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**HUDSON PLANNING BOARD
MEETING MINUTES
March 10, 2010**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:02 p.m. on Wednesday, March 10, 2010, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Russo asked Secretary Stewart to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: George Hall, Tierney Chadwick, Vincent Russo, Terry Stewart, and Richard Maddox (Selectmen's Representative).

Members

Absent: James Barnes (excused) and Suellen Quinlan (excused).

Alternates

Present: Tim Malley, Stuart Schneiderman, and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: Dennis White.

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Malley in place of Ms. Quinlan and seated Mr. Schneiderman in place of Mr. Barnes.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meetings of September 9, 2009, and February 24, 2010, asking if anyone had had a chance to review those minutes. No one being prepared to review the minutes, he asked that the members be prepared to review the 09-09-09 minutes at the next meeting.

Chairman Russo then stated that he would proceed directly to the New Business item.

XII. NEW BUSINESS/PUBLIC HEARINGS

**A. Jarry Subdivision
SB 06-09**

**Map 213/Lot 1 & Map 207/Lots 4, 5 & 8
143 Bush Hill Road**

Purpose of Petition: Proposed 39-Lot Open Space Subdivision and proposed lot line adjustment of existing Lot 3, Map 207. Application Acceptance and Hearing.

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

Chairman Russo asked if the application were ready for acceptance. Town Planner Cashell answered in the affirmative.

Selectman Maddox moved to grant Application Acceptance; Ms. Chadwick seconded the motion.

VOTE: Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Mr. Schneiderman, who voted in opposition, and Chairman Russo declared the motion to have carried (6-1).

Town Planner Cashell addressed the handouts, saying staff had met with the Police Department, the Fire Department, the Road Agent, the Town Engineer, and representatives from Costello, Lomasney & deNapoli, Inc., including a long visit the previous day at the site, considering the possibility of rerouting Bush Hill Road. He said the applicant's engineers would be presenting their plan this evening, adding that a lot had changed since the last meeting, with a lot of progress having been made.

Mr. Jeff Merritt, PE, with the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, noted that several other personnel were present, including Mr. Anthony Basso, his associate; Atty. J. Bradford Westgate; Mr. Michael Jarry, the owner, accompanied by Mr. Rich Jarry; Ms. Heather Monticup, of GPI, and Mr. Jason Plourde, also of GPI. Mr. Merritt gave an overview of the project, noting that it was a 39-lot open-space residential subdivision off Bush Hill Road, referring to Sheet 1 of 66 of the plan set. He referenced details on his color-coded copy, affixed to the meeting room

wall, pointing out various highpoints, lot sizes, etc., and noting that the total was just shy of 194 acres. He said all lots in the development would have access off the new road, with the residential lots ranging from 1.1 acres to 2.5 acres, all having at least 100 feet of frontage and being serviced by private septic tanks and wells. He noted that all storm water would be handled on the site, adding that an Alteration of Terrain permit had been obtained from NH-DES. He noted that 104 acres would be dedicated as open space or conservation land, and he identified those various parcels, noting there was also a 10-acre lot that would be encumbered with a conservation easement, and stating that only 30.3 acres of open space were actually required.

He noted that the ZBA had granted a Wetlands Special Exception last June, with this having been extended this past year for an additional six months. He said there were four wetland impacts, with three being associated with the construction of Moose Hill Road, and the balance (1,762 ft²) being privately owned by the applicant, who would build on that property (Lot 4-10). He noted that there would be a sidewalk/walking path to allow residents of the development to access the open space/conservation land.

He noted that the plans were originally submitted in September 2009, and were reviewed by the Fire Department and CLD in September, after which the plans were revised to address comments from their review. He said new plans had been submitted three weeks ago, with the reviews having been received the previous day, and only a few minor changes would be required—saying they had received a clean bill of health.

He then turned the lectern over to GPI's Heather Marshall, who referenced the original study submitted in July 2009, with concerns being raised about sight distances and warning signs along Bush Hill Road. She said GPI had submitted an analysis letter, noting that speed studies had been conducted, and she then showed a graphic plan identifying sight distances at various locations. She said all Town and ASHTO sight distances were met. Noting that there were no warning signs at this time, she described the signs being proposed at various locations along Bush Hill Road, adding that a 75-foot guard rail was being proposed for the bottom of the hill. She said CLD had reviewed all that, and she then reviewed comments made by CLD, saying the requested changes would be added to the plan. She referenced Sheet 62, saying the chevron signs were now being proposed to be placed behind the guard rail, as suggested by CLD. She noted that some rip-rap was being proposed to prevent vegetation from growing so as to inhibit the future sight-lines.

Mr. Anthony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, said he wanted to discuss different options for the north intersection, saying more work needed to be done but he wanted to get input from the Board. Noting that Selectman Maddox had suggested providing a right-turn lane at the north entrance at the last meeting, with a pocket at the southern end of Moose Hill Road, Mr. Basso showed a plan for Option A, describing this as the preferred option.

Mr. Basso described Option B as being along the line of what had been suggested by Town Planner Cashell for straightening out Bush Hill Road, saying lot lines would have to be moved around if this option were selected. He said it was a valid option,

saying he had wanted to make sure it could be physically done with the existing grades, which currently were 14% in some places.

Mr. Basso then described Option C, with the main line coming onto Moose Hill Road, which in that case would be a new town road, built to town standards, with no more than 7% grade all the way around, 20 feet wide with curbing, with the existing road perhaps changed into a cul-de-sac. He noted that there was approximately 1100 feet between the two ends of Moose Hill Road. He said this alternative could be configured, but he would have to go back to the Board of Selectmen and the Highway Safety Committee to do it.

Mr. Basso said he wanted input from the Board as to which alternatives he should work at.

Mr. Hall asked what the grades were. Mr. Basso said the three options would be respectively 7%, 5%, and 7%, with a short stretch of 10% at the Walcott driveway. He explained that he had just drawn the Option C plan this afternoon and that more time was needed, saying the other end could be left alone as a STOP condition, or it could be made a smooth turn, but he had a concern about coming down the hill and was not sure he could get it flat enough. He said that would be a 12% grade. Mr. Hall said he did not think he could approve the original plan, which was too dangerous, but the three alternatives showed significant improvement.

Chairman Russo asked about getting public input. Selectman Maddox said the engineers had not yet finished their presentation.

Town Planner Cashell identified on the projected aerial view a stretch of Bush Hill Road from the top of the hill to the town line, which from January 2005 to March 1 of this year, had experienced 28 accidents, with perhaps four times as many having occurred without being reported to the Police Department. He said what Mr. Basso was proposing, in Option C, would possibly make that section a cul-de-sac. Mr. Basso said that might make the grades a lot better. Town Planner Cashell expressed a belief that this was the optimal approach, saying this was one of the most dangerous stretches of roadway in Hudson, which would be replaced by a modern-deign roadway as a big plus in safety.

Selectman Maddox noted that the previous traffic study had not turned up all these accidents listed in the police report—adding that a police sergeant had told him the previous day that there were absolutely many more accidents there than had been reported. He asked why the road could not be made smoother by softening the turn, rather than routing the traffic through the new development.

Ms. Chadwick referenced Option B, asking if there were a three-way stop. Mr. Basso answered in the negative. Ms. Chadwick asked if a 3-way stop would not make more sense. Mr. Basso said his traffic consultants would have to look at that, saying he did not know what their concerns would be. Ms. Chadwick said her concern was that it reminded her of the way Pelham Road came into Bush Hill Road. Mr. Basso said the reason that referenced intersection was a cluster was because the pavement was over 50-feet wide and unmarked, with no one knowing where they were supposed to be. He said a lot of the concern would go away if that were necked down to a T-intersection.

Mr. Basso then referenced Selectman Maddox's comments, saying he did not think the curve could be made too soft, and adding that he was concerned that this would just add another twist to the road, but he could look at it as a possibility, to see if it met ASHTO standards.

Mr. Hall asked why the cul-de-sac would not be on the north end, rather than the southern end. Mr. Basso said he would love that, as it would have a better grade. Mr. Hall said the traffic through the subdivision would not be too great, as there was not too much volume on that roadway and that the biggest percentage would be the residents of the area. Mr. Basso noted that it had been said his proposed subdivision would double the number of houses in the area, which was why he had looked at this option. He referenced Selectman Maddox's comment that the traffic study had not revealed so many accidents, noting that the traffic study covered a 3-year period whereas Mr. Cashell's account covered five years.

Ms. Chadwick asked if it would be helpful for Mr. Basso to have a headcount. Mr. Basso said he would hope for that by the end of the evening, but not necessarily at this specific time. He noted that these options had not been proposed to transportation people or town officials.

Selectman Massey said Mr. Basso would not achieve what was wanted, as people would not go through the subdivision. Mr. Basso said he would be creating a stop condition, noting that most of the accidents were attributed to speed or even to excessive speed. He said some people would take this route as their shortcut, but this would still make it a lot safer, with a shallow depression and a stop, rather than speeding into a sharp curve that was not marked. Selectman Massey expressed concern about cars speeding through the subdivision, with homes on both sides of Moose Hill Road—saying it looked like a solution but there were safety issues involved. Mr. Basso said the problem was that there were no speed limits posted, meaning that it should be 30 mph, but there was no enforcement. Selectman Massey said speeds everywhere were averaging well above the speed limit, saying making the loop a major throughway would be a safety concern.

Town Planner Cashell said he had been out there seven or eight times, saying it was a kind of connector roadway and there was a lot of traffic, getting 20 to 30 cars within a 10- or 15-minute interval. He expressed a belief that the optimum thing would be to eliminate the traffic from Pelham, saying marketing took an absolute backseat in this particular situation. He said a number of hairpin turns would be eliminated, noting that 17 of the reported accidents were on clear days, because the road was so narrow. He spoke in favor of this option, saying it would take cars off an unsafe roadway. Mr. Basso said just putting in warning signs would eliminate much of the problem, as many people went off the curve at the bottom of the hill because they were going too fast and had no way of knowing the curve was there. He noted that he had learned this by being out there, as he had not known the curve was that bad, either, and he had watched people jamming on their brakes when they reached the curve, which did not happen with drivers coming from the opposite direction, where the previous curve had already been experienced by the drivers.

Chairman Russo asked if Mr. Basso wished to continue. Mr. Basso said that was pretty much it.

Chairman Russo 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, Chairman Russo asked if any members of the Board had any questions.

Selectman Maddox said he thought the Board needed to get the number of lots out of the way, so that engineers could plan accordingly. He asked why the breakout for the alternate plans was spread across several pages. Mr. Basso said he could provide an overall sheet, but the data would be small.

Selectman Massey said it would be important to see how driveways would be sited in order to meet the 7% grade, so that the Planning Board would not have to look at very innovative driveways, as had been the case with some earlier developments. He said the members could not see on the provided plans how homes could be sited to get driveways with a 7% grade. Mr. Basso said he did not think Town Engineer Webster would allow a driveway that did not meet Town standards. He then said he could put together a one-sheet plan if the Board wanted to see that.

Selectman Massey asked if an open-space subdivision meant private ownership, asking if the road would be privately owned. Mr. Basso responded in the negative, saying the road would be public, but the open space land would be owned, with all residents owning a 1/39th share of that common land.

Ms. Chadwick asked about Mr. Merritt's suggestion that the residents would be taking care of the sight distance. Mr. Basso said the requirement was that the sight-distance be kept open, as stipulated in the covenants.

Selectman Maddox referenced Lot 26 on Page 65, asking how it was accessed. Mr. Basso said it was accessed from the other street. Selectman Maddox said this demonstrated the problem with showing the development on separate sheets.

Selectman Maddox referenced the conservation easement on Lot 4-10. Mr. Basso said there was a partial conservation easement as asked for by the Conservation Commission, explaining that there was an existing driveway and they wanted the downhill portion protected. He said there was no further development proposed, which would be a deeded restriction, as Mr. Jarry wanted to be out there by himself.

Selectman Maddox said he thought the roadway design should be either Option A or C, saying he thought option C could be made to work but that he did not want to see a cul-de-sac, as this would add 3100 feet to emergency vehicles going further out. Mr. Basso said he thought an alternate route would be safer, saying it would be better than before and the curve would be properly signed.

Selectman Maddox asked if the section of Bush Hill road that would be a cul-de-sac off Moose would be to town standards. Mr. Basso said it would not be quite up to town standards but would be better than what was there today. He said the width would be to Town standards and the road would meet ASHTO requirements, but he was blocked in by the Walcotts' driveway, forcing a 10% grade.

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Ms. Chadwick said Option C would create an excessive cul-de-sac, which the Fire Department was opposed to. Mr. Basso said he had not proposed it and did not feel it was necessary.

Chairman Russo said the only issue he had with Option C was that the road would be changing its name, which resulted in confusion. Mr. Basso said there was a way to clarify that with signage. Mr. Hall said there was no reason it could not be Bush Hill Road all the way around, but that would be the Board of Selectmen's call.

Chairman Russo polled the Board on which option each member preferred, saying he would ask both members and alternates.

Selectman Massey said he preferred Alternate C, without the cul-de-sac.

Ms. Stewart expressed agreement.

Mr. Hall said he preferred Option C, with or without the cul-de-sac.

Mr. Schneiderman said he liked Option B, with a 3-way stop configuration.

Mr. Malley said he liked Option C, with no cul-de-sac.

Ms. Chadwick said she also liked Option C, with no cul-de-sac.

Selectman Maddox expressed a preference for Option C with no cul-de-sac.

Chairman Russo said he preferred C, at this point in time. He then stated that he believed Mr. Basso now had his consensus.

Mr. Basso said he needed to work on this and come back to say whether it worked, so deferral to April 14th would be appropriate, adding that he had to go the Board of Selectmen as well.

Chairman Russo suggested that some notice to the Conservation Commission would be a good idea, as the Commission had based its recommendations on a different plan.

Selectman Maddox said the Board of Selectmen probably would defer to the Road Agent or to the Planning Board. He suggested going to the Board of Selectmen meeting after the next Planning Board meeting. Mr. Basso expressed agreement, noting that the Highway Department had not seen this option.

Selectman Massey said the Highway Traffic Safety Committee probably would meet before the Board of Selectmen meeting on April 27th.

Ms. Chadwick asked if this would be enough time for Mr. Basso to meet the CLD comments. Mr. Basso answered in the affirmative. Ms. Chadwick asked why he wanted a waiver on the requirement to provide a financial impact study. Mr. Basso said they had not done one of those since the impact fee structure was passed, as that had been the whole point. He said the last one he did was in about the year 2000. Town Planner Cashell said the most important part of a fiscal study would have been with respect to the road. Mr. Basso noted that the staff report also referenced septic wells in this regard, expressing a belief that these were not the Town's concerns, as

they were privately owned. Town Planner Cashell said the fiscal impact study also was concerned with premature or scattered development. Mr. Basso said the impact fee structure was in place to take care of road problems, saying the fiscal report form did not address that.

Selectman Maddox said the impact fees pertained to the corridors, but this site would be affecting Bush Hill Road. Mr. Basso said he understood they still had a lot to talk about, but his point was that the fiscal impact report did not address that.

Ms. Chadwick moved to defer further review of the Jarry OSD Subdivision, date specific, to the April 14th Planning Board meeting. Selectman Maddox seconded the motion.

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

Selectman Maddox requested that the copies of the three options be marked as exhibits and retained by the Board.

Chairman Russo declared a break at 8:24 p.m., calling the meeting back to order at 8:43 p.m.

VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

VII. CORRESPONDENCE

Items of correspondence received in tonight's handouts were taken up in conjunction with the associated matters.

VIII. PERFORMANCE SURETIES

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

IX. ZBA INPUT ONLY

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

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

OLD BUSINESS/PUBLIC HEARINGS

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

XI. 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. OTHER BUSINESS

A. Review proposed amendments to §275-9.A, *Site Plan Review Regulations*, and §289-20.C, *Subdivision of Land Regulations*, relative to citing Chapter 290, *Stormwater Management and Erosion Control*, within said regulations.

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

Town Planner Cashell referenced his staff report, saying it was a simple housekeeping matter. When the Board adopted Chapter 290, Stormwater Management & Erosion Control, in 2007, he said, it had not taken care of making proper citation of that chapter in Subdivisions Regulations 275-9.A.

Ms. Chadwick moved for staff to schedule a public hearing to be held on April 14, 2010, relative to taking action on the proposed amendments to Sections §275-9.A and §289-20.c of the Planning Board's Land Use regulations. Mr. Hall seconded the motion.

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

Selectman Massey said the language would be confusing if this were all that was provided for notice, as presented in the staff report. Town Planner Cashell confirmed that more language existed. Selectman Massey reiterated that the public notice would be confusing if this were all that was provided. Mr. Cashell said he would revise the notice to clarify the situation, so that developers would know they also had to comply with Chapter 290. Mr. Cashell showed HTC §289-20C; saying he could post the full text as being available; Selectman Massey suggested also making it available on the Web.

Ms. Chadwick asked about registration for the Office of Energy & Planning's annual zoning/planning conference, to be held on May 8, 2010 at the Radisson Hotel in Nashua, asking how payment would be made under the new approach of having individuals register online. Town Planner Cashell suggested that people who wanted to attend let him know, saying he would take care of it. He noted that people who committed to attend would have to pay if they did not do so.

Chairman Russo referenced a handout consisting of a full-text copy regarding fences. Town Planner Cashell said he had provided a copy of the actual text, as submitted for the petitioned warrant article, along with a copy of the existing ordinance, which he had combined. He said it was a matter before the Board, as a housekeeping measure, to confirm that this version complied with what had been approved by the voters in the previous day's election, after which it could be sent to the firm that did the update of the Hudson Town Code.

Ms. Chadwick expressed concern about the term "residential district," saying there were several different districts. She suggested that the Board consider adding to the definition of "residential district."

Mr. Hall expressed a belief that this was not the business of the Planning Board but should be left to the Town Attorney.

Selectman Maddox noted that there had been a number of concerns with the petitioned article, in that there were missing areas--adding that there was reference to a permit but no fee. He said adjustments would have to be made at some point.

Mr. Hall demurred, saying the Planning Board did not have the ability to adjust anything in the Zoning Ordinance. He said the Town Attorney could say the wording was not valid, perhaps, but it was not the Planning Board's business and the Planning Board could not change the wording.

Chairman Russo noted that changes could be suggested for next year. Selectman Maddox said that was what he was talking about. Mr. Hall questioned worrying about it now, saying that should be done in November. He said the Town Attorney first had to decide what was valid.

Ms. Chadwick asked what would be done with respect to the Code Enforcement Officer. Chairman Russo said that Officer would have to consult with the Town Attorney. Mr. Hall said it would be a waste of time for the Planning Board to work on it now.

Town Planner Cashell said the Board would know within a few weeks what the Town Attorney decided. He noted that the EMC and Windmill ordinances had also passed.

V. ADJOURNMENT

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

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

Chairman Russo then declared the meeting to be adjourned at 9:02 p.m.

Date: March 11, 2010

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

These minutes were accepted as amended following review at the 05-12-10 Planning Board meeting.

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The following changes were made in accordance with the Board's review of these minutes at its May 12, 2010, meeting:

- Page 2, next-to-last line — “or” should be changed to “of,” so that the phrase reads “referring to Sheet 1 of 66 of the plan set.”
- Page 3, second to last paragraph, last sentence line — Removed the extraneous word “be,” so that the phrase reads “with a pocket at the southern end of Moose Hill Road.”
- Page 6, next to last paragraph — the last word was changed from “sighed” to “signed.”
- Page 7, last paragraph, 4th sentence, Added the word “one” preceding “of,” so that the phrase reads “they had not done one of those.”