

HUDSON BOARD OF SELECTMEN

Minutes of the March 2, 1998 Meeting w/Department Heads

1. **Call to Order** by Chairman E. Lorraine Madison at 3:42 p.m.

2. **Pledge of Allegiance** (Recitation was dispensed with.)

3. **Attendance**

Selectmen: E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury and Terry Stewart

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Cecile Nichols, Town Clerk/Tax Collector; Jim Michaud, Assessor; Susan Snide, Zoning Administrator; Mike Reynolds, Town Planner; Mike Gospodarek, Town Engineer; Donna Lolos, Library Director

4. **Discussion of Items**

Chairman Madison recognized Town Engineer Mike Gospodarek, whose items included the Lowell Road corridor and aerial mapping.

A. **Southern Section of Lowell Road Corridor**

Mike said he wanted to talk to the Board about the bottleneck on Lowell Road heading south, past Wal-Mart and Rena, which goes from four lanes down to two by the Baptist Church, then goes back to four lanes, back to two. When Sam's Club/Wal-Mart came to Hudson, the Planning Board negotiated an agreement with them and the State that obligated the Town to obtain the land-taking from. Wal-Mart provided the design and the State constructed the project. For the past year and a half, he has been trying to discuss the impacts of the widening with the owners of the 17 properties involved. To date, one owner has accepted the offer, another countered the offer for an additional \$500 and five others have not responded at all. Lawson's Veterinary wants to exchange the value of the property for construction. They will trade land for landscaping.

He wanted to know if they should follow through with the agreement between the Planning Board/State/Wal-Mart and go forward with a legal proceeding of eminent domain with Attorney Ratigan. Once the Town takes that approach, the people who haven't responded might do so after they receive the notice of eminent domain. He and Lenny Smith have met with nearly all of the owners. They have walked the site and talked with them, showing them the preliminary design plan, developed back in 91-92 so they will know what is going on.

Selectman Jasper said he was concerned with the total width that this is being taken, which calls for a hard center medium, which is a lot more space than is needed. He asked Mike what the footage was. Mike said the four 13' lanes with a five foot center island, is 57' of pavement, plus the State typically takes an additional 10' on each side. From Dracut Road north, there are some retaining walls on the right hand side by the Jette property. The State has to extend out to either put in retaining walls or provide more land to keep the slopes gentle to make it more aesthetically pleasing. He thought there was a severe impact, however, than the island and that is on Dracut Road turning southbound. The State looked at the number of cars taking that movement and felt that they have to add an additional 500' for a left hand turn lane. The end of the transition stops somewhere near Wason, so that's substantial when you get to Dracut Road. There is a very short transitioning distance to another 500' section for a left hand turn onto Sprague. The whole corridor is almost a five lane design. At one time, the State was going to leave it the way it is, but then changed their mind. He is frustrated because the residents were mad the first time the State went through, at which time they assured them they weren't going to take any more land.

Chairman Madison asked if he was recommending contacting Attorney Ratigan and sending out eminent domain letters. Mike hoped to get a better understanding with the residents. The Planning Board has \$75,000 of Wal-Mart's money sitting in their agency fee account and don't want to release it because the Town hasn't got the property yet. The project is about five years old and thinks the developer will say enough is enough and ask why the Town hasn't

taken the property yet. Mike said he was looking for a definitive answer, such as going ahead with the land taking or turn it over to the State because it's their right of way.

Selectman Jasper said it's a State road at that point and using eminent domain for a State project is very strange. He said this gets back to the Planning Board working independently and making promises on the Town's behalf. He asked where the Town was going to get the money since impact money is supposed to be used on roads only maintained by the Town. This is clearly a State road, so he didn't think the Town could spend impact money there and he didn't think they have a match on this, adding that the Town is sort of fudging the matches sometimes. He thinks the Town would be better off to stay out of this one.

Selectman Seabury asked if the money has been taken for that section. Mike said the Town approved a warrant article \$190,000 to purchase land on the Lowell Road corridor and this is one of the projects outlined in that agreement. He thinks there is an ISTEPA or TIP agreement where the Town's share is \$80,000. The State has also said that the land taking would be towards that \$80,000. If it is decided that the corridor funds can be used on this roadway, they have already matched those corridor funds, based on other State projects and improvements that were done on Lowell Road. He didn't think there would be a problem with the Town's match with the corridor.

Chairman Madison said if we told the State, you take care of it, it's your project, where is that going to leave us? Mike said the Town wouldn't look real good with the State, but they would probably have to direct the Planning Board to deal with the State. He thinks the State would probably recover from it and schedule it at their leisure. He would turn over his records on the negotiations with the neighbors to help them. Chairman Madison doubted if the State would have any more luck than the Town has had, if that is the way they go.

Selectman Jasper said his recollection of the \$180,000 was from the Presentation of Mary up to Market Basket.

Chairman Madison said they need to make a decision, either now or at next week's meeting. Selectman Seabury asked if Mike was under time constraints. Mike said the project has moved along far as it can. Selectman Seabury asked if the State would take it by eminent domain, if it was turned over to them Mike said yes, but if it will look bad for the Town to walk away from it. Selectman Seabury asked if he recommended the Town go forward with eminent domain. Mike said they appeared to be heading in that direction. The State has made it very clear it is the Town's obligation to obtain the property. Wal-Mart did a major improvement in front of their property and a lot of that work saved the State money because it mimicked the circumferential highway project, so the money was put aside to be used on the bottleneck project. Selectman Seabury said she didn't think the Town had any choice.

Selectman Jasper said there needs to be a balance of property rights versus convenience for travelers. They haven't discussed any alternatives with any engineers on this particular proposed design. This is a State project and the State ought to do it. The Town owes it to the residents to look at alternatives. Paul said their options are limited. Several thousand vehicles go through that section every day. Selectman Jasper said they are getting through there now with two lanes. Paul added, with some degree of difficulty. Selectman Jasper didn't think the rights of the people traveling the road outweighs the rights of the people who own the property and live there.

Chairman Madison said the Town can't just walk away from this just because the going is getting tough. Selectman Jasper said the Selectmen never promised anything; the Planning Board made guarantees they can't deliver. That is why there needs to be some cooperation between the bodies. The Selectmen end up getting hit by a decision made by another independent body. By the time it gets to the Selectmen, it is at the point where they have to do it because of what had been promised. Selectman Seabury said the Planning Board allowed industrial development in that area, and they had to take the roadway system into consideration. It didn't make sense to expect the Planning Board to put the applicant on hold and go to the Selectmen to get an answer to the traffic questions. A Planning Board approves plans and they can't say no because of potential traffic. Selectman Jasper said the Planning Board cannot commit the Town to things it doesn't have the legal or financial authority to. There are certain impacts that have to be addressed and the Town collects impact fees, but it's complicated by the fact it's a State road. Selectman Seabury asked how other towns handled this, such as when Anheuser Busch went in on a State road. Selectman Charbonneau said it was a double-edged sword, but if they want to plan for the future, they have to build roads to get people in and out. People don't want you to infringe on their rights, but the Town has a responsibility, and they cannot stop progress. The people down

in that area would sell their property tomorrow if they could.

Paul said the Town wasn't conscripting the land, they were offering fair market value for it. Chairman Madison said they need to come up with a plan, such as Mike writing another letter to say if something can't be worked out, they will go forward with eminent domain. It won't go away. Mike asked if they needed more information, such as a scenario of how they got to this point. Chairman Madison said that was a good idea, then they would have something in writing to review. She said it will go on the April 14th meeting.

Selectman Seabury asked how much land they were looking at. Mike said, in the more severe cases, about 25' on the east side of the road. Selectman Jasper said he'd like to know the number of conforming lots they will be taking and making them non-conforming lots. If they decide to do eminent domain, the Town should go before the ZBA and get variances because if you need a variance on a non-conforming lot if you mortgage or sell it. If the Town is doing it, they should go through the process with the people and get the variance at the same time they create the lot. Mike said he would include that information, too.

B. Aerial Mapping

Mike said the bids on aerial photography ranged from \$135,000 to \$300,000. He expects this will be on the Selectmen's March 9th agenda. Selectman Jasper asked if the money for the flyover was in the FY-99 budget. Chairman Madison thought this was something where everyone would contribute a little something so there would be money to do it. Mike said there is \$15,000 in the Conservation Commission's budget. Selectman Jasper asked if they shouldn't wait till the next meeting for this. Paul said they didn't want to wait too long because they are looking at a Spring fly over. Mike said this encompassed more than just a fly over, it included gas gates, water hydrants, sewer manholes and catch basins. The flyover will grab 75% of the hydrants and valves, but there is a cost to getting the other 25%. He asked Steve if any water funds could be used, but Steve was hesitate to recommend that because he didn't know how things are going to operate and they may need that money.

(Start Tape 1, Second Side)

They'd also like to fly the properties they have in Litchfield, but it's not included in the RFP. Chairman Madison said they can't commit water funds at this time. Mike said if it isn't done in conjunction with the other flyover, it will cost a lot more to do it separately. The Town has to do an environmental impact statement for the wells with this type of flyover. Paul said the actual picture-taking isn't going to be that much more. Mike estimates it will be up to \$6,000 more. If the voters adopt the budget, it will free up Conservation's \$15,000 for this. He hoped the Board would authorize the use of \$45,000 offered by the Sewer Utility for their Inflow and Infiltration Study to be put towards the flyover. This will be presented to the Board at their meeting on March 9. Selectman Jasper wanted to see firm numbers on just the flyover. Once they get that, they can use it at a later date to do Litchfield. Mike said it would be included in the proposal.

Chairman Madison asked Town Clerk Cecile Nichols if she had anything. Cecile said no.

Chairman Madison asked Library Director Donna Lolos if she had anything. Donna said no.

Chairman Madison asked Zoning Administrator Sue Snide if she had anything. Sue said no.

C. Intents to Cut

Assessor Jim Michaud asked the Board if they would consider signing these forms in the office as opposed to putting them on an agenda. These forms aren't asking for permission; they are notifications of intent. He, the Zoning Administrator and Town Engineer all review the form for wetlands issues, driveway permits, current use issues and to make sure the form is filled out correctly. If it is a Town parcel, however, it will go on an agenda.

Motion by Selectman Jasper, seconded by Selectman Seabury, that Intents to Cut be handled as an office procedure.

unless the Assessor recommends that it go before the Board on an agenda, carried unanimously

D. New RSA's addressing the Gravel Tax

Jim Michaud said there will be a dramatic change in the way gravel pits are assessed. This is the first year it is done, so no one knows what the impact will be. The gravel industry wrote the law. There will be a 2¢ per yard gravel tax on gravel and other earth materials that are excavated not for use on that parcel. The pit area and all unreclaimed area of the gravel pit is going to be assessed at what a comparable commercial-industrial assessment would be for comparable commercial-industrial land in the vicinity. It won't be assessed based on market value. The remaining acreage is going to be assessed as what it normally would be. Now there will be three taxes: the normal real estate tax, the gravel tax, which is like a timber tax, and the excavation activity tax. The State has appointed a gravel appraiser and that person will help with the implementation of this tax. The impetus for this is uniformity in assessing gravel pits, which were done by a variety of methods by different towns. Some towns weren't assessing gravel pits at all. If someone is going to buy land, it is worth a lot more if gravel is in it, especially if there are permits in place. There was a lot of disparity and they wanted to simplify it. He thinks they will find that a lot of gravel pits are operating without permits. Chairman Madison asked if there were a lot of gravel pits in Hudson. The names Brox, Friel, Nash and Ducharme were mentioned. Jim said he would be learning as he goes along, just like every other Assessor.

5. Other Business

A. Adopt a Day

Chairman Madison said Adopt-a-Day will be held on Saturday at Alvirne and she wanted to know if the Selectmen wanted a table to let people know what is going on. Donna Lolos said Friends of the Library will have a table there and Mike Reynolds said the Visioning Committee will have a table there, too.

B. Policy Issue -- Political Activity at Town Hall

Paul said he got a call from John Knowles, who wants to use the Kirby building for a Democratic caucus. Paul does not think public property is intended to be used for partisan political purposes. Selectmen Jasper and Charbonneau had a problem allowing someone to use the Kirby building because of its condition. Paul asked about letting them use a room at Town Hall. The Selectmen didn't mind letting them use a room at Town Hall for a meeting. Paul said usually something like this is held at the Community room at the Police station, but it is in use all of this month. Selectman Jasper said it ought to be a recognized political party and there are only two recognized by the State. Paul asked how they wanted to handle presidential candidates coming through. Someone said that, in the past, they have been allowed only as far as the parking lot. Selectman Jasper said the Republican Party has used Town Hall for their monthly and organizational meetings, but not for rallies. Selectman Charbonneau said a meeting is ok, but a rally or caucus is a different story.

Motion by Selectman Jasper, seconded by Selectman Seabury, to allow the Town Republican and Democratic committees to use a meeting room at Town Hall, if one is available, for meeting, but not for caucuses, rallies, meet-the-candidate, etc., carried unanimously.

6. Nonpublic Session

Motion by Selectman Seabury, seconded by Selectman Jasper, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted and (b) The hiring of any person as a public employee, carried 4-1 by roll call vote. (Selectman Charbonneau was opposed.)

Nonpublic Session was entered into at 4:30 p.m. and was terminated at 4:40 p.m.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to authorize Town Planner Mike Reynolds to post the position of Associate Planner for a salary range of \$30,000-\$32,500 carried unanimously.

7. Adjournment

Motion to adjourn at 4:50 p.m. by Selectman Jasper, seconded by Selectman Charbonneau, carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

E. Lorraine Madison, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart