



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES July 27, 2011

I. CALL TO ORDER

Acting Chairman Hall called this Planning Board meeting to order at 7:02 p.m. on Wednesday, July 27, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Hall led the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Acting Chairman Hall asked Mr. Della-Monica to serve as Acting Secretary in the absence of Secretary van der Veen and to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

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

Members

Absent: Tim Malley (excused), Vincent Russo (excused), and Ed van der Veen (excused).

Alternates

Present: Irene Merrill, Jordan Ulery, Stuart Schneiderman (arrived at 7:06 p.m.), and Roger Coutu (Selectmen's Representative Alternate) (arrived at 7:59 p.m.).

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Hall seated Ms. Merrill in place of the absent Mr. van der Veen and seated Mr. Ulery in place of the absent Mr. Malley. (Mr. Schneiderman had not yet arrived, so there was no one to seat in place of Mr. Russo at that time.)

V. MINUTES OF PREVIOUS MEETING(S)

Acting Chairman Hall said he would defer review of the minutes until next week's workshop meeting.

VI. CASES REQUESTED FOR DEFERRAL

Acting Chairman Hall stated that one applicant had asked for deferral.

Town Planner Cashell said there had been a request for deferral of the hearing pertaining to the 13 Park Avenue site to the meeting of August 10, 2011.

Mr. Barnes moved, in accordance with the applicant's written request, to defer further review of the Site Plan application for 13 Park Avenue, Map 161/Lot 033, date specific, to the August 10, 2011 meeting. Selectman Maddox seconded the motion.

Selectman Maddox asked whether it was the policy that property owners of sites going through the planning process should keep on display the sign announcing to the public that the site was going before the Planning Board. Town Planner Cashell said the Town had not run into that issue as yet, but it was a good question and the policy could be established. Selectman Maddox stated that he had viewed the site earlier on this date and noted that the sign was not on display.

VOTE: No further comment being brought forward, Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Mr. Hall, who did not vote, and Acting Chairman Hall declared the motion to have carried (5-0).

Mr. Richard Maynard, sitting in the audience, stated that the vote was 5-0-1. Acting Chairman Hall demurred, stating that he was not voting while serving as the chairman. Mr. Maynard expressed a belief that this was not in accordance with Robert's Rules.

VIII. PERFORMANCE SURETIES

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

IX. ZBA INPUT ONLY

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

X. PUBLIC HEARINGS

No **Public Hearings** items were scheduled for this evening.

XI. OLD BUSINESS/PUBLIC HEARINGS

**A. 13 Park Avenue (Addition)
SP# 01-11**

**Map 161/Lot 33
13 Park Avenue**

Purpose of plan: to show the proposed 7,960 sq. ft. addition and associated improvements. Hearing. Deferred Date Specific from the June 22, 2011 Planning Board Meeting.

This hearing was deferred to the meeting of August 10, 2011, under Item VI of the agenda, preceding.

Mr. Schneiderman arrived at 7:06 and took his seat at the table as a nonvoting alternate at that time.

**B. Stellar Motors Site Plan
SP# 05-11**

**Map 190/Lot 001
57 Lowell Road**

Purpose of plan: Convert existing retail sales building into automotive sales office. Construct a 2,640 S.F. automotive service/storage building, and delineate vehicle display areas. Hearing. Deferred Date Specific from the June 22, 2011 Planning Board Meeting.

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

Town Planner Cashell noted that this was the second public hearing on this item, saying there were still several issues outstanding, as listed in his planner's memo, which Mr. Maynard intended to address this evening.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, identified the plan he had affixed to the meeting-room wall as **Site Plan**,

Stellar Motors, Lot 1/Map 190, 57 Lowell Road; owner: The Fourth M.D. Febonio & S.A. Febonio Family Revocable Trust, 6 Winnhaven Drive; prepared by Maynard & Paquette Engineering Associates, LLC, dated April 27, 2011, with the latest revision dated 07-12-11,

Selectman Maddox noted Mr. Schneiderman was present and had been so at the beginning of this hearing and therefore could be seated in place of the absent Mr. Russo. Acting Chairman Hall concurred, seating Mr. Schneiderman in place of Mr. Russo at this time.

Mr. Maynard reviewed items in Mr. Cashell's memo, noting that Mr. Cashell had expressed agreement at a June 14th plan-review meeting with respect to the grass-over-gravel strip along the south side of the proposed new building, adding that an additional hydrant had been added to the site as shown in the revised plan. He stated that the fire sprinkler system would be part of the building permit process, and no determination of that need had been made at the present time. With respect to the maneuvering of vehicles on the site, he said, Mr. Cashell was concerned about the overhead power lines, but the power lines went behind the new building, which he said kept them out of the way of any maneuvering areas. He said the added hydrant had more than satisfied Deputy Fire Chief Buxton. He pointed out that he had moved the dumpster so that there was an accessway to the dumpster and also a place to turn around. He noted that the parking notes said only seven spaces were needed, but eight were being provided, so one could be eliminated if necessary to increase maneuvering space in the rear. He said 5% more green space was being provided than was required.

Noting Mr. Cashell's concern about travel lane width, Mr. Maynard declared that this was not close at all, saying four more feet of pavement could be added if the Planning Board felt 24 feet was needed, but there were numerous sites in Hudson which had only 20-foot aisles, with and without waivers—adding that this was not a high-travel site and the standard width on the highway was ten feet. Referring to the loading zone shown on the plan, he said all deliveries would be cars, dropped off in the front by a truck that was only there momentarily, with the vehicles going either into a service bay or into the display areas.

Referring to the existing sign, Mr. Maynard said he had not heard from Zoning Administrator Oleksak, but this was an existing and legal nonconforming location, but he had moved it to the left; where it would be 25 feet off the road but only 10 feet from the side lot line instead of the required 15 feet, so it would be less nonconforming. He stated that sign locations generally were determined independent of the Planning Board, but he could move it out if the Board insisted, putting it in the display area.

Referring to the comment about utilities, he said the back building was not required to have sewer and water but these had been added, so it would have sewer and water, providing a bathroom and a wash-down location. He said the review engineering comments had been addressed, noting that there was a low bowl at the rear of the site and all water drained to that location. He said there was no erosion control, because there was nothing flowing off the site, hence no erosion, and he described this as another of the erroneous comments in the planner's memo. With respect to plantings,

he said the buffer would be discussed in a moment, but he would at this time pass out photos, noting that his client had planted an arborvitae hedge along the back lot line and it was so dense that one really could not see through it, saying it was over ten feet tall. He said his client would plant arborvitae, saying it was pretty much there now.

With respect to the comment about paving the side setback, he said discussion at the last meeting had mentioned a possible future sidewalk easement; he said the amount of display area lost by that would go to the side setback, which was why he was asking for a waiver. He said the existing pavement on the site was grandfathered, which had been proven in many court cases, so this was not a waiver situation, so he had not asked for one.

He said snow storage areas had been designated, "for whatever it was worth." He said there was one handicap space, saying this was all that was required for this site by ADA regulations—explaining that, since they were not renovating the existing building, no other ADA requirements applied.

Referring to the 100-foot buffer requirement, he referred to his undated two-page memo, saying it would take up 40% of the site (the rear 100 feet), which was abusive and not reasonable—adding that at least one recent court case had thrown that type of buffer requirement out. He said they had done other things instead, adding that the adjoining lot was not a residential use, saying Boards were supposed to encourage noncontinuance of nonconforming uses. He said the entire building was a solid wall, with all activities 75 feet or more away from the lot line, adding that several limitations (as referenced in Notes 21 and 23) had been applied to the site. He said the type of service activities were only those associated with State inspection. Mr. Maynard then concluded by contending that he met the spirit and intent and that the plan went far and above what occurred on any other site with regard to separation of uses.

Selectman Maddox said he thought the new building was to be a steel building, but Mr. Maynard had said block in his comments. Mr. Maynard confirmed that the new building was to be steel.

Mr. Della-Monica asked if the new building would be insulated. Mr. Michael Febonio, the applicant, answered in the affirmative from the audience; Mr. Maynard said plain steel buildings were not allowed any more. Mr. Della-Monica said that would help with respect to noise.

Acting Chairman Hall opened the meeting for public input and comment, in favor or opposition.

Ms. Sandra Ziehm said her family owned the contiguous building (Harmony Real Estate), which she identified as being located at 52 Lowell Road or 2 Winnhaven Drive. She said appearances were very important for their business, so she was very concerned about this site becoming an eyesore. She asked if putting two buildings on a half-acre lot, plus cars displayed for sale, plus parking for employees and customers, plus providing green space and the buffer were not overextending a half-acre lot, saying she thought it was overkill for that lot. If the Planning Board were going to approve it, she continued, she would beg that the Board not allow a second building. She then expressed concern that, if the Planning Board allowed this, the business use

would grow over the course of time through infractions, noting that this was true of other sites in the town. She then concluded by asking that the Planning Board demand a white vinyl fence, so that her own customers would not be looking from her building into an eyesore.

Ms. Merrill asked if there were anything in between the two lots. Ms. Ziehm said there were trees, noting she and her daughter had had to replace twelve trees when they purchased the property. She said the only place where one could really see through was up front, by the mailbox, noting that Mr. Micheal Febonio, the applicant, had taken trees down. Ms. Merrill said she had noticed that trees had been taken down in the front but she did not know what was happening at the rear. Ms. Ziehm said it would have been nicer if she and Mr. Febonio had walked the lot and looked at the trees together, but they had not; she could not say it had been intentional on Mr. Febonio's part, but the trees were gone. She then reiterated her desire to have a white vinyl fence placed between the two lots, adding that she could not think of another site on which used car display/sales *and* maintenance occurred together on such a small lot, either on Lowell Road or even in Nashua.

Mr. Ulery noted that the plan showed a solid fence made from cedar. Ms. Ziehm said she had been told it would be a stockade fence, and she again expressed concern about the appearance of the fence, saying vinyl was attractive and looked professional.

No one else coming forward to speak in opposition, Acting Chairman Hall asked if anyone wished to speak in favor.

Mr. Michael Febonio, the applicant, said he had attempted to get someone from Harmony to discuss the trees and did get Virginia (Ms. Ziehm's daughter) to work with him, saying it was clear that the trees he had removed, which were pine trees, were dying. With regard to the fence, he said, plastic fences broke. He said he had attempted to work with the Ziehms, as he had done with the Briands. He said the back of the property could not be seen with today's full foliage, acknowledging that the back might be visible in the winter. He said it was prejudicial to say used car dealers sold junky cars.

Mr. Barnes asked Mr. Febonio to clarify which trees had been taken down. Mr. Maynard responded that the trees were shown on the existing conditions plan, saying there had been primarily the white pines along the lot line, which were dead or dying, probably eight to ten of them, consisting of eight to ten trees in front of the existing building. Mr. Maynard reemphasized that the fence was at the front, saying the Harmony Real Estate office was "way to heck" off to the back, saying people there would not be able to see what was going on this site. He said the idea that two buildings would be an eyesore did not wash and was not a legitimate consideration for the Planning Board. He said the existing building was run down and needed to be cleaned up and painted, and his proposal was for an improvement. Noting that there had been a discussion at the previous meeting about where the boundary lines actually were, he said the Briands had hired a surveyor, who had confirmed that Lowell Road had not moved and that 250 feet back came within a couple of feet of his measurements. He said it did not matter to his client where that point was, saying either point could be justified, depending on which way one came from, and he hoped

that the Board would hear from the Briands that they were comfortable with how their survey turned out.

Ms. Merrill said there was a shed back there. Mr. Maynard said there were two sheds and both were going to go away. Ms. Merrill said she had thought Mr. Maynard had said at an earlier meeting that he would have a letter from the Briands saying they had no qualms about this project. Mr. Maynard said it was not proper and probably was illegal to require such a letter, but he hoped the Briands would testify to that extent. He said some people were very reluctant to sign things.

Acting Chairman Hall called for a second and last round of public testimony.

Ms. Ziehm said her parking line went all the way up to the tree line, and her customers who parked there, could see onto the subject site. She said she did not believe those trees had been dead, noting that she was familiar with the area because she had been the only one cleaning up back there before Mr. Febonio purchased the property.

Mr. Kurt Briand, representing his parents, Raymond and Diane Briand, said Mr. Febonio had worked hard to try to keep them happy. He said Mr. Febonio had agreed to move the bounds and pay for a part of their survey costs, and he thought everything looked great.

No one coming forward to provide input, for or against, Acting Chairman Hall asked if any members of the Board had any questions.

Town Planner Cashell said the arborvitae that had been planted was pretty impressive, saying the source should be congratulated. He said Mr. Maynard had addressed a lot of the issues, adding that he had not moved forward with any draft motions as he had thought the Board would want to decide whether the site was still too busy. He noted that he had suggested deferral to the August 24th meeting, explaining that the August 10th meeting was already booked with other projects.

Selectman Maddox asked the height of the proposed building. Mr. Maynard said it would be 14 to 19 feet. Selectman Maddox asked how many vehicles would be there. Mr. Maynard said any site plan defined the display area and it was up to Town enforcement to enforce it. Depending on the size of the cars, Mr. Maynard said, there would be from 20 to 30 cars on the site—within the display area, in front, in back, and in the building. Selectman Maddox asked what the second building was for, asking if there would be a second use; Mr. Maynard said it was strictly for offices and part of this business. Mr. Ulery asked if the large repair structure in the back would also store vehicles pending inspection. Mr. Maynard said there would be no difference. Mr. Ulery suggested the more attractive or valuable vehicles would be in the front and the less attractive ones in the garage. Mr. Maynard concurred.

Mr. Della-Monica asked if there would be enough room for an emergency vehicle if a car were being unloaded. Mr. Maynard answered in the affirmative, saying there was at least ten feet, and adding that that situation would be a long shot.

Ms. Merrill noted that there would be two buildings, with 20 to 30 cars on a half-acre lot. Mr. Maynard said it met every bit of the site plan criteria, noting that the abutter in

the rear was satisfied. Ms. Merrill noted it did not meet the 100-foot buffer; Mr. Maynard said that was a dubious requirement, saying he had already participated in a court case in this town in which the judge had thrown that requirement out.

Mr. Barnes asked Town Planner Cashell to show where the edge of the business area was on the aerial view. Mr. Maynard said it was 500 feet. Mr. Barnes said he wanted to see it, and Mr. Cashell displayed the aerial view, demonstrating the location of the zoning district line with his laser pen.

Mr. Barnes asked about lighting in the rear. Mr. Maynard said there would be absolutely none.

Mr. Barnes noted that Mr. Maynard had said there was a low spot where water collected. He asked what the finish grade of the parking lot that was going to be built would be. Mr. Maynard said it would be similar to what was there, 150 to 152 feet above sea level, adding that surrounding properties were two or three feet higher.

Mr. Barnes referenced the trees that were removed, noting that the plan showed a row of pine trees on the existing conditions plan. Mr. Maynard said five to seven had been removed. Mr. Barnes noted that they were still shown on the plan, so they should be replanted. Mr. Maynard asked if Mr. Barnes wanted deciduous or evergreen trees. Mr. Febonio said trees would not grow there because of the overhead, but he would put in shrubbery of reasonable height.

Mr. Schneiderman referenced Mr. Maynard's statement that the subject lot had a low spot, measuring 150 to 152 feet above sea level; he then suggested that there was a slope down to 145.9 on the Harmony leach field.

Selectman Coutu arrived at 7:59 p.m. and took his seat as a nonvoting alternate at that time.

Mr. Maynard said he would suggest it was 152.5 and was a leaching system for Harmony's drainage. Mr. Schneiderman asked about possible problems when snow melted. Mr. Maynard said ten inches of snow meant one inch of water, and he was maintaining the existing conditions on this site, so nothing should run off. Mr. Schneiderman asked about the law case Mr. Maynard had cited, in which the judge had thrown out the 100-foot buffer. Mr. Maynard said it was *Gilchrist Metals v. the Town of Hudson*.

Selectman Maddox said the voters of Hudson had voted for the 100-foot buffer. Mr. Maynard interrupted to express extreme disagreement, saying it was a Planning Board regulation. Selectman Maddox said Mr. Maynard was trying to put too much on one lot, with two buildings and 30 vehicles up against the back lot line, with gravel in the side setback; he said this was too much, saying putting the display in the back would at least make it more palatable to the intent of the buffer, saying he was having a hard time trying to see how this would work.

Mr. Maynard asked to speak on another issue. Acting Chairman Hall demurred, saying Mr. Maynard could only answer questions at this time.

Mr. Della-Monica said he thought it was a tradeoff with the neighbors in back and with the neighbors to the south, and he felt putting the building in the rear gave those abutters a buffer from the noise (running motors, stereos, unloading, etc.). He reiterated that it was a tradeoff.

Mr. Maynard raised his hand to request to speak. Acting Chairman Hall demurred, saying he could not do so unless one of the Board members wanted to hear from him. No Board member indicated a desire to do so.

Ms. Merrill said the apartment buildings were very close, also, and she was concerned about noise affecting them as well as Harmony Real Estate.

Acting Chairman Hall suggested one way to resolve this would be to go through the waivers. Town Planner Cashell said he had thought the Board was going to wrestle with the site and its density, and he had not prepared any waiver motions. Acting Chairman Hall questioned what was not met other than the 100-foot buffer. Town Planner Cashell commented on the requirement for 24-foot width of driving aisle within a site, adding that he had thought the Board would have a serious concern with the loading zone location in relation to the grass-over-gravel accessway, saying it was supposed to be exclusive for emergency vehicle access. Mr. Maynard yelled that this was baloney.

Town Planner Cashell said he did commend them for the arborvitae that had been planted, recalling that Mr. van der Veen had questioned whether there was an absolute need for two buildings on the site, and he had thought that would be what the Planning Board would be discussing this evening, before going to final action on the plan. He then suggested that the Board could conduct straw votes on the waivers to determine the Board's feelings about the plan.

Mr. Maynard called for a point of order, saying they had been specifically brought back to deal with the 100-foot buffer, and he had an abutter saying they were happy with what was proposed. He said the application was ready for a vote.

Mr. Della-Monica asked Acting Chairman Hall if he were correct in assuming that the 100-foot buffer applied to the property at the rear and not to any other properties. Acting Chairman Hall said he thought it applied to the one to the south, as well. Town Planner Cashell concurred. Mr. Maynard said that was a commercial use. Mr. Schneiderman called for a point of order, apparently to object to Mr. Maynard's objection, and Acting Chairman Hall stated that he would leave his statement as it was, noting that Mr. Cashell had stated what his opinion was.

Ms. Merrill referenced Waiver Request B, which said the ten-foot travel lane was not acceptable. Acting Chairman Hall said that was according to Mr. Cashell, but it depended on the Board.

Town Planner Cashell hypothesized a situation of a trailer parked at the loading zone to unload a car, with a vehicle in the adjoining parking space—saying it was on the verge of being absurd to say that was the only accessway to a multiple garage behind the building. He said it was not up to modern standards.

Selectman Maddox said there was not much chance of that situation being a problem, but the 800-pound gorilla was the 100-foot buffer. He said a row of arborvitae might be nice but he did not think it met the spirit and intent of the regulation and he did not want to fall into the trap of saying a row of arborvitae satisfied that requirement, with sources of noise right up against the row of arborvitae. He said he saw nothing that would make him want to vote in favor of that waiver.

Mr. Ulery said the family most affected had voiced no objections, and Mr. Maynard had proposed there was a precedent in case law that, if the Town imposed the 100-foot waiver, the Town would lose another law suit. He said the site was going to be a busy area, but the person who owned the property was willing to endure the over use, and he did not see why the Board should impose the taking of an extra 100-feet of somebody's property for a regulation that the Board itself had created. Acting Chairman Hall stated that there had been a purpose for the regulation, saying there had been several cases in which the courts had upheld the 100-foot buffer requirement, as well. He said that he was not so sure that he agreed with Mr. Maynard's claim, but what mattered was that the regulation was in place and had not been ruled as illegal, and what was important was the interpretation of the regulation, adding that it had been upheld in the past and that he did not remember the case in which Mr. Maynard said it had been thrown out. He said Mr. Ulery had a right to his opinion and that it was Mr. Ulery's job as a Planning Board member to decide, to argue his position, and to try to persuade other members to his point of view.

Mr. Della-Monica said the Board had tended not to grant waivers when there were objections from abutters and had tended to be more lenient if there were favorable comments from abutters. If the property to the rear changed hands, he noted, one of the objectives of the Town was to attempt to make things conforming, and this might be an incentive to not have two houses and to get a conforming use back there. He said he tended to be more lenient with a waiver if the abutters did not object, adding that he saw the buffer requirement as a great tool in the event that abutters did object.

Acting Chairman Hall said he would not be voting, and he did not want to sway anyone's opinion one way or the other, but he did not put a lot of credence in abutters' opinions or what abutters said for a specific case, since the matter being decided for a given case most likely would last longer than the abutters. He said the issue should be if the Board members felt it was a problem or if most people would feel it was a problem. He said Board members should think not of what one current abutter that was there now said, but should think of the big picture and what conditions would be in the future.

Town Planner Cashell said he could draft up necessary motions if the Board wanted to move forward tonight. Acting Chairman Hall said he did not feel the applicant had been given direction and that he should be told something—adding that he thought there should be a motion on the 100-foot setback. Mr. Ulery suggested taking a break and giving Mr. Cashell a chance to draft that motion. Acting Chairman Hall suggested just making a motion. Mr. Ulery then moved to grant the 100-foot waiver, because he felt the spirit of the buffer was to protect the residential areas from excessive noise and in this case he felt the two residences were in the business-zoned area. Mr. Barnes seconded the motion.

Acting Chairman Hall asked if there were any discussion.

Ms. Merrill said there was another abutter on the north side, as well as on the south side.

Mr. Della-Monica said the abutter to the north was not a residential abutter; he then asked if the Board had heard from anyone on the south side. Town Planner Cashell answered in the negative. Mr. Barnes said the notice would have gone to the owners, not the tenants in the apartments.

Mr. Ulery said he did not think the tenants had standing *per se*, while the owners did.

Ms. Merrill said the tenants would hear the noise, smell the smells, etc., adding that the tenants lived there and the Board should try to make things as comfortable for them as it could.

Mr. Schneiderman said the owner was trying to do more and more with less and less, adding that it was concerning to him that the buffers instituted to protect people were now being touted as a taking of land. He said it was not up to the Board to encourage people to move out because the area was obnoxious, so he would vote against the motion.

Selectman Maddox said there was a dilemma in that the Board was trying to protect both sides, adding that he did not hear the maker of the motion give any good reason other than no one had complained, and he asked what had been done to protect the residential use other than the planting of arborvitae, and he questioned if arborvitae were the answer for all noise.

Mr. Della-Monica said he looked at what would happen if the waiver would not be granted, which might mean moving the building up to the 100-foot mark, so that it would not need a waiver and they could put storage behind. He noted other uses that might come in which would produce even more noise, without having to get approval.

Selectman Maddox expressed a belief that this vote should be delayed for two weeks so as to avoid a situation of forcing the chairman to vote, adding that Mr. Maynard should come back with an estimate on what the noise might be, rather than getting a waiver of the noise study requirement, as well as to get time to get backup for Mr. Maynard's statement.

Acting Chairman Hall suggested that was mostly a copout; saying Mr. Maynard need not go away if the motion failed—as Mr. Maynard could come back with something else. He reiterated that the applicant needed to be given guidance, saying Mr. Maynard either had met the criteria to satisfy the buffer requirement or he had not, and what he did from there was up to him.

Mr. Schneiderman asked to move the question; Mr. Ulery demurred, saying it had been moved and seconded.

Mr. Della-Monica read his version of the motion—to grant the waiver of HTC §275-8 B (25), *Residential Setback*; because the granting of this wavier was not contrary to the spirit and intent of the ordinance. Mr. Barnes called for a point of order, asking for a correction, saying it was a request to waive the requirements of HTC §275-8 B (12) (c).

VOTE: Acting Chairman Hall then called for a hand vote on the motion. Mr. Della-Monica, Mr. Barnes, and Mr. Ulery voted in favor; Selectman Maddox, Ms. Merrill and Mr. Schneiderman voted in opposition. Acting Chairman Hall noted that it was a tie vote, and he then voted in favor, after which he declared the motion to have carried (4–3).

Mr. Maynard noted that there had been discussion at the last hearing about trading the 10-foot utility easement for the display space in the side setback, and he asked for a motion on pavement inside the side setback.

Mr. Ulery said he understood what Mr. Maynard was saying as he could start his site prep if he knew whether he would get that waiver, and he then moved to grant the request for a waiver from the requirement of HTC §275-8 B (25), *Pavement in the Side Setback*; Mr. Barnes seconded the motion.

Selectman Maddox said Mr. Maynard had agreed to put some trees and shrubs inside the buffer. Acting Chairman Hall said that had been offered as a trade in return for the sidewalk easement. He suggested the applicant needed to talk with the abutters about that.

VOTE: Acting Chairman Hall then called for a hand vote on the motion. All members present voted in favor except for Ms. Merrill and Mr. Schneiderman, who both voted in opposition, and Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried (4–2).

Acting Chairman Hall said the remaining issues were to address the concerns of the abutter to the north, the 24-foot drive aisle, and the last two parking spaces in front of the building. He asked if anyone were inclined to address any of those this evening.

Town Planner Cashell said Mr. Maynard's position was that he did not need a waiver for the 24-foot wide drive aisle, saying the Board could decide tonight whether it agreed with that. Mr. Maynard expressed agreement, saying he could change the plan if the Board disagreed and it was no big deal, saying there was existing pavement which had been the driveway to access the back area where the sheds were.

Mr. Della-Monica expressed doubt that there would be many instances in which two vehicles needed to meet on the drive aisle, saying he had seen a lot of car lots that provided only ten feet for each lane of traffic. Acting Chairman Hall said a regulation was a regulation.

Selectman Maddox suggested eliminating the southernmost three parking spaces and turning the dumpster so that a truck could come straight in from Lowell Road, eliminating the whole maneuvering issue. Mr. Maynard said that would not solve it, saying the Fire Department preferred to have maneuvering room at the rear and this was why he had offered to remove the two parking spaces on the back.

Mr. Della-Monica said he would rather see the two at the back removed, in the interest of safety, saying it was a greater safety need.

Mr. Ulery moved to defer further action on this matter to the meeting of August 24; Selectman Maddox seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried unanimously (6–0).

Selectman Coutu requested a point of personal privilege; he then expressed a belief that Mr. Maynard owed Town Planner Cashell an apology, saying he had watched Mr. Maynard's performance over the years in speaking before the Planning Board, both on television and personally, and that Mr. Maynard had a tendency to carry on in a bully-pulpit manner. Selectman Coutu said the Town Planner was well-respected in the community and the Town had great pride in its Town employees, adding that the Town Planner was entitled to and must present to this Planning Board his opinion and observations and those things he felt this Board was entitled to and must know in order to assert their opinions and votes on every matter. He said that for Mr. Maynard to yell out that he did not agree with whatever Mr. Cashell was saying or that it was rubbish or whatever was very unprofessional, demeaning and belittling the position of the Town Planner, and he believed an apology was owed.

Mr. Maynard said he was a licensed professional engineer and had been doing this for over 40 years, and it was his duty to speak up when someone misrepresented the facts or said something wrong, adding that he had to speak out of turn for the record when someone spoke in closed session, as he would not have a chance if it went to court without being on the record. He said he had ten times more experience than Mr. Cashell did, saying he had been doing it since he was 14 and had over 50 years of experience—adding that he had to speak up when Mr. Cashell made errors, and he did not mean to demean him but that he was clearly wrong if he made mistakes and put them in a document. He said he had an obligation as a licensed professional to speak up for his client's rights. He said he was not going to apologize, as he had not said anything was trash but had said Mr. Cashell was wrong. He then acknowledged that he had used the word "Baloney."

Acting Chairman Hall said in his opinion Mr. Maynard had been out of order a number of times tonight and in the past, saying he had no right to be popping off and speaking out of turn while someone else was speaking, and he did it all the time. Acting Chairman Hall adding that he had come close to not even taking up Mr. Maynard's case tonight because of the way Mr. Maynard had earlier reacted to some of the things that Acting Chairman Hall had said, reiterating that Mr. Maynard did it all the time. He said Mr. Maynard had no right to shout out and contradict and demean anyone, but did it all the time—saying that Mr. Maynard could say what he felt and thought but must do so in his own time. He noted that Mr. Maynard spoke many times without being recognized, noting that Mr. Maynard had tried to tell him how to vote and whether he had a right to vote or not. Mr. Maynard declared that Robert's Rules were

Robert's Rules, saying he wanted the Board to follow Robert's Rules. Acting Chairman Hall at that point declared Mr. Maynard out of order, saying he could leave. Mr. Maynard began to object but Acting Chairman Hall again stated that Mr. Maynard could leave, without speaking any more.

Selectman Coutu said he believed Mr. Maynard needed to be held to the same standard that would be expected of any other engineer before the Board, adding that he was sorry that Mr. Maynard was not man enough to apologize.

Acting Chairman Hall declared a break at 8:42 p.m., calling the meeting back to order at 8:58 p.m.

Acting Chairman Hall noted that he had skipped over the correspondence item on the agenda, saying he would take that item up at this time.

VII. CORRESPONDENCE

A. Memo dated June 13, 2011 from Jim Michaud, Assistant Assessor, to John Cashell, Town Planner Re: Annual Tax Map Updates – 2011 tax year.

Acting Chairman Hall noted that there was a draft motion, which had been prepared by Town Planner Cashell.

Selectman Maddox moved to recommend to the Board of Selectmen the expenditure from the Tax Map Update Account, #01-0000-1313-000-505, \$1,500.00 and for this sum to be used for the exclusive purpose of updating the Town of Hudson's PDF Tax Map Library to include 2010/2011 map changes.

Mr. Barnes seconded the motion but requested that the motion be amended to say "not to exceed \$1,500.00." Selectman Maddox concurred, making it a friendly amendment.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried unanimously (6–0).

Selectman Maddox moved to defer this matter to later in the meeting in order to give Town Planner Cashell a chance to prepare a draft motion. Mr. Ulery seconded the motion.

VOTE: Acting Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Barnes declared the motion to have carried unanimously (5-0).

Mr. Hall returned to the table and resumed the chairmanship, with Ms. Merrill resuming her position as a voting member in place of Mr. van der Veen, and with Selectman Coutu also returning to the table as a nonvoting Selectman alternate.

**D. Pete's Gun & Tackle Shop
SP# 06-11**

**Map 234/Lot 44
2 Dracut Road**

Purpose of plan: To update the previously approved Site Plan (HCRD #28569) to reflect current existing conditions and to rearrange space in the old and new buildings with regard to storage and retail space. Hearing. Deferred Date Specific from the 07-13-11 Planning Board Meeting.

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

Mr. Ulery stepped down from this case, taking a seat in the audience section. Acting Chairman Hall noted there were no other alternates present to seat in place of Mr. Malley.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, posted plans on the wall.

Mr. Maynard noted deferral from the last meeting in order to add the landscape drawing to the plans and to submit the application for a waiver from the 100-foot requirement. He noted that he had also obtained a letter from the residential abutter, signed by Richard Cockerline, 4 Davenport Road—adding that the abutter on the front had given a verbal but was on vacation, so they could not get a letter on that; he then submitted the letter to Acting Chairman Hall. He also noted that a loading zone had been added to the front.

Acting Chairman Hall opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Acting Chairman Hall declared the matter before the Board and asked if Town Planner Cashell had anything to add. Mr. Cashell replied in the negative.

Acting Chairman Hall asked if Board members had any questions.

Selectman Maddox asked for the plan on the wall to be identified. Mr. Maynard identified the plan he had affixed to the meeting room wall as **Site Plan, Pete's Gun & Tackle, Lot 44/Map 234, 2 Dracut Road, Hudson, New Hampshire**, prepared by Maynard & Paquette\ Engineering Association, LLC, dated June 7, 2011, last revised 07-15-11.

Selectman Maddox asked if the proposed trees in the front would be shade trees, typically 2-inch caliper, 8 feet in height, noting that no legend had been provided. Mr. Maynard answered in the affirmative, saying he had copied what was on the old plan, and legends were not used in those days.

Acting Chairman Hall asked how the Board would know what the trees were going to be. Mr. Maynard identified the location of the descriptive text on the landscape plan.

Selectman Maddox referenced Note 23, asking what fuel was meant. Mr. Maynard said it was oil, as originally approved.

Mr. Barnes asked about the emergency door. Mr. Maynard described it. Mr. Barnes noted that he had been concerned at the last meeting about people making left turns off Dracut Road, saying he now saw that the road was wide—adding that he still had a small concern about vehicles being stacked up there, but he did not see much way around that.

Acting Chairman Hall asked if anyone wished to address the remaining waiver.

Mr. Barnes moved to grant the requested waiver from the requirements of HTC §275-8 B (12), *100-foot Residential Buffer*, citing the reason for granting this waiver as being because the specific terms and conditions of approval for this project would safe guard any residential abutters who might otherwise be adversely impacted by the activities associated with this project.

Mr. Della-Monica seconded the motion.

Selectman Maddox expressed a desire to add that there was shooting in the basement, or something on the record as to why the waiver was being granted. Town Planner Cashell said that type of information was provided on the previous vote. Mr. Della-Monica suggested adding "as noted on the previous waiver (HTC §275-9 D)." Selectman Maddox concurred and Mr. Barnes expressed willingness to make that change, making it a friendly amendment.

Acting Chairman Hall read aloud the letter received from the abutter, Mr. Richard Cockerline, signed July 25, 2011.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried unanimously (5–0).

Selectman Maddox moved to approve the updated Site Plan, entitled **Pete's Gun and Tackle Shop, 2 Dracut Road, Hudson, New Hampshire**, prepared by Maynard & Paquette Engineering Associates, LLC, dated June 7, 2011, revised through July 15,

2011, consisting of Sheets 1 through 5 and Notes 1 through 24, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Site Plan-of-Record.
2. Prior to the Planning Board endorsement of the Site Plan, the Development Agreement shall be favorably reviewed and recommended on by Town Counsel.
3. All improvements shown on the Site Plan-of-Record, including Notes 1 through 24, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. The calculated CAP fee of \$21,390.00, prepared in accordance with the 2011 CAP Fee Matrix, shall be submitted to the Town prior to the issuance of the Certificate of Occupancy.
5. After the issuance of foundation permit for the structure and prior to the issuance of a framing permit, the applicant shall submit to the Hudson Community Development Department a foundation "As-Built" plan on a transparency and to the same scale as the approved site plan. The foundation "As-Built" plan shall include all structural dimensions and lot line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and the foundation "As-Built" plan shall be documented by the applicant and shall be part of the foundation "As-Built" submission.
6. Prior to the issuance of a final certificate of occupancy, an LLS-certified "As-Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
7. Construction activities on the site shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sundays.
8. This approval shall be subject to final engineering review.
9. The daily hours of operation shall not exceed the hours between 9:00 a.m. & 9:00 p.m.
10. Deliveries of products shall be exclusive to the hours between 9:00 a.m. & 9:00 p.m.
11. Hours for refuse removal shall be exclusive to the hours between 7:00 a.m. & 7:00 p.m.
12. All applicable terms and conditions of approval included in the Planning Board's approval of the 1996 Site Plan of the subject property shall remain in effect and included as a condition of approval of this decision.

Mr. Della-Monica seconded the motion.

Acting Chairman Hall asked if there were any discussion. Mr. Della-Monica asked if Stipulation 5 should have the requirement to submit the As-Built plan in PDF format added to it. Mr. Maynard said the PDF requirement was for the final plan, not the

foundation as-built plan. Acting Chairman Hall said this was exactly what they had been talking about—that Mr. Maynard had no right to tell the Board how to run the meeting.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor except for Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried unanimously (5–0).

XII. DESIGN REVIEW PHASE

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

XIII. CONCEPTUAL REVIEW ONLY

No **Conceptual Review Only** items were addressed this evening.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. Presentation of Mary (Athletic Playfield) Map 210/Lot 010
CSP# 06-11 182 Lowell Road

Purpose of plan: To show proposed athletic playfield upon the Presentation of Mary site.

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

Mr. James N. Petropulos, PE, LEED AP, Chief Engineer of the HIS (Hayman Swanson, Inc.) Civil Engineers/Land Surveyors firm, 1 Congress street, Nashua, New Hampshire, appearing before the Board as the engineering representative of the applicants, Presentation of Mary Academy, noted that he was accompanied by Mr. Dan Rand, director of operations, together with several members of PMA's Board of Advisors. Mr. Petropulos handed out full-size drawings to members of the Board and identified the plans he had affixed to the meeting-room wall as follows:

- Aerial Photo, entitled **Presentation of Mary Academy**, dated 27 July 2011.
- Display Plan, entitled **Proposed Athletic Playfield**, 182 Lowell Road, Prepared for Presentation of Mary Academy, also dated 27 July 2011.

Mr. Petropulos presented facts about the project, describing the PMA site as being 97.3 acres in size, mostly in the R2 zoning district. He described the surrounding uses, noting that the Presentation of Mary Academy was currently on the site, with access

from two locations on Lowell Road, and noting there were several existing buildings on the site. He described the topology, noting that the north and east sides were steep and heavily wooded. He said an athletic playfield was being proposed, noting they had come before the Board in February of this year for a similar project as a conceptual. He said the Board of Advisors had honed in on the playing field, with some elements of the earlier proposal being dropped. He said the field could handle soccer and lacrosse events, saying it would be used solely by Presentation of Mary Academy, with practice games and competition with teams from other schools after school. He expressed a belief that the parking was adequate, as staff and students would vacate the site after school hours. He described the lighting plans, with 70-foot poles—noting that the closest residents, on Shelley Drive, were about 700 to 1700 feet away. He said there would be sidewalk connections, with a small storage shed on the left side, two small bleachers, and fencing on the other two sides of the field. He then referenced a June 24th letter to Town Planner Cashell, saying they were seeking a waiver from having to go through the full site-plan review process, essentially for timing and the cost of seeing a full site-plan review. He said they hoped to begin construction of the playing field as soon as possible and to have the field constructed in about 12 months so it would be available for the 2012 academic school year. He said he had reviewed the draft motions with the PMA personnel, who were fine with those.

Acting Chairman Hall opened the meeting for public input and comment, in. No one coming forward, Acting Chairman Hall asked if anyone wished to speak in opposition or with questions.

Ms. Shirley Wyman, giving her address as 5 Prince Drive, noted that the Burns Hill area abutted her property, and she had noted that a lot of trees were being removed. Mr. Petropulos said no tree-cutting was necessary for the playing field, which was approximately 1,000 feet away.

Mr. Dan Rand said they recently had some Forest Management people doing selective cutting. He assured the Board and Ms. Wyman that they were not clear-cutting the area.

Mr. Barnes asked how tall the remaining trees between the field and Shelley Drive were. Mr. Petropulos said they were about 70 feet high. Mr. Barnes said he was wondering if the trees were tall enough to obscure lights to be installed for the playing field. Mr. Petropulos said people might see effect from the lighting but would not see glare and would not have lighting spilling over to them.

Mr. Barnes asked about runoff. Mr. Petropulos described the existing drainage situation, saying the synthetic turf would sit above a bed of stone, so that water would move through it very rapidly, with an enormous amount of storage capacity in that stone bed. He noted that a NH-DES application had been submitted.

Acting Chairman Hall asked if there were a lighting plan. Mr. Petropulos said it was in the large plan but not the previously submitted small one. He then submitted large-size copies to those who wanted them.

Acting Chairman Hall asked what costs would be saved by the waiver. Mr. Petropulos said the main reason for the request was that, given that this was an

accessory use to a private school, on a large parcel with no close neighbors, with the closest abutters being 600 to 700 feet away, they did not feel there was sizeable enough impact to warrant a site plan review for the whole school—adding that time was money, and they hoped to start construction this summer. Acting Chairman Hall asked what amount of money would be saved in application fees. Mr. Petropulos said the application fees might have been in the range of \$2,000 and the peer review costs would be another \$2,000, saying the total cost might be in the \$5,000 range. Town Planner Cashell confirmed the application fees would have been around \$2,000.

Selectman Maddox said there was no building at the time of the previous conceptual, and this was less of a plan. If the Town was trying to be more business friendly, he said, he would have a tough time worrying about a little runoff into a drainage system that was already there, on a parcel that was 200 times larger than the one previously discussed, so he felt this could be moved along.

Ms. Merrill asked if this were normal. Acting Chairman Hall replied that the Planning Board had done things similar to this, noting that there was a question as to what the impact would be on the abutters. He said the runoff characteristics would probably be improved by flattening out the area of the field. He suggested the BAE loading dock application was an example of a previous such instance, in which the Board granted approval without a new site plan.

Mr. Schneiderman asked what the unit of measurement for the lighting was. Mr. Petropulos said it was foot-candle level, identifying the figures as 49 to 50 at the playing field and immediately leveling off.

Town Planner Cashell explained to Ms. Merrill that there was minimal construction involved, saying it was really a case of a field replacing a field, with the plans well under way.

Acting Chairman Hall asked what permits would be needed. Mr. Cashell said there would be a pre-construction meeting, with some engineering review. Mr. Petropulos noted that there would be a couple catch basins at the side of the field. Acting Chairman Hall said the only permits he could think of as needed from the Town were electrical permits and the Building Permit for the storage shed.

Mr. Della-Monica asked if the bleachers would be free-standing. Mr. Petropulos answered in the affirmative.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-8 B, *Engineered Site Plan*, citing the reasons for granting this waiver as follows:

- 1) The proposed athletic field is an allowed accessory use to the principal use, the Presentation of Mary Academy (PMA) facility, per Section 334, Attachment 2, Table of Permitted Accessory Uses.
- 2) The project is exclusive to the construction of said field and a 10-foot by 20-foot shed and did not include construction of any other building or parking lot;
- 3) The subject athletic field will be located in excess of 800 feet from the nearest residence and on a site exceeding 97 acres—as such, the proposed use

poses little, if any, detrimental visual or audio impact to abutters or the Town of Hudson, as a whole;

- 4) The proposed use of the field is exclusive to PMA student athletes and their competitors—as such, vehicular traffic associated with said athletics and associated spectators shall pose minimal impact on the associate roadway system;
- 5) The Conceptual Plan includes proper stormwater management infrastructure, the construction of which shall be subject to engineering review and approval during the building permit phase of the project; and

Therefore, the granting of this waiver was not contrary to the spirit and intent of the Site Plan Regulations.

Mr. Barnes seconded the motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor, except for Mr. Hall who did not vote, and Acting Chairman Hall declared the motion to have carried unanimously (6–0).

All other business having been addressed, Acting Chairman Hall noted that the Board was now back to the previously postponed matter of 75 River Road.

XI. OLD BUSINESS/PUBLIC HEARINGS (Continued)

C. 75 River Road (Fueling Retail/Fast Food) Map 251/Lot 10 SP# 06-10 75 River Road

Purpose of plan: Site plan showing the construction of a 2,400-ft² retail building with retail gasoline sales, convenience mart, and fast-food drive-through window, together with associated parking at 75 River Road. Hearing. Deferred Date Specific from the July 13, 2011 Planning Board Meeting.

Acting Chairman Hall again stepped down again, turning the gavel over to Mr. Barnes, and Ms. Merrill and Selectman Coutu also stepped down, with all three of these members taking seats in the audience section.

Acting Chairman Barnes noted that Town Planner Cashell had provided a draft motion in the interim.

Selectman Maddox confirmed with Town Planner Cashell that Mr. Cashell had told the applicant that the Board would deny the plan if he were not here. Mr. Cashell responded in the affirmative. Selectman Maddox then moved to deny the Site Plan entitled ***Proposed Site Plan for 75 River Road Hudson, NH***, prepared by Whitman & Bingham Associates Registered Engineers and Land Surveyors, 510 Mechanic St., Leominster, MA 01453, dated May 2010, latest revision dated January 3, 2011,

consisting of an Index Sheet and Sheets 1 through 9 and Notes 1 through 16, as shown on Sheet 2 of 9, in accordance with the following reasons:

1. The proposed development, consisting of a fuel service station, fast-food restaurant and convenience mart, fails to provide safe and adequate onsite traffic circulation, especially in regard to fuel delivery trucks, which the board determined would not have area sufficient enough to safely fill the onsite petroleum tanks nor adequate ingress and egress to and from the site.
2. The subject development does not guard against the diminution in value of surrounding residential properties.
3. The subject development fails to provide harmonious and aesthetically pleasing conditions concerning abutting residential properties, nor does it minimize the commercial encroachment to said abutters.

Mr. Schneiderman seconded the motion.

Selectman Maddox said he regretted doing this, but it had been going on for most of two years and there had always been the problem of there being too much on the lot, and it should be ended for the abutters, as well as for the applicant.;

Mr. Ulery thanked Selectman Maddox for reminding him of the previous discussion at which the Board had provided the applicant with numerous opportunities and had provided very specific guidelines to the applicant, who still had not even bothered to show up for this meeting. He noted that the applicant could in the future submit another plan that would be more in harmony with what the Board would approve. He said the applicant had asked for delay and still could submit another plan.

VOTE: Acting Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Barnes declared the motion to have carried unanimously (5-0).

Mr. Hall returned to the table and resumed the chairmanship, with Ms. Merrill resuming her position as a voting member in place of Mr. van der Veen, and with Selectman Coutu also returning to the table as a nonvoting Selectman alternate.

XV. OTHER BUSINESS

Selectman Maddox said all of the Planning Board members were invited to come next Tuesday to meet with the Board of Selectmen.

Selectman Maddox said a little more should be done with this meeting room, saying they were proposing to replace the carpet on the stairs, put in a replacement for the Recorder's desk, and also a table in the middle area for smaller meetings or for the laying out of plans, as well as to replace the covering on the stairs coming down to the meeting room. Town Planner Cashell noted that this latter need occurred quite often.

Selectman Maddox said this would amount to no more than \$5,000, to come out of the Planning Board's expendable account, to which the Board of Selectmen had just added almost that much money.

Selectman Coutu asked if the table could be movable. Mr. Cashell responded in the affirmative. Selectman Coutu suggested that the table could be added to the end of the existing applicant/presentation table when this might be desired.

Mr. Barnes asked what the balance in the expendable account was. Town Planner Cashell said the cost would be closer to \$4,000 if the white board were dropped.

Mr. Barnes moved to favorably recommend to the Board of Selectmen the expenditure of up to \$5,000.00 from the Planning Board's expendable account, and for said sum to be used to purchase a conference table, recorder desk, wall-mounted shelf, and table-top lectern, all of which shall be used exclusively in the Community Development Department Conference Room; further, said sum shall also include the purchase of new rubber stair treads for the stairway leading to the Community Development Conference Room.

Mr. Ulery seconded the motion.

VOTE: Acting Chairman Hall then called for a hand vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in opposition, and Acting Chairman Hall, who did not vote, and Acting Chairman Hall then declared the motion to have carried (5-1).

Selectman Coutu asked if applicants with a denied plan would have to start all over. Town Planner Cashell said there was a stipulation that they could not come back with a similar plan, adding that; he agreed that would be a new application.

XVI. ADJOURNMENT

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

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

Acting Chairman Hall then declared the meeting to be adjourned at 11:00 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
July 27, 2011**

Page 25

Date: July 31, 2011

George Hall, Acting Chairman

J. Bradford Seabury, Recorder

Glenn Della-Monica, Acting Secretary

These minutes were accepted as amended following review at the 08-10-11 Planning Board meeting.

-- FILE COPY --

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 08-10-11:

Page 5, 2nd paragraph from bottom, 2nd line — irrelevant boilerplate text “No one coming forward to provide input,” verbiage was deleted.

Page 7, 3rd paragraph from bottom, 4th line — the word “cards” was replaced by the word “cars.”

Page 9, 1st paragraph, 1st sentence — added “and with the neighbors to the south” after “a tradeoff with the neighbors in back.”

Page 9, 3rd paragraph, 1st line — changed “department buildings” to “apartment buildings.”

Page 12, 2nd paragraph from bottom, 1st sentence; removed word “not” so that the sentence reads “Mr. Della-Monica expressed doubt that there would be many instances in which two vehicles needed to meet on the drive aisle”

Page 23, last paragraph, 2nd line — added “on the stairs” after the word “carpet.”

Page 24, 1st paragraph, 2nd line — changed “expendable Trust” to “expendable account.”

Page 24, 3rd paragraph, 2nd line — changed “expendable fund” to “expendable account.”

Page 24, 4th paragraph, 2nd line — changed “Expenditure Account” to “expendable account.”