He said there were a few problems with the site, adding the plan would address some of those problems—e.g. Dunkin Donut queue and Abbot Farm access. He said the proposal was for the smallest pharmacy possible, saying the height of the building would be reduced from 40 feet to 20 feet. He noted that a lane would be added on the south side, on the applicant's property. He said a sidewalk would be added that would go to Abbott Farms. He said a slight wall would be proposed with landscaping and a boxwood fence. He said some waivers would be needed. He then showed renderings, pointing out improvements to the Abbott Farms buffer area. He explained that there would be rolling berms, trees, and irrigation.

Mr. Cruess noted that five waivers would be requested. He said there would be a reduction in green space because of land for the new lane, saying the total parking would remain almost the same. He said the building would provide a good tax base. He said the south and west sides would require some intrusion into the setback. He discussed deliveries to the pharmacy, suggesting that the 12-foot by 60-foot truck turn-around would not be needed. He said there would be about 80 percent impervious coverage, rather than the present 65 percent.

Selectman Maddox said the applicant was trying to cram a lot on the lot.

Ms. McGrath said she would be thrilled to see Days Inn go away.

Mr. Hall said he did not have an issue with the access off of Derry Street but the applicant was trying to put a lot on the site, adding that he would reserve judgment. He said the project would be an improvement to the area.

Mr. Turcotte said the project would be a great enhancement to the site. He expressed concern that the driveway might be used as a shortcut to Dunkin Donut, however. He said he also had a concern with the dumpster location. Mr. Cruess said the trash trucks coming onto this site would not be the giant ones. He said he recognized the applicant was proposing a lot on the site, but he reiterated that a whole bunch of problems could be solved, and the value of the surrounding properties would increase. He said he was hoping to get a general sense of the Board.

Mr. Carroll said he liked the idea of the sidewalk. He said before and after pictures would be helpful. He said the before and after pictures should show the green space. He said the applicant was implying that there was a sense of community without actually showing that to be true.

Mr. Crusess said he was looking for some encouragement from the Board.

Mr. Cashell said the turning lane (slip ramp) would help reduce the amount of traffic.

Ms. Quinlan said she would be willing to work with the applicant to make the site more attractive. Selectman Massey said sometimes you have to give something to get something.

Selectman Massey said the Board of Selectmen had agreed to put the widening of the corridor on the Capital Improvement Plan. He said he would like to see a shadow box fence on the front side of the parking spaces as well. He noted that the plan did not show a place for snow removal. He said he thought the project would be a great improvement to the area.

Mr. Cashell said it had been a pleasure working with the applicants, adding that this was a great opportunity to redevelop the site.

Ms. McGrath said it was nice to see T.F. Moran come back to Hudson.

Mr. Robert Clouthier, Abbott Farms, said he was concerned with Dunkin Donut and the backed up traffic. Saying he did not notice Days Inn any more, he said the proposed road improvements would create more of a traffic hazard for the children and older residents of Abbott Farms. Chairman Barnes said that issue would be addressed during the formal application process. Mr. Clouthier said it looked like it was going to sneak through, because everyone was in favor of it. Chairman Barnes explained that this was just a conceptual review, noting there would be opportunities for the residents of Abbott Farms to express their concerns.

## **XII. OTHER BUSINESS**

Mr. Cashell noted a CTAP meeting would be held the following night. Ms. Quinlan said she could not make the meeting, as she had to go take a training course required

for her employment. Selectman Maddox said he would be there as a Board of Selectmen representative.

Selectman Massey said Director Sullivan was talking to the Town Attorney regarding the proposed change in site plan regulations that would require a binder coat up to the location of the building permits. He said that the Board of Selectmen also had requested that Director Sullivan send a letter to School Superintendent Bell and School Board Chairman David Alukonis reminding them of the importance of sending a representative to the CIP meetings this year and the reasons why it was so important.

Selectman Maddox said the cover page of a plan should be on the wall when applicants or representatives were presenting plans with the video display system.

### XIII. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox made a motion to adjourn. Mr. Russo seconded the motion.

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

Chairman Barnes then declared the meeting to be adjourned at 11:58 a.m.

Date: May 8, 2007

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James Barnes, Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Marilyn McGrath, Secretary

Transcribed by:  
Joseph F. Hemingway and J. Bradford Seabury

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
March 14, 2007**

**Page 22**

**Changes made in accordance with the review at the 08-08-07 meeting:**

Page 6, 4<sup>th</sup> paragraph, second sentence — added word “said” after “Mr. Weitzan” so that sentence originally reading “Mr. Weitzan things shown on the plan ...” now reads “Mr. Weitzan said things shown on the plan ....”

Page 10, last line on the page — changed the phrase originally reading “he would amend to motion to include” by changing the first instance of “to” to “the,” so that the phrase now reads “he would amend the motion to include ... .”

Page 12, last paragraph — changed first sentence, which originally read “Mr. Cashell said the applicant had had met with Director Sullivan ...” by removing the redundant “had,” so that the sentence now reads “Mr. Cashell said the applicant had met with Director Sullivan ... .”

Page 14, fourth paragraph from bottom — changed sentence reading “Selectman Maddox said he had spent time with his closest associates the previous day, noting that they had indicated they wanted to stop development” by replacing “closest associates” with “constituents,” so that the sentence now reads “Selectman Maddox said he had spent time with his constituents the previous day, noting that they had indicated they wanted to stop development.”

Page 12, second paragraph, first sentence — changed sentence reading “Mr. Hall noted that the issue had been significant expansion of use” by inserting indefinite article “a” ahead of “significant expansion,” so that the sentence now reads “Mr. Hall noted that the issue had been a significant expansion of use.”