



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES March 27, 2013

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:07 p.m. on Wednesday, March 27, 2013, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Russo 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: Glenn Della-Monica, George Hall, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: James Barnes (excused) and Tim Malley (excused).

Alternates

Present: Irene Merrill and Jordan Ulery (arrived at 7:30 p.m.),

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

Chairman Russo seated Ms. Merrill in place of the absent Mr. Malley, noting that there was no alternate to sit in place of Mr. Barnes at this time.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo said there were no minutes to review this evening.

VI. CASES REQUESTED FOR DEFERRAL

Town Planner Cashell reported that the Sparkling River applicant had requested deferral to April 24th in writing, noting that the peer consultant reviewing the Sparkling River study had made the same request.

Selectman Maddox so moved, noting that this deferral was at the request of the applicant. 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 (6-0).

VII. CORRESPONDENCE

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

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. Sparkling River, LLC
SP# 07-12**

Map 156/Lots 5 & 6

Purpose of plan: to amend conditions of approval: River Ridge 10-13-04, and Riverwalk 03-10-04, to eliminate the school impact fee assessments, per

Article XIV, Impact Fees Section 334-74.6. Hearing. Deferred Date Specific from the 02-13-13 Planning Board Meeting.

Deferred to April 24, 2013, as noted under Item VI, preceding.

**B. Unicorn Industrial Park
SP# 09-12**

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

Purpose of plan: to show a proposed 10,000 sq. ft. industrial building on 4.4 acres +/- with the associated site and drainage improvements. Application Acceptance & Hearing. Deferred Date Specific from the 02-27-13 Planning Board Meeting.

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

Town Planner Cashell said the initial request for deferral had been superseded in a handout staff report distributed to the members tonight, as the result of corrections having to do with Town Counsel's initial opinion. He noted that the applicant's counsel was present, if the Board wished to go forward with a public hearing this evening and possibly dealing with the waivers.

Chairman Russo asked if the applicant had been given all the information.

Atty. J. Bradford Westgate, of the firm of Winer & Bennett, 111 Concord Street, Nashua, NH, legal representative for the applicant, said he had the revised staff report of this afternoon, but he did not have Town Counsel's opinion, noting that he was not privileged to get that confidential correspondence.

Town Planner Cashell said this application not yet been accepted but was ready for Application Acceptance.

Mr. Hall moved to grant Application Acceptance. 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 (6-0).

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, accompanied by his associate, Mr. Jeff Merritt, appeared before the Board as the engineering representative of the applicant, noting that the applicable plan, which he identified as **Master Site Plan, Unicorn Industrial Park, Map 170/lot 038, 25 Constitution Drive, Hudson, New Hampshire**, prepared for applicant John W. Jamer, dated October 22, 2008, revised Jan 30, 2013, which Mr. Merritt had posted on the meeting-room wall.

Mr. Basso described details of the plan, saying Wall Street was dedicated on the original industrial park plan but had been left as it was after Constitution Drive had been put in. He said the building would be used for Mr. Jamer's crane business, with the equipment being stored and worked on at that site. He said they had gone to the Zoning Board of Adjustment for Wetlands Special Exceptions for parking in the buffer

as well as work being done in the wetland buffer, noting that this had been accomplished quite a while ago but the favorable ZBA decisions had been appealed to Superior Court by an abutter; he said that matter had been resolved and they were now able to proceed. He noted that some waivers were being requested, as listed on the plan, saying the project had 2,390 ft² of wetland impact and 18,665 ft² of buffer impact, and a State Dredge & Fill permit from the State was needed. He said the plan met the requirements of the Town except for what was being requested for volume waivers.

Mr. Ulery arrived at the meeting at 7:30 p.m. and took his seat at that table as a nonvoting alternate at that time, although not yet recognized by the chairman for the in-process hearing.

Mr. Basso said clarification had been requested a month ago, adding that Atty. Westgate could go through that.

Atty. J. Bradford Westgate, of the firm of Winer & Bennett, 111 Concord Street, Nashua, NH, legal representative for the applicant, discussed the background of Wall Street, saying this Planning Board had approved the subdivision plan for Unicorn Park in 1988, as shown on Plan 228-33 at the Hillsborough County Registry of Deeds. He said that plan was revoked in 1994, for reasons that were unclear, but in 2000 the Town had taken title of the property by way of a deed from the FDIC for a failed bank and had processed through this Planning Board a plan that reapproved Unicorn Park with the same layout, reapproving Constitution Drive and Wall Street on December 5, 2000, as shown by Plan 308-32 at the Registry, after which all of the lots except for 18 and 18-1 were transferred, with MEPPS Development (Eric Nickerson, manager) taking title to the rest. At that time, he said, both Constitution Drive and Wall Street were dedicated but not yet accepted public roads, even though not built yet. He referenced details on the displayed map of the area, saying the plan depicted Constitution Drive as well as the on-site leg of Wall Street, with these being at that time dedicated but not yet accepted public roads. He said a bond was placed for this in 2002 in the form of a bank letter of credit for \$252,000 to guarantee completion of all the improvements shown on the plan, with at least two replacement bonds later being processed, with the last bond being placed in 2005, in the range of \$117,000, with that latter bond lapsing by its terms in June of 2007. He said the form of the bond used said that if the work wasn't done the bond would be automatically drawn and the bank was supposed to pay over the amount to the Town, but what often happened was that the draw did not happen. For some reason, he noted, that last letter of credit lapsed, with Wall Street still not having been fully approved. He emphasized that Constitution Drive was accepted in 2007 but not Wall Street, but the improvement bond was let lapse, with Wall street left hanging.

Atty. Westgate said the subject lot had frontage in layman's terms on both roads, but frontage was an issue, as had been raised four weeks ago by the Planning Board. He said the definition of frontage in the Zoning Ordinance said frontage would be contiguous, measured along the front line of a public Class V right-of-way. He said Wall Street was not Class V, because it had not been accepted, but was a dedicated road on a plan approved by this Planning Board. He noted that frontage must be able to provide access, however, and the issue was that there were wetlands on the property, dividing the frontage along Constitution Drive, with the developable portion being the upper northwest corner, so that a wetlands special exception and perhaps a

variance would be needed to gain access from Constitution Drive, while Wall street provided access but was not a Class V road. Atty. Westgate stated that he believed this was also Town Attorney Buckley's interpretation.

Atty. Westgate said that under these interpretations they would need a variance to have frontage on Wall Street, saying access from Constitution was not the preferred plan. He said another possible action needed would be building on a non-classified road, which was covered by NH RSA 674-41, but he was not sure that statute came into play, noting it said in essence that the Town was not supposed to give a building permit unless the lot which provided frontage and access was a Class V road or was shown on a plan approved by the Planning Board and recorded, or was a road subject to certain Board of Selectmen actions. He said he was not sure it applied, as it said Board of Selectmen action was not needed if it was a road on a plan that was on record, with that statement of exception not saying it had to be a Class V road. He said his take at the moment was that they would need a zoning variance from the frontage requirement on Wall street—adding that he thought it was incumbent on them to request a zoning determination from the Zoning Administrator, so that the Board would have a precise administrative determination saying what was needed.

Atty. Westgate said he had discussed this with Atty. Buckley, saying the loss of the letter of credit was what was the problem, as that was why they did not have frontage on a Class V road. He said his client had purchased the property in 2004, assuming he had a conforming lot, and now the lot was deemed nonconforming. He said today was perhaps not the day for that forum, reiterating that his suggestion was that they should seek a zoning determination.

Mr. Hall said he did not think he disagreed with what had been said, but he asked if Atty. Westgate did not think as a minimum that there should be some kind of understanding with the Town and the Board of Selectmen as to what the status of Wall Street was and who was responsible for maintaining it. He said the real concern was what the understanding was with respect to who was responsible for that road, saying there should be some kind of written understanding. Atty. Westgate expressed agreement.

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

Atty. Karen McGinley stated that she was representing Mr. John Walters, an abutter, who was also present. She said she agreed with what Atty. Westgate had said, but there were issues concerning water discharge and noise.

Mr. John Walters, of Century Park, said he had concern about the location of the building with respect to the setback zone, saying he wanted to make sure it would be in compliance, as there were aspects pertaining to surfacing of the road. He said he looked forward to working with the applicant, adding that he had thought the question about the wetlands had been resolved but that the expected agreement did not happen. He said he would look at this application to see what impact it had on his site.

Chairman Russo said Atty. McGinley had said Mr. Walters had an issue with water discharge and with the noise study. Mr. Walters said it was something they would look

at; he then referenced the plan, saying he knew there had been some modifications, and his engineers would look at it, but he wanted to get an understanding of how it would impact his system, the private systems they were draining into, and where the water would go, adding that he did not know if the proposed building would be placed in compliance with the setback requirements. He said there was a concern as to how it would impact the Central Park property.

Chairman Russo asked if Mr. Walters had been provided the documentation. Town Planner Cashell said this was the original plan submitted for the application and he believed Mr. Walters had gotten a copy. Mr. Walters said he didn't have a copy with him but might have received it. Chairman Russo asked if Mr. Walters' engineers had done a peer review of the plan; Mr. Walters asked if this were the original plan. Town Planner Cashell clarified that this was not the 2009 plan, saying this plan had been revised through January 30, 2013. Mr. Walters said he did not have that. He then commented that he had not paved anything because he did not know the status of the road.

Chairman Russo asked if Mr. Basso wished to respond to any of these questions.

Mr. Jeff Merritt, also of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, pinned a new plan on the meeting-room wall, identifying it as Sheet 4 of the plan, entitled, ***Grading and Drainage Plan, Unicorn Industrial Park, 25 Constitution Drive, Hudson, New Hampshire***, dated October 22, 2008, last revised 01-30-13. He said this plan illustrated the stormwater plan for the project, saying the stormwater currently ended up in a southerly direction and easterly onto the subject property, to a narrow wetland area as shown in a hatched area on the plan. He said they had gained a DES permit and a Wetlands Special Exception, saying it had flowed through a corrugated iron pipe, just as it did now. He said they would continue to allow water from Mr. Walter's site to flow onto the property, collect it near the parking lot, and then run it through a treatment system into the stormwater basin next to the parking lot, where it would be treated and discharged through a structure on the western side, through a corrugated metal pipe, as it did today. He said they were not only handling the subject property's water but also the water from the abutter's property. He said Wall Street was not completely finished, so right now it was an open drainage system, with catch basins but no curbing.

Atty. Westgate addressed the question about the building setback, saying Hudson Park Drive did not exist in a physical sense, noting that one of Mr. Walter's buildings went into the locus of Hudson Park Drive. He said Hudson Park drive was at best a dedicated road but not an accepted Town road, adding that it might be less than that. He said there were 30-year-old plans that showed the road, saying he understood that Mr. Walters had maintained this was a private road. He said the Planning Board was well aware that the setback requirements in the Zoning Ordinance were broken down for road categories, for arterial/collector roadways and local roadways, adding that Hudson Park Drive did not satisfy either category definition. He then posed the question of whether Hudson Park Drive was a road from which a front yard setback was imposed, saying he did not believe so, and that he doubted it met the meaning of a road in the Zoning Ordinance. He said Hudson Park Drive ought to be Class V road if it were to be given a status of requiring a 50-foot setback, but it certainly was not, so he

would maintain that a setback requirement of a Class V road would not be applicable in this case.

Mr. Hall asked if the Zoning Administrator concurred with that analysis. Town Planner Cashell said that would have to be determined by the Zoning Administrator. Atty. Westgate said they would probably add that to their request.

Mr. Walters said he would disagree with the engineer's comments on the flow of water, saying it was difficult to see how they were addressing water coming from his property when there was a building being proposed that clearly did not have any drainage issues regarding drainage water coming from his site. Chairman Russo at this point said he would cut this discussion short, requesting that Mr. Walters have his engineer review the plan and bring it forward for review.

Atty. McGinley said the analysis of Hudson Park Drive was very similar to the analysis of Wall Street. She said she disagreed, saying it did not become a public road until it had been accepted. She said it could be overcome with a Variance, but she did not think the Board should treat it as a public road.

No one else coming forward, to speak either in opposition or in favor, Chairman Russo said he would close the public portion of the meeting at this time.

Selectman Maddox said he would be looking for input from this Planning Board in regard to this coming before the Board of Selectmen. He noted that Town Planner Cashell had said he had forgotten to put in the \$7,500 improvement as well as the \$4,100. He asked if the Planning Board would be amendable to waiving the CAP and put it toward the \$7,500. He said the Road Agent had said it would cost about \$26,000 to put Wall Street to Town standards, but he wanted to get Planning Board input, adding that it would be a Cape Cod type berm with a gate at the end—adding it would not need a turn-around, as the Town currently plowed Constitution Drive with a 1-ton vehicle. Mr. Hall asked if Selectman Maddox were suggesting that the Board of Selectmen might want to look at completion of Wall Street so that it could be accepted. Selectman Maddox concurred, saying they would have to do some work even to use it as a driveway, so he thought the simpler thing would be to make Wall Street accepted up to that property line. Mr. Hall said he would think some sort of alternative turnaround would be needed; he then commented that a lot of the issues might go away if the applicant met with the Board of Selectmen, provided that the Road Agent and the Fire Department were satisfied with that approach.

Mr. Della-Monica said he would like to see an image of how that road currently ended, and he asked who would benefit from the upgrading of Wall Street, other than this property. Town Planner Cashell displayed the applicable area of the Town map. Selectman Maddox said there was another lot on the other side of the road, from which the Town would get \$7,500 at some point in the future. Selectman Maddox reiterated that the Road Agent felt he could plow the road with a one-ton vehicle and would not need a turn-around. Mr. Basso said waiving the CAP fee to make a contribution to that work sounded like a great solution. Mr. Hall asked if Mr. Basso would meet with the Board of Selectmen; Mr. Basso readily agreed, saying "Absolutely!" and then stating that he would get on the Board of Selectmen agenda.

Mr. van der Veen said that sounded like a good solution; Mr. Utery concurred. Mr. Basso suggested they could come back on May 8th.

Mr. Hall moved to defer to May 8th; 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 (6–0).

Chairman Russo recognized Mr. Utery as having arrived during the discussion of this matter, saying he would seat Mr. Utery in place of the absent Mr. Barnes at this time.

XII. DESIGN REVIEW PHASE

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

XIII. CONCEPTUAL REVIEW ONLY

A. Senter Farm Subdivision CSP# 01-13 Road

Map 115/Lot 003
Old Derry & Senter Farm

Purpose of plan: to resubdivide the existing 30-lot subdivision into a 30-lot open space subdivision. The total number of residential lots remains the same, with the addition of one open-space lot. The lengthy common driveways will be greatly reduced and some eliminated. The farm land in the open space will be preserved and will not be fragmented by the driveways.

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

Mr. Hall stepped down from this hearing, taking a seat in the audience section. Chairman Russo noted there was no other alternate to seat in Mr. Hall's place.

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

Mr. Craig Francisco, of Bedford Design Consultants, posted two plans on the meeting-room wall, distributing reduced-size copies of the existing and proposed subdivision. Chairman Russo noted that the Planning Board would like these submitted electronically in the future. Mr. Francisco identified the posted plans as follows:

- ***Existing 804 Subdivision, prepared for Woodbury & Hudson Investments, LLC, located on Old Derry Road, Hudson, New Hampshire, dated June 4, 2007.***
- ***Conceptual Subdivision, prepared for Senter Prop Estates, located on Old Derry Road, Hudson, New Hampshire, dated March 26, 2013.***

Mr. Francisco said they were here for a couple issues. He noted the subdivision had been approved in 2007, with one green-shaded area as a public green belt, and

another for a private belt, with the tannish area being a farm belt. He noted that the lots were served by at least four very long common driveways, totaling about 6,000 feet. He said there were about 45 lots, with the covenants for the driveways and the easements for the farmland belt, with a very thick legal document for each lot—adding that buyers could not understand these documents, so his client was having difficulty selling lots. He said it was hard even for him, as a surveyor, to define the building envelope for a lot, and it was very difficult for buyers to understand they would have only a 1.3-acre building envelope on a 6-acre lot. He said they were proposing to reduce the length of the common drives as much as they could, noting that 30 lots would have frontage on Old Derry Road, and he described details on the plans where different lots would be placed with 12 lots off the four common drives, with a total length of just under 2000 feet, which they hoped would solve a lot of the marketing problems. He said the farmland would be less fragmented, saying the Alvirne High School administration was in agreement.

Chairman Russo opened the meeting for public input, clarifying that he would limit how long people would be able to give input, asking that input replicating what somebody else had said be kept very short and sweet. He then asked for comment, in favor of the proposed application

Mr. Christopher Ross, 78 Bush Hill Road, said he wanted to express favor of this plan, saying he had visited this site a year ago and had seen the site plan. He said he had experience in developing, and he found this previously proposed approach had a lot of problems, with people arguing about who would be doing what. He said this was a very nice area, adding that when the homes were spread out like this (in the original plan) the land was actually being disturbed. He said this would be a developing nightmare, and the new proposal would simplify it and keep the green space together.

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

Mr. Shawn Jasper, 83 Old Derry Road, said he was an abutter and that he disagreed with everything the previous speaker had said. He said he had been very much in favor of the original plan, noting that the two principals had died in a short period of time after receiving approval, and the heirs had then sold the property. He said the current owner had purchased the property willingly, knowing what the plans were, but he did not think the new owner had known what was involved, adding that he thought the current owner had created much of his own problems. He said the Town had given up a lot in order to get the green space on the original plan, noting that the Town had allowed narrower roads with no curbing and no sidewalks in order to get the green space and to try this concept; he then reviewed details on the displayed plans for the original proposal, saying the homes were tucked in with the farmland, and a lot had been given up. He questioned how some of the newly proposed lots would work, noting that the road had been roughed in, but all of the loam was then removed from the site instead of smoothing in the road, which was left windblown. He said the edges were a total disaster, and he questioned why anyone would buy such lots. If the Board were going to approve anything, he said, those issues would need to be cleaned up, but a tremendous amount of agricultural use had been lost.

Mr. Jasper questioned what would come back to the town if this were approved, and he questioned the utility of certain spots that he pointed to on the plan, questioning how they could be accessed. He expressed concern that the resulting one big lot at the rear would be subdivided in the future, if protections were not provided. He said the original Development Agreements had dealt with the road maintenance issues, explaining that the ultimate responsibility would be up to the homeowners association. He said the Town had agreed that the developer would maintain the edge of the road, but he then said that this would be impossible the way it had been put in, with heavy wrap, which would destroy the blades of machinery. He said Alvirne Farm could not run their tractors along the edge, reiterating that he thought the original plan should stand and that the developer should meet the requirements of that original plan.

Ms. Michele Dougan, 14 Chagnon Lane, said her concern was that she had been thrilled with the original plan, but the new conceptual plan would put many homes in her view, where only two had originally been proposed. She said the original plan was desirable, but she did not like the idea of having so many homes in her back yard.

Mr. Richard Robert, 106 Old Derry Road, said he had had problems from the beginning of the work on this project from drainage water flowing into his yard, saying the water covered his septic tank. He said he had been in favor of the old plan, but there had been a problem, which had been fixed. He said he had only gotten a little water this year, but he was concerned that more houses would provide more water. He said he did not see as much open land on the new plan, saying the old plan was dedicated to keep open fields.

Mr. John Sederquist, 104 Old Derry Road, said he had the same problems with water, saying this proposed plan was not anything like the old plan, and the houses would make it worse. He said those houses were supposed to be tucked into the property, but now they would be on the other side of the road from him.

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

Selectman Maddox said he had been present when this plan had first come in, adding that the original developer had done a lot of selling to allow this to be put in, with an overly long cul-de-sac and a narrower road width with a lack of drainage. He asked if the drainage would be put in with underground drainage. Mr. Francisco said they were not planning that. Selectman Maddox said the original plan had been a new idea, and the current request was to ask for all the benefits without taking care of the drainage. He said he would have a problem with the plan if nothing were going to be done with the drainage.

Mr. Francisco noted that he was a surveyor, not an engineer, saying his understanding was that the drainage would be going into a number of drainage swales throughout the property; he acknowledged that the drainage calculations would have to be reworked for the relocated houses but said no curbing or catch basins were planned, as the roadway was paved. Selectman Maddox said only the base coat had been put in, reiterating that they were asking to put in all these houses crammed together in a central mass with some serious wetlands in there, and to keep all the original benefits. He said this conceptual plan did not tell the Board much, saying a lot of things would have to be shown to the Board.

Mr. Ulery and Mr. van der Veen asked to hear comments from Town Planner Cashell. Town Planner Cashell said one of the problems from the get-go had been frontage along Old Derry Road. He said he had not heard anything about building houses in accordance with the original plan and getting rid of the marketing problems with the revised plan, which would take care of most of the concerns of the abutters. He said the issue was to get rid of all the spaghetti lines, creating the least amount of impact.

Chairman Russo said the flipside was that the purpose of the illusory boundary lines had been to maintain road frontage. He said that was what the creativity had been all about. Mr. Francisco said he was familiar with the original plan. Chairman Russo noted that only three members remained from the Board that had approved the original plan, including himself, Selectman Maddox, and Mr. Hall as an observer. He noted that a lot of things had been offered, but the road was not designed in accordance with the original plans—referring to the riprap noted by Mr. Jasper—saying he agreed that the owner would have to take a long, hard look at the drainage. He said frontage issues, a lot of water crossings (needing Wetlands Special Exceptions) would be required. He said this Planning Board had never been a fan of shared driveways—but he noted that, as Mr. Jasper had said, there were documents in place to take care of the roads, and what was being asked for now was much different from what had been proposed, but the developer was still asking for the benefit of less infrastructure.

Mr. Francisco said the original subdivision lots had 200 feet of frontage, but the new plan only had to have 100 feet of frontage. Chairman Russo said he could not tell that by looking at the reduced plans. Mr. Francisco referenced four of the shared driveways on the original plan, saying they could be done without disturbing the wetland buffer, noting that three of them had already been built. He said he felt they could get around the wetland and frontage issues by going to an open-space plan, but the problem of the long common driveways had not been solved, adding that he hoped they could do something about the green belt and the farm belt, as well, saying these resulted in a lot of confusion.

Chairman Russo asked about access to those areas without going through wetlands. Mr. Francisco said he would just give access from the public driveways that had already been built.

Selectman Maddox asked how all that land would be owned. Mr. Francisco said he assumed it would be owned by the homeowners association. Selectman Maddox said the new plan land-locked a few of those areas. Mr. Francisco said the driveways had been built, but access to the others would have to be provided.

Selectman Maddox asked about lot 24 on the new plan, noting that there was a wetlands facing it. Mr. Francisco said he felt there was room around the wetlands. Selectman Maddox said he could not tell that on the reduced plans.

Mr. Della-Monica said it looked to him that a number of the driveways that accessed the land-locked piece were going through other people's property. He then suggested that having farm equipment on the property, run by high school students, on a regular basis, might not be a sales advantage, adding that it reduced the developable area of the affected lots.

Mr. Ulery noted the houses that now would be facing Old Derry Road, asking about a tree line. Mr. Jasper said there was open field there. Mr. Ulery said that was designated as the greenbelt on the plan. Mr. Francisco said there were a few trees there.

Mr. van der Veen said the proposed plan looked very overbuilt to him, saying he would see this as a new plan, with the lots being there for a new purpose.

Mr. Robert Baskerville, PE of Bedford Design, said Mr. Baldwin had been very progressive, and a lot of the ideas he had expressed at the meetings did not get down into the documents before the plane crash, noting that Mr. Baldwin had also had a lot of marketing plans. He said the road was designed as it, as it is, with the drainage, and had not been changed. He said the number of houses had not been changed, and the new plan changed the length of the common driveways from 6,000 feet to 3,000 feet. He agreed that the water flows would have to be looked at, but said he did not look at it as an increase. He said an original yield plan had been shown for 45 lots, but Mr. Baldwin had brought it down to 30 lots with a lot of waivers from the Town, giving up 15 house lots in exchange for the tradeoffs. He said there would be no further development on any of the back parcels. He said there had been seven houses on each of three of the shared driveways, saying there were two options: staying with the conventional plan and asking the Zoning Board of Adjustment for a host of variances, or going with an open-space subdivision with the approved layout of the already built driveways and pulling the houses up close. He said the owner's options were limited, noting that the road was built, adding that the owner was looking for some improvement but was flexible and willing to work with the Board; and adding further that he was willing to keep the exchange of 15 lots, saying there was no more impact and there was not a lot of work to fine-tune it. He noted that originally there would have been some houses toward the rear, saying he thought the new owner was giving up a lot and trading a lot of values—adding that going back to Square One would mean going back to the original 45 lots if he had to put in drainage and everything else.

Mr. Della-Monica said happy neighbors made for easy development; he suggested they should work with some of the neighbors before coming back.

Mr. Shawn Jasper said he had not realized that lot frontage had been reduced to 100 feet. He said he would ask that the Planning Board reject this new plan, telling the applicant to come back with a real open-space plan with roadways and sidewalks required for an open-space development. He expressed doubt that 45 house lots would be possible, saying a flat map was a lot different from the extremely hilly terrain coming down into wetlands, noting that he knew that land very well. He said he thought it was the Board's responsibility to say they had approved the plan with certain conditions and that if the new owner wanted to come in for different conditions he should forget the fact that he had put in the roadway the way he did and come back with a plan showing all the considerations that an open-space development plan had.

Chairman Russo noted that no action was required at this time. He asked if the applicant were satisfied with the input they had received. Mr. Baskerville said he was not sure "satisfied" was the right word.

Chairman Russo declared a break at 8:54 p.m., calling the meeting back to order at 9:15 p.m.

Mr. Hall returned to his place at the table as a regular voting member of the Board.

**B. Belknap Commons OSD
CSP# 02-13**

**Map 184/Lot 027
137 Belknap Road**

Purpose of plan: to construct an Open-Space Residential Subdivision at 137 Belknap Road. The proposed plans depict the construction of a subdivision roadway to service the eight (8) proposed, two-family, open-space subdivision lots (16 total dwelling units are being proposed). The lots shall have a minimum lot area of 21,780 ft² in order to minimize the proposed construction on site and to create the maximum amount of open space to work in congress with the existing Benson's Park located along the property's eastern border.

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

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

Mr. Bernard Paquin, PE, of Dana F. Perkins, Inc. (Consulting Engineers & Land Surveyors), Tewksbury, MA, appeared before the Board as the representative of the applicant, accompanied by Mr. Jack Lucy, representing the applicant, Deercreek Development, LLC, Paul Belvedere, owner. He said that Mr. Belvedere owned a company and the proposed development was to create affordable housing where his employees could live. He posted three sheets of a 6-sheet plan on the wall, identified as follows: ***Conceptual Subdivision – Open Space Design. Conceptual Profile Plan; Map 184, Lot 27, 137 Belknap Road, Hudson, New Hampshire;*** dated February 21, 2013.

Mr. Paquin identified details on those plans, noting that other firms had been hired to provide additional information. He said the property was located on Belknap Road, amounting to slightly less than 12 acres, noting that there was an area of wetlands traversing through the property, as well as an area of poorly drained soils in the vicinity of those wetlands, adding that they had engaged the services of Patrick Seecamp, a wetlands specialist, who had mapped the wetlands in the field, adding that they were also working with Mark Jacobs, a soils scientist, for the soils in the area. He said there was a manufactured home on the property at this time, with remains of a garage, noting that test pits indicted there was a demolition are where materials had been pushed off the slope and buried, which they suspected were the remains of the original house on the property. He said this had resulted in a slope in excess of the 25% maximum allowed by the Zoning Ordinance, saying this had been created on the property and they wanted to know if that qualified, because it had been created. He said the property was adjacent to Benson Park on its eastern border. He noted that the property sloped toward Benson Park, dropping about 42 feet, with ground water from a high of about 3 feet next to the wetlands but not found at the top. He said he had provided a conventional layout on one plan, as shown at the left, saying it complied with all requirements. He then pointed to a proposed open-space development plan on the right, saying it also had eight half-acre lots, with duplexes on each lot, with half-acre

lots meeting the required frontage. He noted that the driveways crossed the wetlands to gain access to the lots, but no construction would take place in the wetlands or in the 50-foot buffer zone. He said the plan showed some conceptual stormwater management, which would have to be finalized after getting input from the Planning Board. He said Town water and sewer were available on Belknap Road, saying the preliminary proposal was to provide a grinder pump (one for each unit or each duplex, as applicable) to pump wastewater up to the sewer on Belknap Road, adding that this would have to be discussed with the appropriate authorities.

Mr. Paquin said they had 400 feet of sight distance in each direction, but some trees might have to be cut to accommodate that, saying this would be addressed. Saying he would like to discuss some of the waivers that might or might not be available to them, he then displayed a new pair of plans, saying two profile alternates were possible. He said the first would conform to the requirements with regard to a level area, followed by a vertical curve with a 7% slope, but it would require a tremendous amount of fill toward the middle of the site, not only for the roadway but also for some of the houses, whereas the other plan showed a shorter level area with a 2% slope, followed by a 7% slop curve pushed back further into the hill, with much less area of fill required. He said a waiver would be wanted for the 125-foot area, and they would want input from the Planning Board about that. At this point, he said, they intended to provide the required amount of road-width pavement and curbing, but they wanted to ask for the Board's input on that, as well.

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.

Ms. Barbie Clark, 125 Belknap, abutter, said her concern was the wetland that she had, noting that Oakridge was going in on one side of her property with 125 units, which had taken a lot of the woods. She said her land had been in her husband's family forever, and his grandmother had hoped that the land would never be developed. She said her house was off the road, but her concern was about crossing the wetland, saying the existing wetland became flowing water flowing into Swan Pond at Benson Park. She said her bay window looked out into the woods, with a view of Oakridge, adding that the plan with the steep slope seemed further away from her. She said the incline had been a family dump, saying her concern was keeping the proposed houses as far away as possible. She said she would see houses to the left and the right, but the focus should be on the open land. She said Sousa's development had affected her quality of life and this would do more so.

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

Mr. Della-Monica referenced Sheet 2, noting that ledge was shown at the highest point, which would speak to its being natural, with the fill pushing down from that. Mr. Paquin showed the plan to Mr. Della-Monica and discussed details of the fill plans. Mr. Paquin suggested that Mr. Della-Monica should go out and take a look at the property; he confirmed that they would grade the property, but he said they would prefer to stay 50 feet away so as to not have to pass the plan by the Conservation Commission.

Mr. van der Veen said one unit would be on the ledge, not on the fill. Mr. Lucy said no units would be on fill. Mr. Paquin said unsuitable material would have to be removed.

Mr. Hall said it appeared they were aware that poorly-drained soils were part of the wetlands and that they needed to stay 50 feet away from the poorly drained soil; Mr. Paquin expressed agreement. Mr. Hall said his question was what the Wetland Scientist had mapped. He said the flagging numbers were for poorly drained soil. Mr. Paquin said both lines were shown on the plan—for the wetlands and for the poorly-drained soil. Mr. Hall said he wanted to know how they knew where it was. Mr. Paquin said the Wetland Scientist had flagged the wetlands, and the soil scientist had mapped the poorly drained soil. Mr. Hall demurred, saying the poorly-drained soil was also wetlands, and there was no indication of whether that had been flagged. He said something different than wetlands had been flagged, as poorly drained soils obviously had not been flagged.

Mr. Jack Lucy, said Mr. Hall was asking what was flagged in the field, adding that he believed the wetland vegetation had been flagged in the field, and the soil scientist had plotted where the poorly drained soil was in relation to the flags, which delimited the wetlands. Mr. Hall said this was not in accordance with the regulations. Mr. Lucy said they could get the Wetland Scientist to go back. Mr. Hall said Mr. Lucy was saying the Wetland Scientist had flagged by vegetation, which was not how Hudson determined wetlands. Mr. Lucy said he felt the poorly-drained soils were inside the line. Mr. Hall stated that this was not being indicated on the plan.

Mr. Hall said the conventional subdivision plan had a road in the wetlands, with a number of crossings, saying he had a strong question as to whether they could get that approved, and adding that he felt only three lots of the eight on that plan could be allowed.

Mr. Ulery said he was curious as to what the Fire Department would have to say about access to the steep slopes. Mr. Paquin asked if Mr. Ulery meant south of the roadway; Mr. Ulery replied in the affirmative. Mr. Paquin said south of the roadway conformed to the Town's regulations, but they were requesting a shortening of the apron where their road met Belknap road, where the Town required 125 feet whereas most of the projects his firm had done were at 25 feet. Mr. Ulery commented that this was one car length versus 12. Chairman Russo questioned whether that much of a waiver would be granted, adding that he felt the distance was more like that of ten cars, with spaces between them.

Mr. Della-Monica said he thought the wetlands issue might be that under US Army Corps rules a wetland had to have poorly drained soils, water, and hydrophytic plants, so if for some reason the poorly drained soil outside the boundary did not have water or plant life, it would not qualify as wetlands, so the Board needed to have that made clear. Mr. Paquin said they would address that.

Chairman Russo said the plan was flawed from the beginning, as Mr. Hall had pointed out, in that the regulations required they needed to show they could get eight buildings. He said they had to remove the slope and the wetlands and work from there. Mr. Paquin said they were asking if the artificial slope applied to that requirement. Chairman Russo expressed a belief it would, suggesting they needed to go back to the

drawing board—adding that they should provide a “Hall Chart” identifying the slope and lot sizes, on both the conventional plan and the final one.

Mr. Ulery asked how tall the retaining walls were going to be. Mr. Paquin said they varied, adding that they would be approximately four feet in one area. He then said that the 4-foot retaining wall was based on the profile with the shorter apron, saying it would be closer to eight feet with the other plan.

Mr. Della-Monica said the conventional plan did not necessarily have to look good but had to show legal lots.

Mr. Hall noted that no one else had questioned the number of lots, so the applicants would come back with that number, and he expressed concern that they might not think there was a problem. He expressed strong doubt that they could get wetland crossings and have the road in the wetlands. Chairman Russo said he had absolutely concurred. Mr. van der Veen expressed agreement, saying the wetlands might be bigger than shown. Mr. Paquin said they had hired two consultants. Mr. van der Veen said they should be asked to confirm.

Ms. Barbie Clark referenced the fill, saying there had always been a drop-off there, saying demolition material had been brought in but then had to be removed. She said there was a lot of brush, but the issue was what was under the brush. She noted that a lot of houses in the area had to be pushed back 400 feet, but she did not want to see any exceptions with regard to the wetlands. She said she agreed that eight lots were way too many, saying she felt three would be acceptable. Chairman Russo clarified that the developer had to show on a conventional plan that there was room for as many lots as desired on the final plan, saying it might be only three or four, but that remained to be determined.

Ms. Clark said there was a drop-off to the left, but it was all bush over a deep drop-off.

Mr. Lucy said he was not familiar with New Hampshire regulations, but in Massachusetts it was okay to cross wetlands to get to a developable land. He asked what the procedure was to apply to put a house across the wetlands. Chairman Russo explained the process of going before Conservation Commission, saying Town Planner Cashell could guide them on that process. Mr. Hall noted that they would have to get a State Dredge & Fill permit; he then stated that what Mr. Lucy had described would apply if they had to cross a wetland to get to a usable area of the land for reasonable use, but they could not have an unlimited number of impacts and crossings to maximize the developability of the property.

Mr. Hall said one got to those numbers by being allowed to have half the frontage that would normally be required and half the lot size that would normally be required, if they showed they could get a reasonable use of their land to get X number of lots, but their plan did not show that, and he felt the Conservation Commission and the State would agree that this was not a reasonable use of the land. He said they had to show a reasonable use, but there was a multitude of driveways across wetlands to get to the house lots. Mr. Paquin said he thought there was almost four acres on the other side of the wetlands. Chairman Russo added that the road was in the buffer; Mr. Hall demurred, saying it was in the wetlands; Mr. Paquin concurred, saying part of the road

was in the poorly drained soils. Chairman Russo said if they could show a conventional plan without impacting the wetlands or just showing a minimal impact to the wetlands, that was probably what the Planning Board would be looking at for a reasonable starting point.

No other comments being brought forward, Chairman Russo thanked the applicants for coming and expressed a hope the Board had provide them with some good input.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Sullivan Road/Central Street Subdivision Map 145/Lot 015 (Pocomo) SB# 03-13 Sullivan Road/Central Street

Purpose of plan: To subdivide Map 145/Lot 015 into two lots. Application Acceptance & Hearing.

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

Town Planner Cashell said the plan was ready for Application Acceptance. Mr. Hall so moved; Mr. Della-Monica seconded the motion.

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

Mr. Wesley Aspinwall, LL, of Edward N. Herbert Assoc. LLC (Surveying, Engineering, Planning – Septic – Soil Testing), Windham, New Hampshire, appeared before the Board as the representative of the applicant. Pocomo Development, LLC. He referenced Map 145, Lot 15, on the corner of Sullivan Road and Central Street, saying Pocomo owned the property. He discussed details of the property, saying there were 900 feet of frontage on Sullivan Road and also 1,288 feet along Central Street, noting that the westerly side was boarded by the NH DOT from a railroad bed. He said this piece of land was connected by a 1.66-foot wide strip of land to a 3.9-acre portion on Cheney Drive, and the owner wanted to subdivide this 3.9-acre Cheney Drive portion from Lot 15 to create one new house lot, leaving the remainder just under 31 acres. He noted that the Zoning Board of Adjustment had granted variance to allow frontage and residential use in the industrial zone with stipulations as noted on the plan, on November 13, 2012. He noted that the State subdivision approval had been obtained on February 20, 20013, as noted on the plan. He said the impact was minimal, as only one house lot was being set up. He noted that one waiver was being requested, to allow the final plan to be at a scale of 1" equal to 100', pertaining to item 289-43.B.(c) on the checklist), which called for a 1"=50' scale, while the subdivision regulations did not necessarily call for that. He said the request was because of the size of the property, in order to allow the plan to fit on one page.

Mr. Aspinwall noted the final plan was posted on the wall, saying the lot would have to be on two sheets if the regulation scale were used. He said the connection was only because of the 6-foot width of the railroad bed. He said there was some wetland, as

indicated on the plan, but it was a nice lot. He said the variance was logical, as Cheney Drive was all residential. He then asked if there were any questions.

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.

Ms. Barbara Baily, 7 Cheney Drive, said there was a circular cul-de-sac at the end, asking if they were talking about putting a road in. Mr. Aspinwall showed her the plan on the wall, explaining where the driveway would be, noting that it would be one single-family house.

Mr. Gregory Goss, 21 Cheney Drive, said he was very confused as to where this driveway was going to be in relation to his property, noting that his driveway was within 15 feet of his lot line. He said Cheney Drive down-sloped, and snow was pushed to the end. He said there would not be room for snow storage. Members of the Board expressed disagreement. Mr., Goss said he had walked this property many times, saying there were more wetlands than indicated and it was all downhill. He then referenced slopes on the aerial view being displayed. He said this property had been surveyed last year, one of the driest summers on record, and he submitted that Board members would find more water on the land this spring than was indicated on this plan.

Mr. Aspinwall said the snow was deep when he met with the gentleman, saying there was an existing cul-de-sac, but whoever owned the home would have to deal with the snow—saying it was not that much more of a problem than for any other lot on Cheney Drive. He said Cheney Drive came to a stone wall, and they had set iron rods at the terminus with Cheney Drive, and it should be fairly apparent were the lines were. He said Jim Gove had done the wetland delineation and soil mapping, adding that Sheet 3 of the plan showed topography, showing existing conditions. He said the area went in fairly level, uphill a bit where the house was shown, but then dropped off to the railroad bed. He said the 3.9 acres only had the wetlands that had been marked out by the soil scientist, and there was plenty of land left outside those protection areas, as shown on the Hall Chart delineated on the plan, with 16,831 ft² of wet area, no slopes over 25%, and 147,626 ft² left, which was more than three acres, with 597,083 ft² shown as contiguous usable area. He noted that the Tennessee Pipe Line ran through the residence piece.

Chairman Russo referenced Page 1, noting that it said both Sheet 1 and Sheet 2 would be registered. Chairman Russo said the cul-de-sac was not indicated very well, and he asked why. Mr. Aspinwall said it was based on the plan for the Cheney Drive subdivision, which came up to an easement, as indicated on Sheet 2, but it was not on their property.

Mr. Hall moved to grant the requested waiver from the requirements of HTC §289-43.B.(c), *Scale of Plan*, citing the reason for granting this waiver as being because the size and configuration of the subject property, shown on the Plan at 1"=100' scale vs. the required 1"=50', allowed it to be shown in its entirety on one plan sheet, rather than on two sheets, which in turn, allowed for a superior plan for recording and title purposes—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Subdivision regulations.

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).

Mr. Hall asked if Chairman Russo would ask the neighbor if he still had a concern.

Mr. Goss said Mr. Aspinwall had mentioned the markers but they were still under the snow. Chairman Russo suggested this was because the person plowing the road was taking advantage of the fact that no one lived there. Mr. Goss said the big truck came and did a full 180-degree turn, with the one-ton truck then doing it afterward. He questioned if they were going to put a driveway 20 feet away from his driveway. Mr. Aspinwall said he did not have the exact location for Mr. Goss's driveway, but he recalled looking at it. He suggested there would be another 30 feet from where the new driveway was proposed to be. Chairman Russo said the Planning Board knew that the applicant had a 50-foot range in which to put his driveway, adding that the Zoning Board of Adjustment had approved it, so the Planning Board's hands were tied. Mr. Goss said he wasn't allowed to give his input to the Zoning Board of Adjustment, because he had not had time to get it, protesting he only had three days' notice to come to a Zoning Board of Adjustment meeting and had been in Texas. Chairman Russo said he understood, but the Board's hands were tied because the Zoning Board of Adjustment had granted a variance. Mr. Goss again protested that he was not allowed to give his input because he had not been given time to get here, and he asked who determined what the length of time for a notice was for abutters, asking if people were given 24-hour notice. Selectman Maddox noted that the notice was also in the paper. Mr. Goss said he had gotten the notice on the Saturday before the meeting on Tuesday or Wednesday, and he had been traveling, saying he traveled all week—adding that he could have changed his plans if he had had two or three weeks' notice, but it was not reasonable if he only got two or three days.

Chairman Russo said he could not give Mr. Goss any advice on that. Mr. Goss asked who made that determination. Selectman Maddox said there was a statute requirement. Mr. Goss said there had been ten days, by the letter. Saying he had to sign for it, on a Saturday, but then opened it and found the meeting was on Tuesday. Chairman Russo said this Board could not deal with it if there were a flaw in the procedure. Chairman Russo asked when the variance had been granted. Mr. Goss said it had been a couple months ago or whenever. Chairman Russo noted that this appeared to be beyond the appeal period at this point. Mr. Aspinwall noted that his office had not done the Variance, saying it had been handled by the property owner's attorney. Town Planner Cashell reviewed the State laws with respect to notification, saying he did not know why Mr. Goss would not receive notice until three days before the hearing. Mr. Hall asked if Mr. Goss had gone to the Post Office to sign the certification; Mr. Goss answered in the negative, saying the notice was delivered on Saturday, adding that he was typically home on Saturday—adding that the notice for this Planning Board meeting also had come on a Saturday. He said certified mail typically was delivered on Saturday, because the Post Office wanted people to sign them. Mr. Cashell asked if the Postal Service had tried to deliver the notice prior to that date; Mr. Goss answered not to his knowledge.

Mr. Goss protested that the residents had always been told that that land was undevelopable. Chairman Russo said Mr. Goss had recourse through the legal system if he felt there would be an impact on him. Selectman Maddox asked what Mr. Goss's concern was. Mr. Goss said he had a large family and they entertained all the time, filling that cul-de-sac as a parking lot, adding that they used the land, hiking on it. Chairman Russo pointed out it was not their land to use.

Mr. Della-Monica said there were lots of driveways throughout town within 50 feet of each other.

Chairman Russo asked the Board's pleasure.

Mr. Hall moved to approve the subdivision plan entitled ***Sullivan Road & Central Street Hudson, New Hampshire***, Map 145/Lot 015, prepared by Edward N. Hebert Assoc., Inc., 1 Frost Road, Windham, NH, dated February, 2013, latest revision March 19, 2013, consisting of Sheets 1 through 4 and Notes 1 through 21, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$747.40 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
3. 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.
4. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
6. Approval of this plan shall be subject to final engineering review, including the proposed new driveway.

Mr. van der Veen commented that someone in the audience had raised his hand a couple times. Chairman Russo recognized the gentleman.

Mr. Paul Bailey, 7 Cheney Drive, said he had heard a lot of things about water, saying he had a big swamp behind his house, and he was concerned about the water and the birds and occasionally a deer, asking if this were the lot in question. Mrs. Barbara Bailey confirmed this was the lot. Mr. Bailey said he had heard about gas lines and other things. Mr. Aspinwall pointed out that the lot in question (Lot 15) was far away from the Bailey's property. Mr. Bailey asked what was intended for that larger area. Mr. Aspinwall said nothing was being proposed for that property at this time, noting there was an existing house that would remain there for the time being, but the property was zoned for industrial use.

Mr. van der Veen seconded Mr. Hall's 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).

XV. OTHER BUSINESS

Chairman Russo complimented Selectman Maddox on having been reelected.

Mr. Hall said he wanted to talk about the lot on Tolles Street, discussed at the prior meeting, saying he owed both Town Planner Cashell and the Board an apology, as he had found through careful reading of the ordinance and discussion with Town Planner Cashell and the Zoning Administrator that he had been incorrect and that fees are indeed due on undeveloped lots, whether they preexisted the Zoning Ordinance or not, and the ordinance was clear about that. He noted that Town Planner Cashell had asked the Board for a decision on that issue a few years ago.

Selectman Maddox said he had also been reappointed to the Planning Board, adding that he liked this better than other appointments, as the Planning Board decided what the people would have in 30 years.

Town Planner Cashell referenced the handouts, noting that Aquiline Foods was requesting for this Planning Board to entertain a retail component on that site. Chairman Russo asked if the site plan said there would be no sales. Town Planner Cashell confirmed that it did, and Chairman Russo said they would have a tough time pushing that. He suggested they should come in for a conceptual first, saying some sort of site plan would be required.

Chairman Russo noted that there was a letter from the Rodgers Library. Town Planner Cashell said the Library Trustees had been trying to figure out if landscaping was involved in utilization of the impact fees collected for the Library, and Town Attorney Buckley had provided an opinion that landscaping would qualify for the use of the Library impact fees, of which there were \$14,182.31, plus interest. He said the Library Trustees would come in if the Board wanted to put it off to the next meeting. Chairman Russo expressed agreement.

Chairman Russo noted that there was also a letter from the Town Attorney regarding what Mr. Hall had expressed about the fees for undeveloped lots.

Town Planner Cashell said the other thing was an article from this week's issue of New Hampshire Business Review, pertaining to a development in Londonderry, noting that the consultant referenced in that article was Russ Thibeault, the President of Applied Economic Research, the same consultant the Planning Board was using for its peer review of the Sparkling River proposal. He noted some of the comments that Mr. Thibeault was quoted as having said. He suggested the Planning Board could talk to Mr. Thibeault about some of these other issues when he came before the Board.

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**HUDSON PLANNING BOARD Meeting Minutes
March 27, 2013**

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XVI. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Hall 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 10:54 p.m.

Date: May 14, 2013

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as submitted following review at the 05-22-13 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
March 27, 2013**

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The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 05-22-13:

Page 3, 4th text paragraph under Item B — Corrected employment designation of Atty. J. Bradford Westgate from Devine, Millimet, & Branch Professional Association, 111 Amherst Street, Manchester, NH, to the firm of Winer & Bennett, 111 Concord Street, Nashua, NH.

Page 4, 2nd paragraph, last line — Changed “inprocess” to “in-process.”

Page 4, 3rd paragraph — Made same change of employment designation for Atty. Westgate as cited above.

Page 4, 5th paragraph, 13th line — Corrected misspelling of Eric Nickerson’s name.

Page 4, next-to-last paragraph, last line — Changed “left to lapse” to “let lapse.”

Page 6, 6th paragraph, 5th line — Added missing “7” so that sentence now reads “He asked if the Planning Board would be amendable to waiving the CAP and put it toward the \$7,500.”

Page 8, 2nd text paragraph under Item A — Corrected typographical misspelling of “alternate.”

Page 10, 3rd paragraph — Simplified second sentence by rewriting it as two sentences, reading as follows: “He said he had been in favor of the old plan, but there had been a problem, which had been fixed. He said he had only gotten a little water this year, but he was concerned that more houses would provide more water.”

Page 12, 3rd paragraph, 4th line — Changed the sentence from “He said the road was designed as it originally was with the drainage, and had not been changed” to “He said the road was designed, as it is, with the drainage, and had not been changed.” This change merely gets back to the actual wording of the speaker; my understanding from listening to the recording is that he was contending (in response to an earlier claim by a neighborhood resident that the drainage plan had been changed from what had originally been planned) that the road was constructed as designed on the original plan, with no change being made with respect to the drainage.

Page 21, last paragraph — corrected misspelling of “Thibeault” in three places.