



# TOWN OF HUDSON

## Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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### HUDSON PLANNING BOARD WORKSHOP MEETING MINUTES August 1, 2012

#### I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:10 p.m. on Wednesday, August 1, 2012, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

#### II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Della-Monica 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:** James Barnes, Glenn Della-Monica, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

**Members**

**Absent:** George Hall (excused).

**Alternates**

**Present:** Irene Merrill (excused).

**Alternates**

**Absent:** Marilyn McGrath (excused), Jordan Ulery (excused), and Nancy Brucker (Selectmen's Representative Alternate, excused).

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**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. Hall.

Selectman Maddox noted that a number of people had called after last week's meeting, under the impression that the Planning Board was planning on building a boulevard in the south end of town with taxpayer dollars. He clarified that the intent had been to find out what the issues were with these roads, saying there were no plans to do anything on the roads at this time, spending any tax dollars, or building any four-lane highways. If there were any roadway built, he added, it would be the one connecting between Lowell Road (Route 2-A) and Route 111.

**V. MINUTES OF PREVIOUS MEETING(S)**

Chairman Russo addressed the minutes for the meetings of June 13, 2012.

Mr. Della-Monica requested the following changes:

- Page 4, 4<sup>th</sup> paragraph, last line -- Town Planner Cashell a an
- Page 4, 5<sup>th</sup> paragraph, last line — after the word “size,” add “prior to demolition.”
- Page 5, 8<sup>th</sup> paragraph, 2nd line — should say “hoops” rather than “loops.”
- Page 5, last paragraph, 2<sup>nd</sup> line from bottom, at end of line — should say “workplace housing” rather than “word-place housing.”

Mr. Barnes said he had those same changes.

No other change requests being brought forward, Mr. Barnes moved to approve the 06-12-12 minutes as amended. Mr. Della-Monica seconded the motion.

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

Chairman Russo addressed the minutes for the meetings of June 27, 2012.

Mr. Barnes requested the following changes:

- Page 6, 2<sup>nd</sup> paragraph; last line — “Stuart” misspelled as “Stewart” there and in next paragraph.
- Page 6, 4<sup>th</sup> paragraph, last line – word “on” is misspelled.

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- Page 7, 2<sup>nd</sup> line — Word “marking” should be “parking.”

Mr. Della-Monica requested the following additional changes:

- Page 6, 7<sup>th</sup> paragraph, last line – Change “NSFL” to “FFL.”
- Page 7, paragraph 3, 7<sup>th</sup> line – add “lot line” after “building.”
- Page 9, 2<sup>nd</sup> paragraph from bottom, end of last whole line, -- designation of .45 magnums should be changed to .44 magnums.

No other change requests being brought forward, Mr. Barnes moved to approve the 06-27-12 minutes as amended. Mr. Della-Monica seconded the motion.

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

Chairman Russo addressed the minutes for the meetings of July 11, 2012.

Mr. Barnes requested the following changes:

- Page 5, last paragraph, 4<sup>th</sup> line – 50 should be 60 degrees.

Mr. Della-Monica

- Page 5, 4<sup>th</sup> paragraph, 5<sup>th</sup> line – it should say they could then back out to go to Route 102.
- Page 6, last paragraph, last line – he had said they could make a U-turn, rather than just a turn.

No other change requests being brought forward, Mr. Barnes moved to approve the 07-11-12 minutes as amended. 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).

**VI. CORRESPONDENCE**

Chairman Russo stated that there was an item of correspondence from the Fire Department that would be reviewed when appropriate.

**VII. PERFORMANCE SURETIES**

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

**VIII OLD BUSINESS/PUBLIC HEARINGS**

No **Old Business/Public Hearings** items were addressed this evening.

**IX NEW BUSINESS/PUBLIC HEARINGS**

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

**X WORKSHOP**

**A. Review the Capital Improvements Program (CIP). (Deferred Date Specific from the 06-06-12 Planning Board Meeting).**

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

Town Planner Cashell noted this item had been deferred from the June 6<sup>th</sup> workshop, saying he had promised to finalize the updating of the FY'2010 CIP. He referenced Pages 1 and 2 of his staff report, noting that Page 3 had the actual update report—adding that he had noticed a couple needed update changes just before this meeting, which he would pick up. He noted the changes he would make.

Selectman Maddox referenced the letters to the Board of Selectmen and the Budget Committee, asking what “both bodies exclusive to existing” meant—noting that the Budget Committee was not otherwise referenced. Town Planner Cashell said that would be a separate letter.

Selectman Maddox said the pages needed to be numbered. Town Planner Cashell said the page numbers he was referencing were the pages in the FY'2010 CIP. Selectman Maddox said this would be confusing to members of both boards, reiterating that the pages should be numbered. Mr. Cashell explained he had not included full copies, but would make them available if needed. He said he would like to make himself available to the group when these matters were discussed—clarifying that he would not want to attend all of the meetings, but just the one in which the Board of Selectmen was dealing with improvement items for this year, so he could answer any questions they might want to take up. Chairman Russo suggested that Town Planner Cashell keep working on the document.

Selectman Maddox referenced Item 14, saying the Board of Selectmen was not going to get into a 7-digit figure. He suggested the Board instead send a letter recommending a full CIP. He predicted that these projects were not going to go anywhere. Chairman Russo suggested it would be more appropriate for Selectman Maddox to explain to the Board of Selectmen that this was just keeping the projects on the radar. Town Planner Cashell said it was just a document to say where all these projects were—noting that new projects came and went all the time in different communities. Chairman Russo expressed agreement. Mr. Cashell noted that the proposed senior center had created a priority of its own, although it was not mentioned in the CIP—adding that no one would have predicted the major water

project taking place this year on Route 102 because a developer needed to supply water to a project there, which meant the water line would be extended for the benefit of the Town of Hudson at minimal cost.

Chairman Russo said he and Town Planner Cashell would attend the Board of Selectmen meeting at which this would be discussed, reiterating that this was just an advisory thing.

Selectman Maddox said the list had \$245,000 for Benson Park, saying this was not going to happen, along with the new \$90,000 roof for the Hazelton barn or an expansion to the Police Station. Town Planner Cashell said the municipalities were free to do a CIP whenever they wanted, saying it did not have to be a robotic process—and once done, he continued, all that had to be done was an update until the community got to a point at which all of the projects had been accomplished or the Town came to the realization that a new one was needed. He said there was no need to do a new CIP when no new projects were being proposed.

Mr. Barnes, who also served on the Benson Park Committee, said the amount listed for Benson Park was for the entire park, saying he thought the list of projects came from the original master plan for the park, which was now getting somewhere toward ten years old. He said he was not aware of anyone doing anything with respect to the Hazelton Barn—and he then pointed out that the numbers for the train station had been found to be totally inadequate. He said the Benson Park Committee was looking for a volunteer building committee to do the office, saying he did not anticipate any significant amount of money being spent on it.

Town Planner Cashell said he agreed with that, saying that part of the CIP was antiquated—adding that those items could be taken off next year if the Town did go to a new CIP.

Mr. Barnes said the recommendation for FY'2014 being sent to the Board of Selectmen had the listed costs, saying he felt that at the very least it should be pushed out.

Selectman Maddox said it had been the practice up until 2010 to do them every year, but it had been pushed out to the end of the schedule, which had now caught up. He said he thought half of these items would not be listed for FY'2014 other than it was the last year they could be put in for the 6-year time category. He said they should be bumped out as far as they could be, but it made no sense—saying, for example, that nothing would be added onto the Police Station until something was done with the Fire Station. He said it made no sense to wait until next year, with everyone coming in fresh and knowing they were going to do this for X years, and plan accordingly. If a thing didn't look as though it were every going to be ready for the schedule, he added, don't put it on the last year to let the future people worry about it.

Chairman Russo asked if the Board wanted to recommend to the Board of Selectmen that a CIP be done next year for FY'2015, as recommended by Selectman Maddox, basically scrapping the efforts that had been placed before the Board tonight.

Mr. van der Veen said there was no way to take the projects off the list without doing another CIP.

Mr. Malley said he felt it was time to do another CIP, saying he could not see how renovating the kitchen at Benson Park beat out the Central Fire Station project.

Chairman Russo said he was looking for a motion to propose to the Board of Selectmen a recommendation for a CIP for 2015. Mr. Malley so moved; Mr. Barnes seconded the motion.

Selectman Maddox said he felt the Board should do some homework first, and get ready for a CIP. He suggested that Town Planner Cashell contact other communities to find out what they had done for the past few years. He expressed concern about extending the items that had not been done in past years.

Town Planner Cashell said Benson Park also had created a life of its own, saying all of these items had been in the CIP for a number of years; he suggested that Benson Park could be a separate section of the next CIP, saying the current CIP list almost did not have any resemblance to what had been done. Mr. Barnes referenced the gray lines on the chart, saying anything below that had not been ranked, so there was nothing saying an office at Benson Park was any more important than anything else.

Mr. Della-Monica said there really should be some way to note other types of leveraged projects (such as those that got matching funds from the state or federal sources), but nothing of this nature applied to Benson Park, most of which had been done by volunteers.

Mr. van der Veen noted that Page 1, at the back, had an attempt to identify which projects had funding from the DOT. Mr. Della-Monica said the spreadsheet gave a different picture, adding that it gave sticker shock. Mr. van der Veen suggested the spreadsheet should be footnoted to indicate which items had funding. Mr. Della-Monica expressed agreement.

**VOTE:** No further comment being brought forward, 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 Proposed Amendment to §278-8.B.(14), *Exterior Lighting*, of the Planning Board's Site Plan Review Regulation. (Deferred Date Specific from the 06-06-12 Workshop).**

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

Town Planner Cashell said he had nothing to add to his staff report. Chairman Russo asked Mr. Cashell to give a brief description; Mr. Cashell did so, recalling that everyone had been in agreement with the proposed language changes, which he

said were not extensive. He said the Board had asked for a better photometric distribution figure, which he had done. If this were not good enough, he said, the Board could use the wording to make the amendment, without the figure.

Mr. van der Veen said he liked the drawing, saying he thought it should be included.

Mr. Della-Monica asked if this were exclusive of lighted signage—explaining that a lighted sign would project light beyond the lot line and there was no way to avoid it. He asked if this should be a waiver or just not be covered by the regulation. Town Planner Cashell said this regulation was for an exterior light stanchion. Mr. Della-Monica clarified that it was for light that would illuminate the building or the ground, saying this should be clear in the minutes, to prevent people contesting it in the future.

Chairman Russo suggested “lot” and “building” be included, to make it clear. Town Planner Cashell suggested this was why he thought the figure should not be included, as it showed buildings. He said just using the text would exclude signage—adding that people could ask for a waiver and explain why they felt it appropriate.

Mr. Malley expressed concern about the light from signs, saying it extended out to the public area. Chairman Russo said this was different because signage was different from lots, so he would direct it toward “lot”: and “building” and leave signage out. Mr. Della-Monica said there were other types of lighting than signage (decorative lighting, seasonal lighting, etc.), so designating it for lot and building would cover it. Town Planner Cashell suggested it refer to permanent lot and building. Chairman Russo asked Town Planner Cashell to reword the text accordingly and bring it up at the September 5<sup>th</sup> meeting. Selectman Maddox clarified that this discussion was for site plans, expressing concern because Mr. Della-Monica had mentioned Christmas lights. Mr. Della-Monica clarified that he had been talking about Christmas lights on a business property.

Mr. Malley moved to defer to September 5<sup>h</sup>. Mr. Della-Monica seconded the motion.

**VOTE:** No further comment being brought forward, 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. Review Lighting Appearance Code and Design Guidelines**

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

Town Planner Cashell suggested that this item be deferred.

Chairman Russo clarified that this was an effort to minimize upper lighting. Town Planner Cashell said no one wanted glaring light to shine on their property—noting that one glaring example was 75 River Road, about which a lot of people were concerned. He said there were some beautiful designs, if the Board wanted to work

with the private sector. He displayed a page of illustrations from Page 4 of tonight's handout on the projection screen, noting that one showed a shield on the stanchion that prevented light from going onto abutting properties. He then noted that complaints were being raised by residents close to the Premier Outlets Mall in Merrimack.

Selectman Maddox noted that the Planning Board had done a document several years ago for interior landscape, but all the Board did now was give waivers. He said all that was needed was the item that had just been covered, which said no lighting should leave the property, saying this would just be something else the Board would be waiving. He said this could be a guide, but should not be a regulation. Chairman Russo expressed agreement—adding that it was a great idea but was not suitable for Hudson at this point.

**D. Review Existing Driveway Application and Regulations (Deferred from the 06-06-12 Workshop).**

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

Town Planner Cashell said the handout from the Fire Department was a “missing link.” He then reviewed amendments that had been made to the driveway regulation, noting that he had proposed additional language on Attachment A. He said he wanted to bring up that the Town had a 400-foot unobstructed sight distance requirement for driveways, but a lot of driveways and streets simply could not have that, because the intersections were less than 400 feet away, so he wondered if the given text went too far.

Chairman Russo asked what the Board members thought. He then asked Ms. Merrill, as the Board's newest member, if she understood this text. Ms. Merrill said she thought so.

Mr. van der Veen asked if this text meant he could do a gravel driveway to the street. Chairman Russo said that was an issue that the Board had been trying to get through, and the Board wanted to know if the apron were included, in which case the Board would not want a gravel driveway. Town Planner Cashell said that question really had not been answered yet, saying people could still put in gravel driveways, but were not allowed to carry debris onto the road with tires, which occurred in the case of construction sites. Chairman Russo said the text really needed to define what the driveway was, whether the apron was included, etc. Town Planner Cashell said a driveway was some way of providing access that could only be used by a vehicle within the right-of-way, but the Town had to make sure it was safe access. He said the municipality had authority over the creation of driveways into private property. He noted that Town Attorney Buckley had said there was pending legislation which had since been adopted, as cited in Attachment B.

Mr. Malley said the definition of driveway in the book that the Town handed out was “any improved or unimproved area serving an area of access, entrance, exit, or approach to any highway” Chairman Russo asked if it included all the way up to the home. Town Planner Cashell said the whole idea was to make sure that emergency



services could gain access to the dwelling unit. Chairman Russo said this was for the accessway—but as far as the Town was concerned, the Planning Board was concerned about the access point between the driveway and the approved roadway.

Selectman Maddox asked where the term “right-of-way” came from.

Town Planner Cashell said the Board wanted the width from the point of intersection with the street, saying it was to include the flare, so he had moved the arrows. From the arrows, he continued, the front lot line was also the point of extent of the street right-of-way. H said the concern was the distance between the extent of pavement and the lot line, saying that width was the only area of concern.

Mr. Malley said the definition could be exchanged if the Board wanted to control the length up to the house. Chairman Russo said it was just the access, saying the text did not cover anything up to the house. Mr. Malley pointed out that the Fire Department needed to get up to the structure.

Town Planner Cashell referenced the new rules and regulations, noting that HTC §193:3 had a definition of driveway, which he read aloud. He said that definition was not limiting the length or any boundary between the pavement surface and the right-of-way. Chairman Russo and Mr. van der Veen expressed disagreement. Chairman Russo said it said “to any parcel of land,” not “into.” He said the Board was maybe taking it too literally, because that was something someone had put in there, figuring everyone would know what was meant, but now the text was being interpreted as pertaining to the entire length. He said the Board had to be careful in wording the regulations, adding that he was very leery of going beyond what was actually said, which took away people’s rights.

Mr. Barnes said the Board had discussed this several times, saying other sources said driveways were the access road up to structures. If the Building Permit were only concerned with the access point, however, he said, the Board needed to figure out what to do about fire and safety access to the buildings, as the Fire Department might decline to sign off on approved plans. Chairman Russo protested that the Board had never asked about what went on inside or around the structure, saying the Board had never asked how anyone was going to get to the structure. Mr. Barnes referred to Copper Point; Chairman Russo said that was only because of the fact that shared driveways were not allowed.

Selectman Maddox said he had a different view, as the Planning Board on many occasions had said the applicants had to provide a turning lane. Chairman Russo said he did not recall that.

Mr. van der Veen noted that HTC §193:10 went beyond the apron, reading the text aloud and noting that it used the word “driveway” outside of the definition. Chairman Russo said he disagreed, saying it did not say the driveway had to be 50 feet wide through the property, saying the Planning Board had never regulated it.

Town Planner Cashell referenced Town Attorney’s legal opinions, noting that State Statutes provide strict regulation of the driveway connecting with the abutting street; he said Chairman Russo might well have a point in saying the Board did not care what happened in the lot, but the Fire Department had a concern about access to

the dwelling unit for emergency services. He then questioned whether the argument should be brought beyond this body or if it should be developed by consensus that the Planning Board was only concerned with the actual access.

Mr. Barnes noted that the Conservation Commission probably was not too concerned with the driveway next to the road, as the driveway tended not to be located there. Town Planner Cashell said in many situations the wetlands were right in the gully.

Mr. van der Veen said he would like to grant that, since his house was built in the late 50s, it probably disobeyed some of the rules. He then returned to the form, suggesting that it be clarified by office use. He noted that "grade" was not a surface, suggesting another change. He suggested the definitions of "swale" and "catch basin" be checked. Town Planner Cashell said a roadway swale could be ungraded, but a catch basin would be added for control with new roadways.

Mr. Della-Monica noted the reference to "grade percent" at 10% maximum, and he asked if that meant maximum, noting that his driveway went up a couple degrees and then over ten. Chairman Russo said it should go up to 10%. He suggested that "driveway" and "accessway" needed to be differentiated and should have two different definitions.

Mr. Della-Monica said he liked the explanation for sight distance at the intersection, but it should probably say "sight distance to the left" and "sight distance to the right." In the diagram, he noted, it showed distance in feet to the driveway, saying the line should be at the bottom of the diagram. He said driveways could turn after one car length into the property, at the frontage line, with the rest of the diagram removed. He suggested a driveway be defined where it entered the street but a statement should be made that the Fire Department also needed to approve it, so a multi-department form was needed.

Selectman Maddox said the Board was torturing itself for no good reason. He said the driveway was to any structure, and he questioned the benefit of defining some part of it as an accessway.

Town Planner Cashell said the Planning Board's jurisdiction was the accessway, to make sure the actual access was provided for safely, but any jurisdiction for design features inside of that accessway rested with the Fire Department, and the Planning Board might not have any jurisdiction with the internal length. In that case, he said, the Fire Department should be the one overlooking the driveway approval—noting that the Fire Department had only one piece of equipment designed to get up steep grades.

Mr. Della-Monica said the Planning Board was going about this backwards, saying the name of the permit should be changed to DRIVEWAY ACCESS PERMIT, as this was all the Planning Board was talking about.

Selectman Maddox suggested that the Planning Board should get a legal opinion, saying he truly believed the Planning Board controlled to the structure, but that the Board should find out.

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Selectman Maddox said the form needed a date, adding that the term “driveway access” should be used instead of “street access.” He noted that there were still dirt driveways. He then concluded by saying the bottom box should be expanded, saying it was perhaps trying to cram too much onto a single page.

Chairman Russo asked for a motion to defer in order to get a legal opinion. Mr. Malley so moved; Selectman Maddox seconded the motion.

Mr. Barnes asked if this had been passed by the Conservation Commission. Town Planner Cashell said the Zoning Board of Adjustment would have to amend its application requirements and then apprise the Conservation Commission of the language.

Mr. Della-Monica referenced the Fire Department letter, section II, saying the text did not make sense. Town Planner Cashell said this was for any driveway, 300 feet or greater in length from the street. Chairman Russo said they would not want it more than 6% grade if it were less than 300 feet but would allow up to 6% grade if it were over 300 feet. Mr. Malley noted that no law was cited saying that it had to be. Mr. Cashell noted that the regs allowed a 10% grade, but the Fire Department wanted it as level as possible if the length were 300 feet, but Fire Department was saying up to 6% at the end of the driveway. Chairman Russo suggested the Fire Department needed to define this further.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion, noting this matter would be deferred to September 6<sup>th</sup>. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

**XI OTHER BUSINESS**

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

**XII. ADJOURNMENT**

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

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

Chairman Russo then declared the meeting to be adjourned at 8:50 p.m.

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**HUDSON PLANNING BOARD Workshop Meeting Minutes  
August 1, 2011**

**Page 12**

Date: December 10, 2012

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Vincent Russo, Chairman

J. Bradford Seabury, Recorder

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Edward van der Veen, Secretary

These minutes were accepted as submitted following review at the 01-22-14 Planning Board meeting.