



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES May 22, 2013

I. CALL TO ORDER

Acting Chairman Hall called this Planning Board meeting to order at 7:02 p.m. on Wednesday, May 22, 2013, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Hall asked Selectman Maddox to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Acting Chairman Hall asked Secretary van der Veen 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, Ed van der Veen, Richard Maddox (Selectmen's Representative), Vincent Russo (arrived at 7:14 p.m.), and Tim Malley (arrived at 7:14 p.m.).

Members

Absent: None. (All present.)

Alternates

Present: Irene Merrill and Jordan Ulery,

Alternates

Absent: Marilyn McGrath (excused), and Nancy Bruckerman (Selectmen's Representative Alternate, excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Hall seated Ms. Merrill in place of the absent Mr. Malley and Mr. Ulery in place of the tardy Mr. Russo.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of March 27, 2013, asking if there were any changes or corrections.

Mr. Della-Monica requested the following changes:

- Page 7, 6th paragraph, line 5. — He noted that the dollar value should be \$7,500.
- Page 10, 3rd paragraph — He said the run-on sentence needed to be broken into two sentences for readier understanding, as it currently had a “but” clause, a “which” clause, a “so” clause, and another “but” clause.
- Page 12, 3rd paragraph, 4th line — He said the wording needed to be checked against the audio recording, saying he could not tell if the reference was to the drainage that existed, or the drainage that was on the plan, or if the drainage on the plan was what existed—noting, however, that it might be a direct quotation, which should not be changed.

Mr. Barnes requested the following change:

- Page 21, last paragraph — He thought “Teebow” was misspelled and asked that it be checked.

Ms. Merrill requested the following changes:

- Page 4, 2nd paragraph, last line — She suggested that the modifier “inprocess” should be changed to “in-process.” Mr. Della-Monica noted that this was sometimes expressed as one word.
- Page 4, next-to-last paragraph, last line — She suggested “let to lapse” should be changed to “left to lapse.”
- Page 8, 2nd paragraph under Item A — She requested that the misspelling of the word “alternate” be corrected.

No further changes or corrections being brought forward, Mr. Della-Monica moved to accept the 03-27-13 minutes as amended; Selectman Maddox seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Mr. Barnes, who abstained because he had not attended that meeting, and Chairman Russo declared the motion to have carried (6–0–1).

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from this scheduled date.

VII. CORRESPONDENCE

Acting Chairman Hall stated that an item of correspondence received in tonight's handouts would be taken up in conjunction with the associated case, immediately following.

VIII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

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 03-27-13 Planning Board Meeting.

Acting Chairman Hall read aloud the published notice, as repeated above.

Atty. J. Bradford Westgate, of the firm of Winer & Bennett, 111 Concord Street, Nashua, NH, legal representative for the applicant, noted that he was accompanied this evening by Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, and also by Mr. Jeff Merritt of that same engineering firm adding that Mr. Chambers was also in the audience.

Atty. Westgate said he had noticed a couple things in the March 27, 2009 minutes. Noting that he was identified on Pages 3 and 4 as being a member of the law firm of Devine, Millimet, & Branch Professional Association, 111 Amherst Street, Manchester, NH, he clarified that Atty. Karen McGinley, Mr. Wolters' attorney, was a member of that firm but that he was from the firm of Winer & Bennett, 111 Concord Street, Nashua, NH.

Atty. Westgate stated that Mr. Wolters' name was misspelled throughout, saying it should be spelled "Woltors."

He also noted that there was a reference to "Eric Nicelson" on Page 4, saying it should be "Eric Nickerson."

Mr. Ulery moved to reconsider the motion to approve the 03-27-13 minutes; Mr. Della-Monica seconded the motion.

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

Mr. Ulery moved that the changes identified by Atty. Westgate be incorporated into the 03-27-13 minutes and that those minutes be approved as amended with those changes included.

Mr. John Wolters, seated in the audience, stated that the suggested change of spelling for his name was incorrect, saying it was "Wolters." Mr. Ulery recognized that error and said he would amend his motion accordingly.

Mr. Della-Monica seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Mr. Barnes, who again abstained, and Chairman Russo declared the motion to have carried (6-0-1).

Mr. Russo and Mr. Malley having arrived at 7:14 p. m., Mr. Hall relinquished the chairmanship to Mr. Russo at this time and himself assumed his normal position as a voting member, with Ms. Merrill and Mr. Ulery returning to their nominal positions as nonvoting alternates.

Atty. Westgate noted there had been a discussion about the southerly end of Wall Street at the March 27th meeting. He affixed to the meeting room wall a copy of a plan he identified as **Hillsborough Country Registry of Deeds Plan 30872**, stating that it was the recorded plan for Unicorn Park, as approved in late 1999. He said Constitution Drive was an accepted Town road, but Wall Street had never been accepted so it was a dedicated but not accepted road. He said that fact had led to discussion as to the potential improvements of this section of Wall Street, perhaps with coordinated effort with the Road Agent, the Board of Selectmen, and the applicant, perhaps to a point that Wall Street would be acceptable to the Road Agent and the Fire Department.

Atty. Westgate said he and others had attended the Board of Selectmen meeting of May 14th, discussing the expiration of the letter of credit, which had left Mr. Jamer's lot in a no-man's land because of the frontage issue. He said the Board of Selectmen had adopted two motions that evening, with one being to look into the letter of credit and the second being to have Town Planner Cashell and the Road Agent and Mr. Jamer's representatives analyze the cost of fixing up Wall Street and determine what the applicant's contribution for that would be.

He said the next logical sense would be for the engineers to get together and work on the scope of work, but there had not been enough time to date to come up with an appropriate contribution figure. He said they were only talking about the section along the side of Mr. Jamer's property.

Chairman Russo asked if there were any questions from the Board.

Mr. Hall asked if Atty. Westgate felt that the Board of Selectmen were in agreement that the work could be done so that with the applicant's contribution there could be some written agreement that would allow the Planning Board to approve the site plan the same as if the road were bonded. Atty. Westgate expressed agreement. Mr. Hall asked if Atty. Westgate felt that section of Wall Street was a Class VI road. Atty. Westgate said it might. Mr. Hall said, if the Board of Selectmen felt it was a Class VI and Atty. Westgate felt it was, that might be halfway to the solution. Atty. Westgate said that was a possible route, but he noted that the frontage question still had to be dealt with—adding that he felt his thoughts about the frontage question were different from Atty. Buckley's. Mr. Hall asked if the issue of frontage were not negated if the Board of Selectmen allowed a building permit on a Class VI road. Atty. Westgate answered in the affirmative but suggested that the Planning Board would have to agree. Mr. Hall said that was another alternative that could solve the problem. Atty. Westgate agreed, provided that the frontage question did not "knock it out of the box."

Selectman Maddox said it was on the agenda for the next week's Board of Selectmen meeting, saying the applicant would pay the \$7500, adding that the CAP: fees would be \$4800, and rounding that to \$13,000 meant the Town could build that road to Town standards, saying the Selectmen thought making it a driveway was a bad thing they did not want to get into.

Mr. Barnes asked if that meant this end of Wall Street would be a cul-de-sac. Selectman Maddox said the Road Agent said it would be a semi-cul-de-sac, which he could plow.

Mr. Ulery asked about the boulders. Selectman Maddox said they would be replaced by a gate.

Chairman Russo asked if the Board wanted to discuss this further or defer it until after the Board of Selectmen meeting.

Selectman Maddox suggested having public input.

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

Mr. John Wolters, principal of Century Park, said he wanted to take a few minutes to outline some of his feelings. He said he was a resident of this town as of a few years ago and had been working for 18 years for the benefit of this community. He said he had been at the Board of Selectmen meeting but had not had an opportunity to speak, so he wanted to take this opportunity this evening to share with the Board a letter he had written to the Board of Selectmen, which he then read aloud, with that letter commenting on the importance of protecting the tax base and providing employment opportunities to its residents. With regard to the Jamer application, he said, the Board

had no idea what was being proposed on this site, noting that he had previously shared some pictures before of what another site looked like, but the Board had not heard from the applicant and had no idea on the tax income from the Jamer property would be or what the loss for Century Park would be. He said he had provided input about what it would mean to the taxpayers, saying undoubtedly taxes would go up. He said the Board had no idea how many employees would be involved with the Jamer property, while there were more than 500 people currently working at Century Park, predominantly office related and R&D, with many different types of applications, so they were very concerned about what was going onto this property.

Mr. Wolters said the applicant had purchased the property, when Mr. Wolters felt it could not be developed, as he had legal frontage and subdivision approval on Constitution Drive only. He said Mr. Jamer had purchased a property filled with wetlands, adding that tonight the Board would see information that he had obtained from wetland scientists that was different than what the Board had been shown. He said the applicant had not even tried to obtain frontage via Constitution Drive. He said the applicant's hardship was self-imposed. He said the Town's portion of Wall Street was not built to Town standards, saying it was a paper street, as he understood it, and there was no storage capacity. He said the abutter did not need it, as he had legal frontage on Constitution Drive, so doing all this was just for the sole benefit of the current applicant. He said the stones were on his property, saying in his opinion the Town never should have accepted this site plan application. He said he was trying to slow this process down to allow his representatives to take a full look at the application, saying the cost of the road was only one matter, and he felt it was missing the boat. He said he would provide documentation showing this development would have a negative impact of up to 40%. He then asked what this building would generate, saying probably the people in attendance had already spent more money than would ever be obtained. He expressed a hope that people had not already made up their minds, saying there was a need for all information to be shared and talked about. He then concluded by saying it was difficult to attract businesses to the Town of Hudson, saying he hoped everyone crossed their "t"s and dotted their "i"s, adding that he had another letter to be handled out with the supplements.

Chairman Russo asked what the report was in regards to. Mr. Wolters said his engineer was here to present information on the wetlands and the appraisal.

Mr. Carl DeBay, with the DeBay group, in Windham, said he had a letter that he would pass out, saying it was a summary letter from Mr. Wolters. He noted that he had been doing work for Mr. Wolters for 16 years and had been a professional engineer with his license for 21 years, adding that he had a high amount of respect for Steve Keats and had been doing work with him, on both sides of the coin, for 17 years. He then distributed copies of the May 22nd letter, noting that it outlined points of fact regarding the legal means of access, saying they disagreed with Atty. Westgate on some of those points, as well as facts regarding the drainage report, and some facts regarding the wetlands on the site. He said there were also two exhibits, referenced in the letter, which he also passed around. He identified one of these as being a 4-page report from Randy Shuey, a Wetland Scientist, who had looked at the site, saying what they were calling a depression—noting that the viewing had occurred before it rained a few days ago and he had photographs from several visits, including today, saying it

was full of water and the ground was mushy before the rain. He said the report went through all the criteria, concluding that it definitely was a wetland. He said all they were asking tonight was to get the facts, saying the northwest corner of the site (pretty much where the end of the building would be) was a wetland. He said they had contacted Mr. Gove, and Mr. Shuey was suggesting having a third party look at it.

He then posted a picture on the meeting room wall, noting that the depicted area was full of water—adding that it was full of water most of the time. He said they were just asking that the Board have a third party take a look at it and do their analysis. He said this did not mean one could not use the property with proper permitting, saying they had been raising this request since 2009. He said Mr. Wolters had talked about the fiscal impact, saying his report included a report from an appraiser, and they wanted the Board to take a look at it—adding that they felt the Board should ask the applicant to take a look at the fiscal impact and how it affected the park. He said the Board should ask the applicant to provide some fiscal information and not just wave the hand and grant a waiver.

He then noted that another waiver had been requested for the volume of drainage, saying, if the waiver for volume discharge was for extra discharge onto Mr. Wolters' property, it could matter in the future, when Mr. Wolters wanted to improve his office park even more. He said they had to deal with volume now, as well as discharge, so they would have to deal with the extra volume as well. He said they would like to make some suggestions, as well as dealing with the volume on the applicant's own property. He said this was just a layman's appeal for the Board to take a look at these things. He suggested taking a look at the volumetric data, the wetland at the southwest corner of the site, and also the frontage issue. He said it was a paper street, saying a paper street usually had right-of-way, adding that he had never been able to ignore a paper street in terms of frontage. He then concluded by saying it was not a side line or a rear line—and both the ordinance and the RSA were pretty clear.

Chairman Russo asked if anyone else wished to speak.

Atty. Westgate said he would try to address some of the issues that had been brought up. He said the fundamental points Mr. Wolters was making really did not pertain to the site plan process, adding that spending money to upgrade the southerly portion of Wall Street was a Board of Selectmen matter, to be determined by them, and was not this Planning Board's issue. He said Mr. DeBay had presented documents that the applicant's representatives had not seen before, saying this was not an upfront approach. He said Mr. Shuey's letter referenced a little depression, coming to the conclusion that it was a wetland—noting that Mr. Shuey had taken soil samples from that site unbeknownst to Mr. Jamer, hence trespassing on the land. He suggested that report should not even be considered, as it had been done in a way that was surreptitious to Mr. Jamer's ownership of the property. Even if a third party were brought in, he asked, was this Planning Board going to be the judge of which wetland expert should be accepted? He said the application had a Wetland Scientist's determination, and he questioned if the third party report would throw the application into limbo. He questioned who would pay for the third party's analysis, saying it was starting off as "squishy" ground to begin with. He said the Board traditionally granted waivers of the impact study because it was relatively obvious that the revenue

generated was a plus versus the Town services needs demanded by that development—adding that getting into impact on abutters was delving into Zoning Board territory. He questioned who was to say what beauty lay in the eyes of what beholder. He said they had asked their Wetland Scientist to summarize the results again, which was in a letter now being passed out by Mr. Basso.

Mr. Basso said he had been practicing for 20 years and had never stopped at answering questions for anyone—adding that he had not been approached by any of the issues raised tonight, including the wetlands, except for an E-mailed letter received at 5:30 p.m. tonight, which he could not open. He said the picture of the wetlands showed a depression that he had specifically asked Mr. Gove to take a look at, so Mr. Gove had made an extra trip, with other wetland scientists from his firm, with two of them stamping the letter. He said the runoff from the pavement on Mr. Wolters' property dropped into a hole, making this depression, adding that they were proposing to handle the drainage from the Wolters site, as this site was burdened because the Cenury Park site flowed onto this site. He said those three wetland scientists had determined this was not a wetland.

As far as permitting across the wetland on Constitution Drive, he said, they had not tried to do that because there was an alternative. He said they could spend another \$50,000 of Mr. Jamer's money to prove they could not get it, but he already knew that, and they had a dry alternative approach. He said he could not imagine what the Conservation Commission would say but he was sure he could not get it through the NH-DES. He reiterated that he had not tried to avoid anything with Mr. Wolters' people, but he was not interested in it, either, as he was not interested in spending his client's money when he was already addressing the rules, noting he had dealt with CLD's comments.

As far as the paper street went, he said, he would let Atty. Westgate deal with that, but it really came down to definition. He said it was not defined as a Class V road, noting that Century Park was raising an interesting standard, since Century Park had a building in it but wanted this proposed building to be set back 50 feet from it. He said there were other examples of these in the town.

Atty. Westgate said the prior speaker had been talking about the paper street known as Hudson Park Drive, not from Wall Street. He put up a plan, which he identified as **Howard Research and Industrial Plan, Hillsborough Country Registry of Deeds 9062**, which he identified as a recorded plan from the mid-70s. He pointed out details of Mr. Wolters' site and the proposed site on that plan, noting that Mr. Wolters' parking lot edged out into Hudson Park Drive, which was laid out as a paper street on land owned by Century Park, not on the applicant's property, noting that the two properties had distinctive chains of title. He described a hypothetical example of creating a paper street, asking how that could impose a setback requirement on an abutter. He said his applicant had lost 35 feet of buildable area because an abutter had got a paper street approved without ever building it. He concluded by saying he could give a 15-minute lecture on zoning but would prefer not to do that at this time.

Selectman Maddox said he would rather read the book.

Mr. Wolters said he disagreed with Atty. Westgate on several matters. He said the applicant was asking for a handout, saying he did not meet the requirements. He said the Town might get \$5,000 or \$6,000 in tax revenues from this property and lose \$50,000 on the abutting property. He said the applicant had looked at the property in 2009 but he had just learned of it today, adding that he knew his soils scientist had contacted Mr. Gove immediately when he learned of this report, and saying there wasn't any preparation. If the applicant had a right to develop his site, he said, he should do that—but if the Town was making a special accommodation for him, he questioned why it should be done at the cost of the residents, as all it would do would be to put more tax base upon them. Chairman Russo interrupted to say that Mr. Wolters was really appealing to the Board of Selectmen, so he was in front of the wrong board, and he asked that Mr. Wolters stick to the issue.

Mr. Wolters said the water flow Mr. Basso had referenced had existed for many years, stating that he was not agreeing to any increase of storm water drainage onto his property at all, and the fact they were requesting it was not acceptable to him. He said that the appraisal had been submitted to the ZBA, which they had been made aware of in 2010, so there was no surprise. He said he did not appreciate the joking language that had been used, as this was a serious matter. Ultimately, he said, they had done a test without permission, saying he saw something on a plan which according to his engineer had not been checked. He suggested that wetland scientists looking at the property today would want to check it. He then concluded by expressing his thanks for the work of Town Planner Cashell and Selectman Maddox, who had worked with him and taken his calls.

Chairman Russo asked for comments from the Board.

Mr. Ulery asked what was at Lots 107-37 and 107-36. Town Planner Cashell said that abutting property was Sunshine Paving, but it did not show on the map. Mr. Ulery said that was heavy equipment, noting that it was higher than Century Park was. Town Planner Cashell concurred. Mr. Ulery asked about the adjoining site; Town Planner Cashell said it was mixed offices and industry. Mr. Ulery asked about the slope of the land there. Mr. Basso said the cul-de-sac was kind of high, and he pointed to areas on the aerial view, commenting on the slope. Mr. Ulery said this would seem to indicate that the applicant's plan was at a lower level than the Century Park plan. Mr. Basso said it was.

Mr. Della-Monica noted the first page of the wetland scientist's report said the property did not pond water of sufficient length to support a vernal pool habitat, but the second page said there were some areas of oxidization but it was inconsistent, meaning the areas were not under water long enough to oxidize. He said the third page said there were no hydrophilic plants at all. He said putting this report in front of other scientists would just get their opinion, saying most would say "No" because the three elements of a wetland did not appear.

Selectman Maddox said he thought the Board of Selectmen was receptive to making Wall Street an approvable road, because a majority of that board believed that the Town had dropped the ball somewhere, and they wanted to take some responsibility. He noted that Mr. Wolters had said he was not allowed to speak at the Board of

Selectmen meeting, explaining that he had suggested most of these issues were Planning Board issues.

Chairman Russo stated his understanding that there would be another meeting with the Board of Selectmen in a week. Selectman Maddox said the Board of Selectmen was going to hear from the Road Agent as to what could be done and the time frame for that to happen.

Mr. Della-Monica said he would like to see something showing that there would not be extra water discharged on the abutter's property, saying he did not see how it would go uphill. Mr. Basso said they were going to withdraw the request for a waiver for volume, saying that would be addressed the next time they came before the Board.

Mr. Hall said he wanted to make a motion to defer. Atty. Westgate suggested that the deferral should be for at least four weeks, to get time for feedback from the Board of Selectmen.

Mr. Hall moved to defer to June 26th; Mr. Della-Monica seconded the motion.

Selectman Maddox said he thought the Planning Board needed to make a decision as to what it was going to do with the wetland in the corner. Chairman Russo asked if the report provided by Mr. Wolters could be forwarded to CLD for some sort of peer review—but he then questioned at whose expense this would occur.

Mr. Hall said a wetlands soils scientist had stamped where the wetlands were on the site, while someone else had questioned that without permission to get on the site. He questioned why the Planning Board should be the judge and the jury, saying he did not think the Board should have anything to do with it.

Mr. Della-Monica expressed agreement with Mr. Hall.

Mr. Barnes said he would not want to make any decision without first having an opportunity to review the documentation.

Mr. Ulery said the information provided, with the intent to withdraw the waiver, plus this report, meant there was a lot to look at. He said he would love to see a topological plan for the area, including how big it was, before this Board made a decision one way or the other. Selectman Maddox expressed agreement.

Mr. Malley said he agreed with Mr. Hall.

Mr. Della-Monica said there were four pages of report that in his opinion had some serious holes in it, adding that the Board already had the opinion of the two qualified people who had stamped the plan. He noted that the new study was just an opinion.

Chairman Russo asked if Mr. Basso had said someone from Mr. Gove's office had actually come back and looked at it. Mr. Basso said he had asked Mr. Gove to reverify when he started this current process, and they had done so, inspecting that specific area. He said his understanding was that Mr. Gove had said it was not a wetland because it did not meet all the three specific criteria, noting that three experts had looked at it at different times. Chairman Russo asked if that were four years ago. Mr.

Basso said there was also something more recent, but he did not know when it had occurred.

VOTE: Chairman Russo called for a verbal vote on the motion to defer to June 26th. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Chairman Russo declared a break at 8:32 p.m., calling the meeting back to order at 8:57 p.m.

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

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

XV. OTHER BUSINESS

A. Review Cost Estimate to Complete a CAP Fee Assessment Update for the three major corridors in Hudson (i.e., NH Routes 102 & 111, and Route 3A). CAP Fee Review. Deferred from the 04-10-13 Planning Board Meeting.

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

Town Planner Cashell said this had to do with receiving from Marty Kennedy, a VHB engineer, a cost estimate to update the CAP Fee process, noting that Mr. Kennedy had supplied Parts 1 and 2. He noted that the conclusion was that it would cost \$18,000.

Mr. Della-Monica asked how often this updating was done. Town Planner Cashell said it was not a matter of how often it was done, saying it had been almost ten years since it was last done. Mr. Della-Monica asked how much the Town collected in impact fees during these ten years; Selectman Maddox responded "Millions." Mr. Della-Monica noted that the Town could not collect impact fees unless it had a valid process, explaining that he had asked the question so that the TV-viewers would understand why it would be worthwhile to spend \$18,000.

Mr. Hall noted that the document in Step 2 said "upon concurrence with the methodology," saying he recalled Mr. Kennedy having talked about a different methodology. He then asked if the Planning Board were going to ask the Board of Selectmen to agree to spend this money and then later listen to the rationale of what

Mr. Kennedy was planning to do. Town Planner Cashell said that Mr. Kennedy was willing to come in and go over this proposal, if the Board so desired, but had not been available this evening. Mr. Cashell noted that Mr. Kennedy had said he would like to focus on a methodology that would be much easier for the Town to understand and implement, with the method being based on volume of traffic. He said this methodology was used by many other communities.

Mr. Hall said the Planning Board was going to listen to Mr. Kennedy and ought to understand how the methodology worked before voting on it. Town Planner Cashell said the earliest the Planning Board could do it would be June 12th, adding that Mr. Kennedy would be available for that date.

Mr. Hall moved to defer this matter to the meeting of June 12th; 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).

B. Review Cost Estimate to Complete an Update of the 2000 School Impact Fee Study.

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

Town Planner Cashell said he had been able to get ahold of Bruce Mayberry, who had produced the original school impact fee proposal, as provided in tonight's handout packet, including a copy of an E-mail in which Mr. Mayberry had introduced that proposal.

Selectman Maddox noted that the Board of Selectmen and the School Board had recently had a workshop meeting, at which time he had told the School Board this was coming down the pike and they should consider contributing to the funding, saying he felt this should be put off until they had had a chance to review the proposal and make a decision. Town Planner Cashell said that cost would be between \$7500 and \$8500. Selectman Maddox added that the Fire Department was also looking for Town Planner Cashell to follow up with a price to study the needs for the Fire Department EMS service, and he suggested putting this off and having Mr. Mayberry do both.

Mr. Hall referenced a legal opinion that had been received before with respect to a previous attempt to update the school impact fee process.

Mr. Hall moved to defer to June 12th; Mr. Barnes 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).

C. Discussion on the Industrial (I) Zoning District. Deferred from the 04-10-13 Planning Board Meeting.

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

Town Planner Cashell said discussion at the April 10th meeting had had to do with redesignating the industrial zoning district with a more attractive name, as well as talking about changing the Table of Uses with respect to that zoning district. He noted that Selectman Maddox also was to give an update on work being done on Flagstone Drive by the Highway Department. Selectman Maddox said the DPW was redoing the drainage and shortly would be repaving the section from Dunkin Donuts down to the first intersection, saying this gateway entrance to the park had been in kind of rough shape.

Chairman Russo noted that the Board had just heard from someone who felt an abutting proposed use was not compatible with the neighboring use. He asked how the Board should address this. Town Planner Cashell said he always told applicants to meet with their abutters. Chairman Russo said his question was: if an industrial park had several uses, what recommendations regarding zoning or table of uses would Town Planner Cashell suggest? Mr. Cashell said there were industrial parks that were truly industrial in nature. In Sagamore Park, he said, there were lots of uses that did not involve noise-making equipment. If a heavy industrial user planned to go into that park, he said, the Board would probably hear a lot of concerns from abutting property owners, but the problem was that the use was allowed. He said the answer was to take a look at it to see if it should be allowed.

Chairman Russo asked if the Board needed to create a different zone.

Selectman Maddox said that the Town Planner had been asked to talk to the people who owned the park properties.

Mr. Hall said the discussion had started by saying that the name of the industrial park was the problem and the uses would not be changed, but he thought where Chairman Russo was going was probably a better approach. He said he had no problem with changing the name, but that might not take care of the problem, so he would be in favor of changing the name and changing what was allowed. He said it would be helpful to have input from neighbors of those developments before doing anything. He said maybe the zoning should be changed, but he also felt that it would be important to have people on board, but he did not know as the Town should lead the charge if the property were not going to support the proposed changes.

Town Planner Cashell said making a mini-master plan for that particular park might also be helpful, saying there was a need to take advantage of its location. Chairman Russo said maybe a meeting with some of the larger property owners would be desirable. Mr. Hall suggested that, rather than the Town doing all the work, some of the property owners should be asked to get their neighbors on board.

Chairman Russo asked how much time would be needed. Town Planner Cashell suggested the second meeting in June. Mr. Hall suggested going through the Table of Uses to determine which ones would be taken out. Chairman Russo pointed out that

the Town also needed to have a place for the noisy businesses, as well, saying this was why he had suggested having a second type of zoning district.

Mr. Della-Monica said making distinctions between technology parks and industrial uses might not be a bad thing to do, and he suggested asking business owners what kind of businesses they wanted to have around them.

Mr. Hall said he was suggesting changing the name and the zoning for one or two of the industrial parks but leaving the other industrial zones the way they were, rather than changing the whole industrial zone.

Mr. Malley asked if this change would disrupt the Economic Revitalization Zone that the Board of Selectmen had created. Selectman Maddox said he did not believe job creation depended on what the classification was. He said the Board had to ask the industrial property owners if they wanted a change, saying the Board should not spend time talking about it if the property owners wanted it left as it was.

Mr. Hall moved to defer further action on this matter to June 26th; 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).

Selectman Maddox suggested that Town Planner Cashell should touch base with the Town attorney, asking what would be involved if the name were changed. Mr. Hall said it would still be in the industrial zone.

D. Selectman Maddox noted that Stop-and-Shop's approval had involved a Development Agreement saying moneys were available to make improvements to Hardy Road, and adding that the nursing home across the street was planning improvements. He asked if the Planning Board would be amendable to using the funds for studies in that area. He said there was still time to access that money, noting that there had been talk about putting in a signal light at the nursing home.

Mr. Barnes asked what Selectman Maddox was proposing that the Board study. Selectman Maddox said there was supposed to be a meeting in the near future with all the involved parties, and he wanted to give them an incentive to keep moving forward.

Mr. Ulery asked if Selectman Maddox were asking the Board for the money or asking the Board if this would be an appropriate use. Selectman Maddox said he was asking if the Board would have an issue with using this money for this type of work. Mr. Ulery said Selectman Maddox was not asking the Board to expend funds and was not asking the Board to do anything, but was asking if he could go to the forthcoming meeting and say the Town might be able to cover some of the expense.

Mr. van der Veen asked what the original intent of the money had been. Selectman Maddox read aloud from the Development Agreement, noting that it included (but was

not limited to) study, design, and/or construction within that area; he then stated that the 10-year period would be expiring a year from now.

Mr. Hall asked how much money would be spent, saying it would be a good argument if the money would be lost if not spent in the next year. He noted that the only other project was to widen the lane in front of Sagamore, which did not count, so there was nothing else on the horizon.

Chairman Russo said the Board did not have to spend the money but just had to encumber it.

Mr. Hall noted that it had been thought that a dedicated right-hand turn lane on the end of Wason Road should be done, but Market Basket had said "No." Selectman Maddox said he thought there was an additional \$10,000 for that very purpose.

Selectman Maddox said he thought he had received a positive noncommittal.

E. Chairman Russo noted that the Fairview Nursing Home would have a groundbreaking ceremony on June 7th.

F. Mr. Della-Monica said, for the benefit of the viewing public, that the gas service was being provided by Liberty Utilities now but some of the incoming lines were still being provided by National Grid, saying it might not be a user-friendly system, but after National Grid finished digging the line up to the residents' houses and installing the meter tree, the information as to what to do next was a little arcane. He said his recommendation was to contact a heating and air-conditioning professional to do the work inside the house, as they knew what to do.

XVI. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Della-Monica 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 9:35 p.m.

Date: July 22, 2013

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 08-14-13 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
May 22, 2013**

Page 16

The following change was made to the draft copy in accordance with review comments at the Planning Board meeting of 08-14-13:

Page 8, 2nd paragraph, next-to-last line — the name “Central Park” was replaced by “Century Park.”