



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES July 24, 2013

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:05 p.m. on Wednesday, July 24, 2013, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Selectman Brucker to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Mr. Malley to assume the role of Acting Secretary in the absence of Mr. van der Veen and to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, and Richard Maddox (Selectmen's Representative).

Members

Absent: Ed van der Veen (excused).

Alternates

Present: Marilyn McGrath and Nancy Bruckerman (Selectmen's Representative Alternate).

Alternates

Absent: Irene Merrill (excused) and Jordan Ulery (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Ms. McGrath in place of the absent Mr. van der Veen.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo said there no minutes in the meeting packet for review.

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from this scheduled date.

VII. CORRESPONDENCE

A. Proposed Lowell Road (Route 3-A) Roadway Improvement Project.

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

Town Planner Cashell said this matter pertained to a proposal to use corridor account funds that had originally been established with the Stop & Shop Market project, stating that the Fairview Nursing Home, Heffner's Fueling Station, and Market Basket had all signed on for designing, engineering, and implementation of a new traffic signaled intersection to be located between Hardy Lane and the existing Market Basket entrance.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, said the three firms had entered into an agreement, saying there was approximately \$36,000 available in the fund from Stop & Shop that could be used, and noting that the timeframe for expiration of that account was approaching. He reviewed the plans to move the Market Basket and Heffner's driveways, noting the intersection would be signal controlled. He said his firm was in the process of studying it and were having a traffic study conducted, as well as a signal light analysis, saying the surveys were in process, after which the actual design process would begin. He said they were requesting that the Planning Board release the account funds, noting they would be coming back before the Planning Board for a full design review of the final layout.

Chairman Russo asked for questions.

Mr. Barnes asked if the proposal were to move the southern entrance to Heffner's. Mr. Basso said he believed that would be the case, noting that that entrance also served the Burgher King site.

Mr. Hall asked if there would be a contract between the Town and the parties, asking what benefit would occur to the Town if the Town's money was spent and the others did not do the work. Selectman Maddox said this matter was coming before the Board of Selectmen for committal of the money. Mr. Basso asked if commitment of the money

made the timeframe go away; Selectman Maddox expressed a belief that this would be the case.

Selectman Brucker asked how far the signal light would be from the existing one at Hampshire Drive. Mr. Basso said he did not have that figure but he estimated it would be about 600 feet. Chairman Russo asked what the likelihood was for some sort of synchronization between the three traffic lights. Mr. Basso said that would be part of the design, saying site plan amendments would have to occur for each of the three sites, and that the plan would go to CLD and NH-DOT for full review. He said the traffic consultant had said the light would be coordinated with the light at Wason Road, but that it might not be desirable to coordinate it with the signal light at Hampshire Drive.

Mr. Della-Monica asked if it would be possible to have the traffic light be a demand light, so that it would not turn red on Lowell Road unless needed. Mr. Basso discussed various possibilities.

Town Planner Cashell said the distance between this light and the one at Hampshire Drive would be 800 feet, as measured by the GIS maps.

Ms. McGrath said it was her understanding that Mr. Basso was asking for release of the funds for the study, but what Selectman Maddox had just said was that they had to go before the Board of Selectmen for construction. Mr. Basso said he was requesting in general for release of the funds, so that the Selectmen could expend as they saw fit for this project. He noted there were other possibilities, but they needed the Planning Board's authorization to let the Board of Selectmen commit the money. Ms. McGrath said this Board would not know how the money was going to be spent. Mr. Basso concurred, saying this Board needed to release it so that the Board of Selectmen could make that decision. Mr. Hall noted that the draft motion was worded differently, but he expressed doubt that there was a huge risk, as the money would be lost if not spent. Mr. Basso said they actually had a three-party agreement at this point.

Town Planner Cashell said the project would ultimately cost "X" dollars, but Mr. Basso could work out the budget amounts for the other parties once he had the agreement to commit the money.

Mr. Della-Monica asked how many accidents had occurred at that location in recent years. Mr. Basso said it depended on where along Lowell Road one looked, saying the study would look at all of the applicable intersections. Mr. Della-Monica noted that the purpose was to provide safe ways to get into the three sites.

Mr. Barnes moved to forward a favorable recommendation to the Board of Selectmen relative to the Town expending the remaining balance of \$34,286.79, plus interest, in Account #2050-186, *Impact Fees – Stop & Shop Future Road Improvements*, and for said funds to be expended in accordance with the terms and conditions of that establishment—i.e., as per the condition of approval #14 in the Stop & Shop Development Agreement-of-Record, Hillsborough Country Registry of Deeds Book 7045, Page 2468.

Mr. Hall seconded the motion.

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

VIII. PERFORMANCE SURETIES

A. Road Guarantee Estimate Form – Moose Hill/Bush Hill

Reference: Memorandum dated 07-09-13 from Patrick Colburn, Town Engineer, to John Cashell, Town Planner.

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

Town Planner Cashell said the developer was ready to move forward, noting they had done a lot of work on Bush Hill Road and were ready to start building houses. He said this would establish the bond.

Selectman Maddox said he had driven up there this past weekend and was amazed at the differences, saying the changes would make the sight distances work.

Mr. Barnes moved to establish a surety in the amount of \$322,611.95 for the Moose Hill Road/Bush Hill Road Subdivision, in accordance with the written recommendation of the Town Engineer, Patrick Colburn, PE (see recommendation in file, memo dated July 09, 2013), noting that the surety shall be established in the form of a Hampton-style letter of credit or cash deposit held by the Town.

Mr. Della-Monica seconded the motion.

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

VIX. ZBA INPUT ONLY

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

X. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XI. OLD BUSINESS

A. Unicorn Industrial Park SP# 09-12

**Map 170/Lot 038
25 Constitution Drive**

Purpose of plan: To show a proposed 10,000-ft² industrial building on 4.4± acres with the associated site and drainage improvements. Hearing. Deferred Date Specific from the 06-26-13 Planning Board Meeting.

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

Town Planner Cashell said the staff report was not totally committed to what might happen tonight, saying the applicant wished to move forward.

Mr. Jeff Merritt, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, Mr. Jamer, noted that Mr. Jamer and Atty. J. Bradford Westgate were also present.

Mr. Merritt said changes had been made to address comments raised at the prior meeting. He noted that the portion of Wall Street abutting the property was a dedicated but not accepted Town Road, saying the Town's research had discovered that the bond had been released prior to construction of the road to Town standards, so the money was not available. He said the Road Agent in March had sent an E-mail summarizing what needed to be done, noting they had also met with the Board of Selectmen, and the Board of Selectmen had approved a motion to authorize the Road Agent to perform the required roadway construction necessary to bring Wall Street up to acceptable Town standards. He said Mr. Jamer would be contributing \$13,000 to the cost, which was estimated at a total of roughly \$26,200, noting that Mr. Jamer had 60 days from the date of that meeting in which to provide those funds, and stating that Mr. Jamer fully intended to do so. He then stated the Wall Street issue had been resolved.

Mr. Merritt said the second issue was the volume waiver request, noting that the abutters to the west and north had testified that they did not support that volumetric increase, so his firm had redesigned the plan, as posted on the meeting room wall, and he then identified the posted plans as

- ***Master Site Plan, Unicorn Industrial Park (Map 170, Lot 38), 25 Constitution Drive, Hudson, New Hampshire, Hillsborough County***, dated October 22, 2008; last revised 6-20-13.
- ***Grading and Drainage plan, Unicorn Industrial Park (Map 170, Lot 38), 25 Constitution Drive, Hudson, New Hampshire, Hillsborough County***, dated October 22, 2008; last revised 6-20-13..

Mr. Merritt discussed the planned underground infiltration system to be placed under the parking lot, saying the street storm water would go into this system, with an overflow into the above ground system in the event of extreme rainfall.

Mr. Merritt said the third item was relative to comments from Century Park personnel, noting his firm had spoken with Mr. Wolters and had requested that he submit in writing the changes Mr. Wolters would like them to make, saying they had received an E-mail from Carl Dubay of the Dubay Group, Inc., Windham, New Hampshire, listing changes, but they had requested deferral in order to have time to address those comments. He said they had provided to Mr. Wolters a conceptual site plan, saying he had commented about that plan, which had been further revised accordingly, with no other correspondence received to date—adding that they did not have Mr. Wolters' blessing, and adding further that they had made a second attempt to work with Mr. Wolters but could not seem to get to the finish line.

Chairman Russo opened the meeting for public input and comment, in favor of the application.

Atty. Westgate said he wanted to add to what Mr. Merritt had said, saying they had been at the Board of Selectmen meeting as a derivative of this Board, with the need to obtain frontage. He said this Planning Board had decided that Wall Street did not rise to the state of providing frontage, but with the proposed construction that problem would go away.

No one else coming forward to speak in favor of the application, Chairman Russo asked if anyone wished to speak in opposition or to provide comments or questions concerning the application.

Atty. John H. Sokul, Jr., of the law firm of Hinckley Allen, Concord, New Hampshire, representing Century Park, said he had a package to hand out, and he then distributed copies to all Board members. He posted a picture on the meeting room wall, identifying it as an overview of Century Park, with two smaller pictures of the Century Park project, noting that these pictures were included in his report. He said this had been a frustrating situation for both sides, noting that Mr. Jamer was proposing an industrial building, but it was very close to the Century Park parking lot. He said there was an existing row of trees, which would be clearcut for this project, with another group of trees along the eastern side, some of which would also be cut. He said the actual use of the area had not been specified, saying the building was being proposed as corrugated metal. Mr. Merritt said the primary building material would be an insulated exterior coating, with a textured finish, saying it would look similar to stucco. Atty. Sokul asked what color it would be; Mr. Merritt said they would make it whatever colors Mr. Wolters wanted.

Selectman Maddox noted that his packet had two copies of the same letter.

Atty. Sokul said Century Park was a campus facility, which he described as upscale and very classy. He said adequate screening and buffer would not be provided by the proposed plan, so there would be negative impact on Century Park. He noted that he had worked with Mr. Wolters on other projects, saying on one large project he had sat down with each abutter and worked to accommodate their concerns and requests, saying he expected the same courtesy from Mr. Jamer. He said Mr. Jamer was building next to an office-type campus and his building should reflect that.

Atty. Sokul said that from his reading of the Hudson Zoning Ordinance the project failed to provide a 50-foot setback from Hudson Park Drive, and he read aloud text from the Zoning Ordinance to support his contention, saying no rear lot line can be adjacent to a dedicated public right-of-way. He then referenced Tab 3 of his report, saying it showed the location of Hudson Park Drive, which abutted Mr. Jamer's property. He said this plan was recorded at the Hillsborough Country Registry of Deeds on May 3, 1976, as approved by the Hudson Planning Board. He noted that Tab 4 pertained to a request to discontinue a former right-of-way, Howland Drive, saying in doing so, in 1979, the intention had been to leave the public servitude on Hudson Park Drive undisturbed. He said he thought it was pretty clear that the setback of the proposed building from Hudson Park Drive ought to be a minimum of 50 feet.

He then referenced the site plan regulations, HTC §25-6.A, which he read aloud. Due to how close the building was being proposed, he said, Mr. Wolters had hired an appraiser to look at the potential impact on his property, as shown in Tab 7 of his report, noting that the appraiser's report concluded that the proposed building would be

incompatible with the office-park setting, with a possible loss of one third of the property's value. Unless more screening than being shown was provided, Atty. Sokul said, this proposed construction would result in serious negative impact.

Atty. Sokul said they had had a lot of dialog with Mr. Jamer's team about changes that would be acceptable to Mr. Wolters, saying Mr. Jamer's team had been following a path that just was not going to take care of the problem of that close proximity. He then said Mr. Wolters' engineer had come up with a different proposal, copies of which he then distributed to members of the Board. He discussed the proposed plan, saying that it just flipped the building around and provided more screening and more space. He described it as a win-win situation. He then concluded by saying they had talked with the applicant about the proposal, saying they had some concerns.

Mr. John Wolters, principal of Century Park, said Atty. Sokul had covered most of the points, saying they had tried to work things out, and adding that the foam construction did not provide much of a sound barrier. He said he had been working hard to try to resolve this matter, but there were movable changes.

Atty. Sokul said Mr. Wolters had tried to work things out so that Mr. Jamer could use this property—noting they had heard different figures for the building's height. Under any scenario, he said, they would request that any dumpsters, etc. be placed on the eastern side of the property—adding that there was an host of little details like that that could be discussed, but he thought review of the application ought to stop because of the 50-foot setback issue, and the applicant should be told to go get a variance. He said he thought a hard look should be taken at his different “flip-flop” proposal.

Chairman Russo asked if the applicant's representatives needed time to review this new material. Atty. Westgate said they had comments not only on the conceptual plan from Mr. Dubay but also on the plan that Atty. Sokul had provided. He said Mr. Jamer had taken more time and effort over the past four years to try to accommodate the issues raised by Mr. Wolters than any client Atty. Westgate had ever worked with. He said he first saw the letter given out tonight by Atty. Sokul at 6:05 p.m. tonight. He said the idea of flipping the building and parking lot had been brought to his attention today, but Mr. Basso had design concerns about it and he (Atty. Westgate) also had concerns. He said the building if flipped would be in the jurisdictional wetlands, but what they had received from the Zoning Board of Adjustment was for a portion of the parking lot, not the building. He said that would translate into significant time and cost, not counting the time spent before the Planning Board. He said they had already been down that road twice, saying his own flip-flop proposal would be to back off and let them build, and trust them to make the design work, as opposed to redesigning the plan and hope it would be amendable to the abutter. He said Mr. Basso had design concerns about the treatment of groundwater with the new plan being proposed by the abutter, saying the drainage flow would go to the south rather than to the west—adding that that would be a hard sell to NH-DES and to the Conservation Commission. With respect to the setback issue from Hudson Park Drive, he referenced the Tab 3 plan, saying the rest of Hudson Park Drive had been created from lots that had been owned by Centronics, but the part that had been colored orange by Atty. Sokul was only on the edge of the property. In effect, he said, someone comes to this Planning Board and gets a street approved by a unilateral action, so that what was a 15-foot sideline setback was now a 50-foot setback; he then expressed a belief that this would be in effect a regulatory

taking. He suggested that the Zoning Ordinance should not be interpreted that way, as the setback was being imposed on the abutter, who was not a participant in laying out the road and had not wanted it in the first place. He said there were other details, noting that he had argued for Wall Street being a public road, but the Board had determined it was not; if the south end of Wall Street did not rise to frontage, he asked, how could Hudson Park Drive, which was nothing but a paper street, with some of Mr. Wolters' parking area going right into the Hudson Park Drive space? He said this was inconsistent with this Planning Board's prior determination with respect to Wall Street. Lastly he continued, the Zoning Ordinance defined frontage as a Class V road or other public right of way—saying if Wall Street could not serve, Hudson Park Drive certainly could not. He noted that no one in the Town's review had raised the issue of front-yard setback, adding that it also had not been considered that way by the Town's consulting engineer. Referring to the concern about screening, he referenced HTC §275-6.A, noting that Century Park historically was the old Centronics facility, which was a standard industrial operation, not an office park. He said his client was proposing an industrial use on industrial land, saying the idea that Century Park, now being an office park, somehow imposed requirements on an abutter diminished the scope of use allowed to the abutters, not by any action of theirs. He said the Planning Board had the authority to require appropriate screening, aesthetics, improvements to the abutter's development, and that sort of thing, but the idea that the very use could be translated into an adverse impact on property value because of the nature of its use just did not hold, adding that they were not trying to propose an industrial use but were making use of an industrial subdivision that had not been part of Century Park to begin with.

He then expressed a belief that the plan was in order for approval, after three years.

In response, Atty. Sokul said he had not been at the Planning Board when Atty. Westgate had been asked to go to the Board of Selectmen, but his understanding was that that was a frontage issue, whereas he was talking about setback, and the property had to meet setback requirements because it had to be considered as the lot-line front pursuant to the definition of lot-line front in the Hudson Zoning Ordinance. He said this was mixing apples and oranges. Noting that Atty. Westgate had called this a unilateral act by some party unrelated to Mr. Jamer causing this setback issue, Atty. Sokul said it was a subdivision plan that had gone through the planning process and had been approved by the Planning Board, and recorded at the Hillsborough Country Registry of Deeds, noting that the plan was on record (as shown on Mr. Jamer's plan) when Mr. Jamer had purchased the property—saying it had been well-known and had been known by Mr. Jamer, as the southerly portion of Wall Street was shown on Mr. Jamer's plan as "dedicated but unaccepted," which was exactly what he himself was saying. If the Selectmen accepted it, he added, it could then qualify as frontage. Referring to the diminution in value and the fact that this site was zoned as Industrial, he continued, if an allowed use could just be built because it was allowed under the Zoning Ordinance, there would be no need for a planning board or for site plan review. He said the abutting use that existed today was what he was talking about, saying the site plan regulations specifically addressed screening requirements for adjacent uses.

Mr. Wolters said he wanted to clear up some things, noting Atty. Westgate had said he had learned about the plan this evening. He said they had gone through the plan after his engineer had contacted them a week ago, and there should be no surprise. When he dealt with the applicant, he said, it was difficult to negotiate when the scenery

kept changing—height, trees, berm, siding, etc.—saying he was equally frustrated and would like to hear from Mr. Jamer, saying all he had been talking about was to have a buffer so that his property would not be valued less. He said the cranes on the property would be seen by the occupants or the buildings in Century Park, saying they had agreed to do a berm and to leave certain trees, and adding that the applicant's team had previously accepted a plan which was nothing like what was being shown to the Board today. He noted that an area going up to 15 feet from his property line was being cleared, saying he had not understood that and had suggested he would allow them to connect to his own line to do away with the need for that. He said he needed those trees, adding that Mr. Jamer had previously agreed to do a fence that did not appear on the plan now before the Board. He suggested that allowing them to use his drainage system would save them money. He then displayed a photograph showing what the view would be from the adjoining office building. He said they were talking about having 15 feet of trees, which was just not enough.

Atty. Westgate said he would not try to correct every statement Mr. Wolters had made with the attempts to resolve this, saying this had been an incredibly difficult process to go through to understand precisely what Mr. Wolters wanted and how the applicant's team could address it. He said they had not made willy-nilly changes to the plan, saying they had had an agreement in principle some time ago that could not be reduced to writing, but they could not go back to that now without all of its elements being in place, noting that part of that agreement had dealt with drainage on the north end, which would have let the berm be done. He said they could not unilaterally go back, because without a comprehensive agreement they did not have the easements to do it. He said they had seen Mr. Dubay's plan after 6:00 p.m. tonight, saying they had worked on the issues and then the flip-flop plan occurred. He said he thought their efforts spoke for themselves in trying to resolve all the issues. He then concluded by saying he had not been talking about providing access but about what was the front lot line.

No one else coming forward, despite a repeated invitation, Chairman Russo declared the matter before the Board, and asked if any members of the Board had any questions.

Mr. Della-Monica asked for information about the height of the fence proposed along Hudson Park Drive, as proposed by Mr. Wolters' engineer. Mr. Wolters said the applicant's team had agreed previously that it would be eight feet in height.

Mr. Della-Monica said the original plan would have been 180 degrees from Century Park and a view of Life is Good, but the present plan proposed the line of trees, saying that would not reduce sound measurably. He said turning the building around and aiming open garage doors at the building would not do much good, saying this did not make sense, along with having a parking area facing the abutting building. He stated that the proposed flip-flop plan did not make any sense the way it was proposed and was counterproductive to what Mr. Wolters wanted.

Selectman Maddox noted that it was challenging to receive this package from Atty. Sokul and trying to read through it while getting all this testimony, commenting that Atty. Sokul was saying that the value of the property would be drastically reduced. Atty. Sokul apologized for the lateness of the submittal, saying he had thought the hearing

was likely to be continued. Selectman Maddox pointed out that there was a sign on Route 111 saying the property was industrial. Atty. Sokul said a lot of allowed industrial uses, if designed in a certain way and if screened in a certain way, would not reduce the value of Mr. Wolters' property but this proposal as proposed would--adding that the appraisal had been provided in 2010.

Selectman Maddox asked Mr. Merritt why there was 60 feet between the building and the parking lot. Mr. Merritt said they had laid it out that way to allow access to the overhead doors and to provide for maneuvering, saying this was typical. He said the distance was actually 80 feet, saying they typically liked to see 120 feet of paved area for an industrial development, but that was for distribution facilities with tractor trailers, while this was for FedEx deliveries, etc.

Selectman Maddox asked what the building was going to be used for, asking if there would be 50-foot-long cranes going into this building. Mr. Merritt said it had initially been the intention to use this for Mr. Jamer's business, but that was in 2008, and Mr. Jamer had had to make other arrangements. Mr. Jamer said it was undetermined, saying it would be a tenant setup. Selectman Maddox said they were trying to chase a moving target, but he had thought taking 15 feet from the 80 feet would add to the buffer. Mr. Merritt said they had already tried that, looking at changing the dimensions and moving the building, and had presented that concept to Mr. Wolters, but again could not get to the finish line.

Selectman Maddox said the Planning Board had some latitude but was kind of stuck in the field between two opposing armies. Until they could come up with something that met all the requirements, he suggested, they were trapped,

Mr. Barnes said he thought what Mr. Wolters was looking for was a visual buffer, not a sound buffer. He said it seemed to him that, if there were a requirement for a 50 feet setback from Hudson Park Drive, they could get access off Hudson Park Drive—which was not going to happen. He said he thought Mr. Wolters had made a strong case for needing some screening, noting that Mr. Basso had gone through another case of needing to provide a buffer, and he said that more space was needed. He then asked Town Planner Cashell if CLD had reviewed the proposed drainage system. Mr. Cashell said CLD had not reviewed the most recent one, saying it was still a moving target.

Mr. Merritt said Mr. Jamer was not opposed to moving the building, but it was just that they had had a moving target working with Mr. Wolters. Mr. Basso said they had not previously gotten to this point yet, saying this was what they were looking for—saying they could move the building and provide some screening, but they had thought of this as the back of the building. He said there was a Noise Ordinance and whatever happened here had to comply, adding that they could come back with modifications but had not previously gotten to this point.

Chairman Russo asked Mr. Wolters, if the building were shifted 15 feet, would that allow them to bring in a final plan that he would agree with, knowing that the Planning Board would be looking for adequate screening. Mr. Wolters responded that he needed to know the height of the building, which had been 20 feet and then 22, saying he did not know if 30 feet by itself would be enough, but they had agreed previously that there would be a 4-foot berm with a solid fence on top of it, with hemlocks or something planted in front of it. He said he had suggested that it be eight feet in height.

He said the Life Is Good building had two stories, and the call center was directly in the path and would absorb more of the sound, and he questioned how the rising noise could be stopped, saying this was why they had reversed the orientation of the building. If they would propose something along the lines of what he had agreed with Mr. Jamer before, and someone could provide that, he said, that would be great to have a copy of it. He noted an area on the plan being cleared for drainage, saying he would like to leave that in place, saying they could not put any buffer where they were running the drainage and the detention pond—adding that when he learned about this he had decided to accommodate their water storm drainage in order to leave those trees as a buffer.

Chairman Russo asked what number Mr. Wolters wanted, noting that he had said 30 feet and then 40 feet, after starting off with 15 feet. Mr. Wolters said he would be okay with that if it could be done in 30 feet and provide an adequate buffer, adding that it might take 35 feet. Chairman Russo noted that Mr. Wolters had said earlier all he was looking for was a buffer from “this wall to that desk,” which was 15 feet. Mr. Wolters demurred, saying that was what was existing, saying they were proposing 15 feet which clearly would not provide any buffer. He said what he was proposing, and what they had agreed to before in a document that he was prepared to sign, was a buffer and a berm and some trees. Mr. Wolters then suggested that maybe what they could do would be to come back to this Board with this plan in two weeks, saying people could work out something or reverse it, whichever would be best.

Selectman Maddox asked what Mr. Wolters’ goal was, asking if he wanted a berm with an 8-foot fence as a visual buffer; he then asked what Mr. Wolters was looking to mitigate. Mr. Wolters said it was in part the visual and in part the noise. He said he had consulted experts, and reversing the building with a berm might not be the best but would at least be helping. He said he was prepared to put his name on the plan today. Selectman Maddox said Mr. Wolters was saying both sides, adding that if the building were turned the Life Is Good people would hear the trucks beeping. Mr. Wolters said that was why they switched it, to cut back on the noise issue with respect to the Life Is Good building. He said he would give them an easement to his water line, and the damage would be mitigated as best as they could do.

Selectman Maddox said he was trying to figure out why Mr. Wolters wanted them to move the building, which would block the noise in one direction—saying swapping it around would be an awful expense and he did not know if it would do Mr. Wolters any good. Mr. Wolters said he had a picture at Century Park and it looked good. He agreed that it would be a better alternative for UPS, but the issue was where the trucks came in. Chairman Russo noted that what was going in there was not the crane business, as he understood it. Mr. Wolters said the noise would hit two stories of office space in the Life Is Good building, which was why he had proposed reversing the building. He said he had agreed to provide something in writing.

Mr., Wolters then pointed out details on the aerial view, saying his flip-flop proposal would keep the building further in the woods from the Life Is Good building and the noise would go out toward his parking lot, but the 4-foot berm with an 8-foot fence would help mitigate that. Selectman Maddox said there was a lot of distance to the Life Is Good building, with some mature trees in there. He expressed a hope that tonight’s dialog would get them closer.

Selectman Maddox asked about deferral. Chairman Russo asked what the deferral would be for, asking what the applicant should be told to come back with. Selectman Maddox said there could be setback distances; he then suggested that the Board take a 15-minute break to give the opponents a chance to come together for discussion.

Chairman Russo declared a break at 9:02 p.m. He then called the meeting back to order at 9:23 p.m., noting they had asked the applicant and the abutter to see if they could come to terms.

Atty. Sokul said he could try to give the Board and the applicant several suggestions. If flipping around the building was not acceptable, he said, the further back it could be set from Hudson Park Drive the better; the more screening that could be provided for Hudson Park Drive, the better (noting that he understood that new 40-foot-high trees could not be planted); coming around the corner, as much as possible mature trees would remain; they would like to know what the building would look like, they would like a rendering; they would like to know if any outside storage were proposed, any dumpsters, etc.

Chairman Russo asked what the applicant would be willing to compromise. Mr. Merritt said they could slide the building southerly at least 15 feet and perhaps more, noting they would have to keep an eye out for reasonable maneuvering. He said landscaping would be proposed for a buffer, saying they would try increasing the width and shrinking the length of the building, to get it further away from the west side of the property. He said they had presented some of the improvements to Mr. Wolters already, but some would require concession from Mr. Wolters with respect to drainage. He suggested having a month to work on the redesign.

Atty. Westgate said he would not be able to make the last meeting in August, Mr. Merritt said he could use the six week, pushing it to September 11th.

Atty. Westgate said that to implement all of these elements would require a lot of engineering, saying they needed to have an understanding that the fundamental elements would be acceptable. Chairman Russo asked if they would have to alter Mr. Wolters' drainage system; Atty. Westgate said they would have to alter where the drainage was coming off the Century Park site, saying they would need to have easements in place to accommodate the other improvements, and there was no point in engineering that unless they knew the easements would be there.

Mr. Barnes asked the applicant to consider moving the loading spaces to the end of the building and putting the parking on both sides, on the westerly side of the building, so the noise would be further away from the abutters. He noted that Road Agent Burns had given an estimate on the total cost, asking if the Town were picking up the rest; Mr. Cashell answered in the affirmative. Selectman Maddox said the problem was getting the paving done; Mr. Merritt said Mr. Jamer would make the \$13,000 donation prior to the deadline, regardless of whether the plan got approved or not.

Ms. McGrath moved to defer this matter to September 11th; Mr. Barnes seconded the motion.

Mr. Hall questioned if the Board were heading in the right direction, saying the given plan basically met the regulations but the Board was telling the property owner he needed to do something more to satisfy the concerns of the abutters. He questioned

why the Board would decide on an extra 15 feet when the project already met the setback requirements, saying the Board basically was trying to make an industrial building invisible and soundproof—adding that this seemed unfair when the abutter had no setback. He expressed a hope that when the plan came back the Board would have something, but he did not think much progress had been made. He then said he would vote against deferral. Chairman Russo said this was why he had asked the applicants how much time they felt was necessary; he said it sounded as though they were still willing to work with the abutter.

Mr. Malley said he agreed with Mr. Hall.

VOTE: Chairman Russo then called for a hand vote on the motion. All members present voted in favor of the motion to defer except for Mr. Hall and Mr. Malley, who both voted in opposition, and Chairman Russo declared the motion to defer to have carried (5–2–0).

Chairman Russo said he would take Item C out of order at this time.

C. Faith Baptist Church

**Map 1xx/Lot xx
321 Derry Street**

Site Application needed. Deferred Date Specific from the 07-10-13 Planning Board meeting.

Chairman Russo read aloud the published notice, as repeated above, explaining what the Board had asked for.

Town Planner Cashell said the application was ready for acceptance.

Mr. Barnes so moved; Ms. McGrath seconded the motion.

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

Mr. Michael Adams, representing the Faith Baptist Church, thanked the Town for allowing the church to do fundraising. He said the reason for requesting the waiver was that they were moving into the property as it existed, and there would be no changes or additions, as it met their needs.

Chairman Russo opened the meeting for public input and comment, in favor of the application. No one coming forward, Chairman Russo asked if anyone wished to speak in opposition or to provide comments or questions concerning the application. No one coming forward, again, despite a repeated invitation, Chairman Russo closed the public hearing, declared the matter before the Board, and asked if any members of the Board had any questions.

Mr. Hall asked if he understood that the reason for the previous deferral was that no one had been present to speak on it. Chairman Russo said there had been no application before the Board.

Mr. Barnes asked about parking, asking if the parking on the site would be sufficient for the congregation and they did not need to make any changes. Mr. Adams said that was correct.

Selectman Brucker asked how often they would be occupying the building. Mr. Adams said it would be Sunday morning from 8:45 a.m. until about 12:30 p.m., sometimes with an extra half hour for a promotional event, with a Sunday evening service starting at 6:00 p.m. until about 7:30 p.m., as well as a Wednesday evening bible study starting at 7:30 p.m. and going to 8:30 or 8:40 p.m.

Ms. McGrath moved to grant the requested waiver from the requirements of HTC §275-8.B, *Engineered Site Plan*, citing the reasons for granting that waiver as being because (i) no addition was proposed for the existing building, (ii) no additional parking was needed for the proposed use (i.e., beyond the existing 47 spaces), (iii) associated AM & PM Peak Hour Weekday Traffic would be less than that of the previous use, and (iv) traffic safety improvements sufficient to accommodate traffic associated with the proposed use had been implemented in 2012 along Route 102, leading up to and including the intersection nearest to the site driveway—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations. She noted that a Site Plan application would be required if, in the future, an addition and/or additional parking spaces were proposed for this site.

Mr. Della-Monica seconded the motion.

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

Chairman Russo asked if there were nothing for final approval, noting the Board was just waiving the engineering design. Town Planner Cashell said that gave the Building Inspector authority to provide an Occupancy Permit.

**B. 63 Derry Street
SB #04-13**

**Map 165/Lot 159
63 Derry Street**

Purpose of plan: To subdivide the 2.48-acre subject property into seven single-family residential lots. Hearing. Deferred Date Specific from the 07-10-13 Planning Board meeting.

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

Town Planner Cashell said he had nothing to add to his staff report.

Mr. Malley stepped down; Chairman Russo noted there was no alternate to seat in Mr. Malley's place.

Mr. Jeffrey Burd, PE, of RJB Engineering, 15 Pleasant Street, Concord, New Hampshire, appearing before the Board as the applicant's representative, posted a plan on the meeting room wall, which he subsequently identified as **Color Plan, Map 165, Lot 159, 63 Derry Street, Hudson, New Hampshire**, dated April 10, 2013. Noting that there had been four unresolved issues after the last meeting, he said he had added all

the appropriate notes (including the note on limited work hours), had added water information on Sheet 5, along with a missing hydrant, and more plantings on Sheet 6 in an effort to provide maintenance-free landscaping (adding that the vegetation would be established prior to street acceptance). With reference to the trees around the perimeter of the property, he said, Town Planner Cashell's summary in his package was a good job, adding that he had spoken to the applicant, who was going to be the builder and had rigorous landscaping plans that they followed, saying they wanted some buffer. He said they did not want to count trees or post a bond, but were committed to providing some landscaping; he said they would make every effort to retain trees that were 12 inches and under along the perimeter of the property, and would agree to providing ten trees for each house in all the back yards, conditional upon the CO when the house was built. He reported that a State permit for the sewer connections had been obtained.

Chairman Russo opened the meeting for public input and comment, in favor of the application. No one coming forward, Chairman Russo asked if anyone wished to speak in opposition or to provide comments or questions concerning the application..

Mr. David Rugh, identifying himself as the owner of the property at Map 176, Lot 32, said he had not been present for the June meeting, but had read the minutes. He said he had concerns about water feeding back onto his property, and he asked what assurance he could have (such as a performance bond for three years) that this would not happen.

Chairman Russo noted that there had been extensive discussion, available on HCTV; he said the swale and detention pond were just for road water, but water coming from the roofs of the houses would be handled by drywells, so the water coming into the drainage system would be very limited, with the system having been designed for a 25-year storm. He said the water would perc right down and go into the ground, because of the type of soil, noting that the plan had been reviewed by the Planning Board's consulting engineer and also by the Town Engineer. Mr. Rugh said he just wanted to get his concern on the record.

No one else coming forward, despite a repeated invitation, Chairman Russo closed the public hearing, declared the matter before the Board, and asked if any members of the Board had any questions.

Mr. Della-Monica said he thought the proposal for ten trees was fine except that the two rear corner lots probably should get more. Chairman Russo asked if the applicant would be agreeable to putting 20 trees on those lots. Mr. Burd answered in the affirmative.

Mr. Hall said he did not think the Board should get into the business of preserving trees, noting that the first person who bought a lot might cut them all down, so this requirement did not serve any purpose.

Selectman Maddox said in counterpoint that six houses were being placed on 2.4 acres in an established neighborhood and it was fair to give them a buffer at least for construction. He said he felt this Board owed it to the people who would be impacted.

Ms. McGrath said her recollection was that a note would be added to the plan that would make it clear that the Town of Hudson would not be responsible for maintenance

of the cul-de-sac. She said she expected such a note to be added prior to signature. Chairman Russo said the only maintenance he could foresee would be cutting the grass. Mr. Barnes said the maintenance-free plan sounded as if it made sense. Ms. McGrath said this sort of thing had been problematic in the past, saying she thought the Road Agent had voiced concerns about that in the past. Town Planner Cashell said the Town did not maintain turnarounds. Mr. Della-Monica said the initial suggestion about the number of trees had been suggested by the developer. Mr. Barnes said the developer was going to provide a minimal effort, saying he thought the one lot that would be a problem would be Lot 159-004, as there were no trees behind it except ones that would be cut down to put a deck there. Chairman Russo said he believed there was sufficient space.

Mr. Della-Monica moved the draft motion for plan approval; Mr. Barnes seconded the motion.

Chairman Russo noted that the last revision date should be listed as July 19th. Mr. Della-Monica so noted, as an amendment to his motion.

Chairman Russo said Stipulation 8 should have the same text as Note 7 on Sheet 3 of the plan. Mr. Della-Monica so noted, as an amendment to his motion.

Selectman Maddox suggested that Stipulation 10 should be amended to add that a sign should be posted on Nella Drive, noting this planned activity. Mr. Della-Monica so noted, as an amendment to his motion.

Selectman Maddox asked what had been decided on the count of the trees. Mr. Burd said there was no note on the plan to that effect. Mr. Della-Monica added Stipulation 12, to add 10 trees for each of Lots 159-003 and 159-004. Mr. Barnes said he would accept that, since the developers had said that was agreeable to them.

Mr. Barnes expressed concurrence with the four changes, making them friendly amendments, so that the motion would read as follows:

To approve the subdivision plan entitled ***Proposed Residential Development Map 165, Lot 159 63 Derry Street – Hudson, New Hampshire***, prepared by RJB Engineering, LLC 15 Pleasant St., Suite 5, Concord, NH 03301, dated: April 5, 2013, latest revised July 19, 2013, consisting of Sheets 1 through 13, Notes 1 through 9, and Stipulation Notes 1 through 9, in accordance with the following terms and conditions:

1. 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 above Site Plan-of-Record (hereafter referred to as the Plan).
2. Prior to Planning Board endorsement of the Plan, Town Counsel shall favorably recommend on the Development Agreement and Drain Easement Deed pertaining to Map 165, Lots 159, 159-1 and 159-2, as shown on the Plan.
3. A CAP amount of \$1,208.59, per residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
4. A public school impact fee in the amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.

5. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. This approval is subject to final engineering review.
7. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NH-DES requirements for such systems.
8. The number of dwellings for this subdivision shall be limited to 7, including the existing dwelling on Map 165, Lot 159.
9. If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday only. Said blasting/ramming activities shall be prohibited on Saturday and Sunday
10. .Construction activities involving the lots shall be limited to the hours between 7:00 AM and 6:00 PM, Monday through Friday. Interior construction activities are allowed on Saturday between 7:00 a.m. and 6:00 p.m. Both interior and exterior construction activities are prohibited on Sunday. Note: this condition shall be properly inscribed on Sheets 3 and 4 of the Plans prior to Planning Board endorsement of same, and a sign shall be placed at the entrance to Nella Drive noting construction hours.
11. The Town of Hudson shall not be responsible for the maintenance of the planting in the center of the turnaround.
12. Prior to the issuance of a Certificate of Occupancy, all lots shall have a minimum of 10 trees with an additional 10 trees on lots 159-3 and 159-4.

VOTE: Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Mr. Hall, who voted in opposition, and Chairman Russo declared the motion to have carried (5-1).

Mr. Malley returned to his seat as a regular member.

XII. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XIII. CONCEPTUAL REVIEW ONLY

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

XIV. NEW BUSINESS/PUBLIC HEARINGS

**4 Candy Lane Site Plan Map 101/Lot 27
SP# 03-13 4 Candy Lane**

Purpose of Plan: Remove the existing paved parking area and construct a 25-000 ft² commercial building and associated site improvements. Application Acceptance & Hearing.

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

Town Planner Cashell stated that the application was ready for acceptance.

Selectman Maddox so moved; Ms. McGrath seconded the motion.

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

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, posted a plan on the wall, which he subsequently identified as ***Non-Residential Site Layout Plan, 4 Candy Lane (Map 101/Lot 027), Hudson, New Hampshire***; prepared for and owned by Nottingham Square Realty Corporation; dated May 1st, 2013, revised through July 12, 2013.

Mr. Basso noted that the lot had been approved for a school bus depot many years ago, saying Mr. Sousa had purchased it under foreclosure just under a year ago and hoped get rid of the bus parking lot and to build another multi-tenant building there, similar to the adjacent one that he had rehabbed—with office space at the front and an open contractor space at the back, with a loading area and additional parking at the rear. He said the site would be serviced by an onsite well and sewer, but there might be Town water available in the future. He said the onsite water drained into the parking lot and then into a drain on Candy Lane, saying they would provide some parking at the rear with one-way circulation of the road traffic, coming off Candy Lane and then back out. He said the site would be served by an on-site well and septic system, adding that he understood that there might be Town water going very near this site in the near future and they might connect to it if that happened, in which case the water portion would go away. He said they might do a little bit of volumetric mitigation and on-site treatment with a small underground system in front of the parking area. He said the front office space would be roughly 5,000 ft², with 500 ft² per unit and with the rest being a small warehouse or however it might get used by the contractors. He noted that they had responded to all of CLD's comments but had not gotten the final review back, as yet. He stated there would be basic landscaping, and he then noted that they were asking for two waivers, for noise and fiscal/environmental study.

Chairman Russo asked what the adjacent building to which this had been compared would look like. Mr. Basso then pinned up pictures of the adjacent building, saying the new building would be the same style and color, noting that the existing building was 8,400 ft².

Chairman Russo asked Mr. Basso to review the changes that had been requested by CLD, the engineering reviewing firm used by the Board. Mr. Basso said the changes for CLD comments were very minor, and he discussed details, including the need for waivers, sight distance, concerns with maneuverability, provision of maintenance/inspection schedule, labeling of areas not to be disturbed, some information that had been provided, landscaping clarification, adding some notes on the plan, details about the retaining wall, etc.

Chairman Russo noted that the only member of the public present was the applicant, so he would skip the public input session unless he wished to speak. Mr. Sousa declined to comment.

Mr. Barnes asked what the difference would be between the existing area of impervious development from the bus parking lot and the post development condition. Mr. Basso explained where the pavement would remain.

Mr. Della-Monica suggested putting a raised ONE WAY sign going in and a Do Not Enter sign on the other, so people would know where to go. Mr. Basso said he would be happy to amend the plan to include those signs. Mr. Della-Monica asked if two bollards would be sufficient at the corners, given that there would be parking on both sides. Mr. Basso said it was modeled on standard software, saying it was conservative and there was enough room.

Selectman Maddox asked if these would be contactor type units. Mr. Basso answered in the affirmative. Selectman Maddox asked about the impact of the loading zones across the back. Mr. Basso said he had to show an area that could be used for loading, stating that the regulations needed to be updated to reflect reality, with UPS and FedEx pulling up in front, etc., and adding that they were not blocking the lanes. He said any small delivery would be apt to stop in front, while something bigger would go to the back and tie up the space temporarily while unloading. He noted that these would be at-grade doors.

Selectman Maddox pointed out that all the abutting properties were shown as being in the Economic Revitalization Zone. Town Planner Cashell said it had been shown that that was not the actual case. Mr. Basso said someone must have told them that that was the case, saying they would be happy to get rid of that.

Chairman Russo asked about fuel service. Mr. Sousa, the principal applicant, said it would be propane. Mr. Basso said they would add that to the plan.

Chairman Russo asked about A/C equipment on the roof, Mr. Sousa said it would be just like the other building, with the A/C unit on a platform with the regulators inside.

Mr. Barnes asked if any of the tenants would be doing retail sales. Both Mr. Sousa and Mr. Basso answered in the negative, saying that was in the plan notes.

Selectman Maddox asked about outside storage; Mr. Basso said there would be none.

Chairman Russo asked about parking spaces. Mr. Della-Monica noted that 42 spaces were shown on the plan.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9.D, *Fiscal Impact Study*, citing the reason for granting that waiver as being because, in addition to the submitted plans, CAP fee and other submitted application materials, that study was unnecessary in order to evaluate the fiscal impact of this development—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations.

Ms. McGrath seconded the motion.

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

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-9.C, *Noise Study*, citing the reason for granting that waiver as being because such a study was unnecessary, taking into consideration that the majority of the commercial activities associated with the proposed use shall be conducted inside the subject building, thus reducing the noise impact upon abutting properties, which are existing commercial uses, all of which are located in the same zoning district—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Review regulations..

Ms. McGrath seconded the motion.

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

Selectman Maddox moved to grant the draft motion for plan approval. Ms. McGrath seconded the motion.

Mr. Della-Monica suggested revision of Stipulation 3 to conform to the notes mentioned. Both Selectman Maddox and Ms. McGrath expressed agreement, making this a friendly amendment, so that the motion before the Board read as follows:

To grant approval for the Site Plan entitled: Non-Residential Site Plan 4 Candy Lane Map 101 Lot 027, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., dated: May 1, 2013, last revised July 12, 2013, consisting of Sheets 1 through 17 and Notes 1 through 32, in accordance with the following terms and conditions:

1. 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 (hereinafter referred to as the Plan).
2. Prior to the Planning Board endorsement of the Plan, the Development Agreement shall be favorably reviewed and recommended on by Town Counsel.
3. All improvements shown on the Plan, including Notes 1 through 32, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. After the issuance of the foundation permit and prior to the issuance of the framing permit, the applicant shall submit to the Hudson Community Development Department a foundation “As-Built” plan on a transparency and to the same scale as the approved site plan. The foundation “As-Built” plan shall include all structural dimensions and lot line setback measurements to the foundation and shall be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation “As-Built” plans shall be

documented by the applicant and be part of the foundation "As-Built" submission.

5. Prior to the issuance of a final certificate of occupancy, an LLS-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 Plan.
6. Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 9 of 17 of the Plan.
7. Construction activities on the site shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sunday.
8. This approval shall be subject to final engineering review.
9. A CAP Fee in the amount of \$11,550.00 shall be paid prior to the issuance of the Certificate of Occupancy. Note: said CAP Fee was established in accordance with the 2013 CAP Fee Matrix.
10. No retail sales shall be allowed on the site together, with no outside storage. A note to this effect shall be inscribed on the Plan prior to Planning Board endorsement.

Selectman Maddox spoke to his motion, saying the proposal fit with the property.

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

XV. OTHER BUSINESS

Chairman Russo noted that he had received a handout; he asked Town Planner Cashell to make copies for the other board members, saying they would be supplied at the next meeting.

Town Planner Cashell said there had been a great deal of activity about the proposal to change the name of Sagamore Industrial Park, adding that many of the vacant buildings were being filled up; he then suggested that the Board postpone the previously proposed public hearing with respect to this matter.

Mr. Della-Monica moved to table the public hearing; Ms. McGrath seconded the motion.

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

Town Planner Cashell said the only thing on for the next meeting was the JayMor proposal pertaining to the ball field to be constructed on Industrial Drive.

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
July 24, 2013**

Page 22

XVI. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath moved to adjourn; Mr. Barnes seconded the motion.

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

Chairman Russo then declared the meeting to be adjourned at 10:57 p.m.

Date: May 9, 2013

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Tim Malley, Acting Secretary

These minutes were accepted as amended following review at the 06-11-13 Planning Board meeting.

-- FILE COPY --

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 06-11-13:

Page 2, heading of Correspondence Item — changed original text (which was an inadvertent copy of the heading for the Performance Sureties item) to **Proposed Lowell Road (Route 3-A) Roadway Improvement Project**.

Page 5, 4th paragraph — removed, as the same text was repeated in the following paragraph.

Page 12, 3rd paragraph from bottom, 4th line — corrected mistyped “fi” to “if,” so that the clause now reads “asking if the Town were picking up the rest ...”

Page 15, 4th paragraph, 5th line — changed “perk” to “perc,” so that the clause now reads “He said the water would perc right down ...”

Page 16, 6th paragraph, 3rd & 4th sentences — changed text from “Mr. Della-Monica added Stipulation 12, to add 20 trees for Lots 159-003 and 159-004. Mr. Barnes said he would accept that, since the developer’s [missing text]” to “Mr. Della-Monica added Stipulation 12, to add 10 trees for each of Lots 159-003 and 159-004. Mr. Barnes said he would accept that, since the developers had said that was agreeable to them.” (This change clarified number of trees for each lot, instead of collective figure and added missing text left off original.

Page 16, 7th paragraph, 2nd line — changed extraneous period to a comma for grammatical sense.