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**HUDSON PLANNING BOARD  
WORKSHOP MEETING MINUTES  
March 3, 2010**

**I. CALL TO ORDER**

Chairman Russo called this Planning Board meeting to order at 7:07 p.m. on Wednesday, March 3, 2010, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

Chairman Russo asked Mr. Hall 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:** James Barnes, George Hall, Vincent Russo, Terry Stewart, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:11 p.m.).

**Members**

**Absent:** Tierney Chadwick.

**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 the absent Ms. Chadwick and seated Mr. Schneiderman in place of the tardy Ms. Quinlan.

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

**A. 01-06-10 Minutes (Distributed in 03-03-10 Packet.)**

Chairman Russo addressed the minutes for the meeting of January 6, 2010, asking if there were any changes or corrections.

Mr. Barnes referenced Page 11, last line of 2<sup>nd</sup> full paragraph, noting that the word "with" was misspelled.

Mr. Barnes referenced Page 18, 4<sup>th</sup> paragraph, 5<sup>th</sup> line, noting that the word "vote" was misspelled.

No further changes or corrections being brought forward, Mr. Schneiderman moved to accept the minutes as amended; Mr. Barnes seconded the motion.

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

Chairman Russo said he would take Workshop Item C out of order at this time, noting that Mr. Tim Roach, the Assistant Director of NRPC was present to make a presentation.

**IX. WORKSHOP**

**C. Presentation by Tim Roach, Asst. Director NRPC, on CTAP Discretionary Project: Conceptual Two-Lane Road Plan to Connect NH 3A at Sagamore with NH 111.**

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

Mr. Tim Roach, Assistant Director of NRPC, Merrimack, went through a PowerPoint presentation pertaining to the proposed Hudson Parkway, planned as a substitute for the Hudson Circumferential Highway, which had essentially been eliminated from the NH-DOT's 10-year plan, noting that travel demands remained the same.

Ms. Quinlan arrived at 7:11 p.m. and took her seat at the table, although not recognized by the chairman for the inprocess discussion.

Mr. Roach said the project's purpose was to facilitate the movement of traffic from the west side of Hudson to the south end, without routing it through the town's center. He noted that the plan would create a local collector road along the right-of-way of what had been planned as the Hudson Circumferential Highway, saying all the crossroads would be single points of intersection, comparing it to the Albuquerque Avenue in Litchfield. He reviewed the route, noting that the connection would begin with an

intersection with Route 3-A at the end of Sagamore Bridge Road, saying this would most likely have to be a signalized grade-separated intersection. He said the connection at Wason Road or Trigate Road might go under the existing roads, while the intersection at Bush Hill Road would be signalized. He said Spear Road might be cut rather than bridged, but the at-grade connection at Kimball Hill Road would be signalized, with the new road then connecting to Hudson Park Drive and coming out at a signalized intersection with Route 111. He said the roadway would have two 12-foot lanes with 4-foot shoulders, saying there could be a lot of flexibility in that layout, noting that it would be curvier than the originally planned Circumferential, supporting a speed of 35 mph rather than 50 mph. He said the lack of curb cuts would maintain the safety of the road and would limit the growth potential along the highway, but that a pedestrian/bikeway path could be part of the plan, as well. He noted that this would reduce the travel demand for the town's center.

Mr. Roach discussed the travel demand analysis, pointing out that this was not a full-blown traffic study. He noted that the Green Meadow development would add to the traffic demand, estimated at 12,000 trips per day, adding that this highway would pull about 50% of the traffic off Kimball Hill Road and Wason Road, as well as pulling traffic out of the town's center. He said this would be a very effective alternative route.

He acknowledged that there were a few obvious environmental impacts, saying they would have to be addressed, but he pointed out that this proposal would have significantly less impacts than the originally proposed Circumferential Highway, adding that additional study would be warranted. He said VHB (Vanasse Hangen Brustlin, Inc.) had been brought in to help establish the cost estimates, based on the design assumptions. He listed the costs as amounting to \$24.1 million for a 2-lane roadway with 4-foot shoulders, \$5.2 million for a grade-separated interchange at NH Route 3-A, and \$4.1 million for a 10-foot wide multi-use path, amounting to a total of \$33.4 million. He noted that NH-DOT still owned the right-of-way, which was considered surplus land, so conversations with that agency would be prudent sooner rather than later. before portions of the land were sold off.

Mr. Roach then concluded by suggesting that the Town could try to phase the construction, without having much of an impact until the final connection was made.

Chairman Russo asked for members' comments.

Selectman Maddox said that this gave some idea of what a roadway would cost when Green Meadows development came forward. He expressed a belief that there was about \$10,000 left in CTAP money, saying \$20,000 had been spent to get this study started. He noted the 50% reduction of traffic from Bush Hill Road and Wason Road and Kimball Road, with 60 to 75% reduced from Route 3-A and Route 111. He emphasized the need to get traffic from Lowell Road (Route 3-A) to Route 111, saying this reduction would be a good benefit to the citizens, since traffic was backed up for up to a mile from the Sagamore Bridge during the commuting hours. He said it had been his idea to have the highway come out on Hudson Park Drive rather than the original plan to come to Route 111 through the Shepherd's Hill development.

Ms. Quinlan expressed a desire to have Selectman Maddox start negotiations with the State to purchase that property. He responded by alluding to the coming Town Election, to take place on March 8<sup>th</sup>.

Mr. Barnes noted that this would be a town road, asking what kind of additional cost if it were built to state standards. Mr. Roach said there might be a requirement for a wider shoulder, noting that 10-foot shoulders would be needed if federal money were involved.

Mr. Hall said this in general matched what he had thought was the best answer to the traffic problem. He then noted, however, that the proposed alignment with Route 111 at Hudson Park Drive meant that south-bound Greeley Street traffic would just go straight across and up Kimball Hill Road rather than turning east in order to get to the Hudson Park Drive access, and he expressed a belief that not much west-bound traffic on Route 111 would be wanting to come this way, unless the Green Meadows development occurred. He suggested that something should be done about the Greeley Street intersection, saying this should be looked at to make sure that there was as much of a bypass use as possible. Chairman Russo asked what Mr. Hall would specifically recommend. Mr. Hall said he did not have a suggestion, but he felt getting closer to the Greeley Street intersection might be better. Mr. Roach said they could look at the traffic counts coming down Greeley Street.

Chairman Russo said that directing traffic from Route 111 over to Route 3 was not handling local traffic, saying the alignment with Hudson Park Drive would provide for a straighter road but he was not sure that that was what this highway had been proposed to do. He then said he did think the Hudson Park Road access was off the path of the original intent, saying he felt something more directly connected to Greeley Street would be better. He noted that a lot of traffic came from Litchfield down Greeley Street to get over to Route 3. Noting Mr. Roach's reference to Albuquerque Avenue, he expressed a belief that Albuquerque Avenue did not have one traffic signal, saying he was not so sure he was ready to jump onto a plan for adding four traffic signals, and adding that there would have to be a good reason for people to want to go that way. He suggested that costs would be reduced if the road were put in place without traffic signals, the need for which could get determined later—adding that he had been looking for a nice boulevard look with a divided highway, with trees planted between. Mr. Roach concurred, noting that the signal conduit connections could be put in place.

Selectman Maddox said the infrastructure could be roughed in. He said Greeley Street was not in the mix, no matter what alignment was used, as it was half a mile away, adding that there had been an idea of shutting off Windham Road.

Mr. Barnes said people coming via Greeley Street would continue on Kimball Hill Road and then turn right onto the new highway, meaning they did not have to make any turns and could avoid Bush Hill Road and/or Wason Road. Chairman Russo said it might make sense to eliminate the intersection with Bush Hill Road so that people would take the Kimball Hill Road route. He said he wanted to minimize the number of access points, so that the highway would truly function as a bypass.

Ms. Quinlan asked if it were expected that the state would not be involved. Mr. Roach said the State might be but that no federal money was planned. Ms. Quinlan

said \$33 million would appear to be a great expenditure to the voters, saying it was hard for people to translate the benefits of a faster commute while looking at their tax bill. She expressed a belief that there was a need to calculate in the total cost, saying it would be a really tough sell if the full cost were not planned for. She said she thought the State should be engaged, so as to determine what the total costs would be. She noted that the Green Meadow developers would be asked for a lot of favors, suggesting their assistance might be extracted. Noting the issue of access thorough or around Miles Swamp, she said the amount of money quoted in this study was not nearly close enough—adding that the Planning Board needed a dollar amount to use when negotiating with the Green Meadow developers when they came in. She noted that Marty Kennedy had said Wason Road was not in failure, but she was in backed-up traffic every morning trying to get to Route 3-A.

Chairman Russo said his idea was not to eliminate the signalization at the intersections but to get a cost estimate without them. Ms. Quinlan said the two families owning a great amount of acreage at the Trigate Road connection would have to be involved in the process.

Ms. Stewart expressed agreement, saying he cost would not be \$33 million but would be more like \$70 million, and adding that she could not see this happening in the climate that was out there.

Ms. Quinlan said the Circumferential Highway plan had been too massive, but the State might be more agreeable to this.

Selectman Maddox said he had no idea what the Green Meadow developers would propose. He expressed a belief that the \$33.1 million cost was not a guess but something that had been worked out carefully. He said he had expected that the State would own the land but the Town could use it, saying he had never seen Hudson purchasing the land, saying he thought it would be to the State's benefit to keep it for possible future use, noting that it was a 5-mile-long, 400-foot-wide path.

Chairman Russo asked if any of the right-of-way property that had been purchased by the State had been sold to anyone. Both Town Planner Cashell and Mr. Roach answered in the negative. Selectman Massey said the State would have to go through a competitive bidding process in order to sell it. Selectman Maddox said he thought the state was trying to sell some parcels that had been purchased for the Circumferential but were not in the latest-proposed right-of-way.

Mr. Hall said he did not see why this project could not be included in the CAP fees if it were put into the CIP process, saying the Town could put up some matching funds, and that starting that process would build up a kitty for starting the process of building this road. He said the State would have to build it, but the Town would have to put in some money.

Mr. Hall then moved that the Planning Board ask the Town Planner to propose to Mr. Mayberry to develop a study for a cap fund. Selectman Maddox seconded the motion.

Selectman Massey said he understood that the State had purchased the right-of-way using Federal funds. He said he also did not believe that Hudson had to buy the land, thinking the State would be more than happy to let the Town assume the

responsibility for maintaining that road—noting that three homes on Wason Road were owned by the State and were being rented out. Mr. Roach said he thought the right-of-way had been purchased with turnpike funds.

Mr. Hall reiterated that he wanted to have a study done by Bruce Mayberry, saying he wanted a proposal for a separate CAP fund, which could be used for planning or design. He noted that there would be the 6-year problem, saying there would have to be a collaborative effort between the Planning Board and the Board of Selectmen as to how to use the funds.

Chairman Russo asked about using money in the existing corridor account. Mr. Hall expressed doubt that the money could be used for this. Ms. Quinlan said she thought the Route 111 fees could be used.

Ms. Stewart read aloud the motion again, which Mr. Hall reworded in the process, and it was suggested that Mr. Hall write it out in final form.

Mr. Schneiderman referenced the CTAP project report, noting that the north-south traffic on Greeley Street would drop by half but the Kimball Hill Road traffic would increase, east of the parkway. He asked if Kimball Hill Road could handle the additional traffic. Mr. Roach said it was an attractive roadway, drawing from the Pelham area. Mr. Schneiderman said the NRPC representatives from Pelham were concerned about getting access from Pelham to Nashua.

Mr. Schneiderman expressed a belief that the environmental permits from the original plan had expired.

Mr. Hall restated his motion as being to have the Town Planner contact Bruce Mayberry and ask him to prepare a proposal to provide an impact fee analysis to allow the Town to collect impact fees for the proposed construction of the Lowell Road Bypass.

Town Planner Cashell said the NH-DOT had been involved in working up this highway plan, noting that the Green Meadows property would be developed at some time in the future, and he felt much of the cost could be borne by that development, perhaps on a 50% shared basis over a 50-year bonding period., which would make the impact on the taxpayers negligible.

Mr. Schneiderman asked why the construction would not be started from the south end rather than the north. Mr. Roach said it was just a suggestion, as the south end would be the more expensive. Mr. Schneiderman said the worst traffic was at the south end, and this would start to lighten that up.

Chairman Russo said his personal opinion was to go for the whole thing.

Selectman Massey concurred, saying it would have to be done in its entirety or would not solve the traffic problems.

**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).

Town Planner Cashell commented that all great roads started from both ends and met in the middle.

Chairman Russo expressed appreciation for Mr. Roach's presentation and thanked him for his efforts.

Selectman Maddox asked what the next step for NRPC would be if Hudson got more money. Mr. Roach said they could work on getting a little more detail on the intersections at the ends of the road. Selectman Maddox asked if NRPC could provide a quotation for such a study.

Mr. Schneiderman noted that he had attended a Board of Selectmen meeting last year at which Ms. Kerri Diers had been asked what Hudson was getting for its money, and he hoped this presentation had shown the answer.

**A. Presentation and Discussion of the Prime Wetlands Study and Zoning Ordinance Amendments to Article IX – Wetland Conservation District.**

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

Chairman Russo noted that he was not prepared to address the Prime Wetlands tonight, asking if other members were, and saying it otherwise would be put off.

Selectman Maddox asked if the Planning Board were going to work out a schedule for meeting with the Conservation Commission to discuss the issues that had been raised previously. He suggested that a joint meeting with the Conservation Commission should be planned.

Mr. Tim Quinn, 1 Fuller Drive, chairman of the Conservation Commission, said the Conservation Commission needed to meet with itself to decide on a consensus about all the suggestions that had been provided by the Board of Selectmen, the Planning Board, and others. Ms. Quinlan suggested that a joint meeting be planned for May. Mr. Quinn expressed agreement, saying it would not be an easy task to establish a consensus on the Conservation Commission.

Chairman Russo said the Prime wetland would be put off to May 5<sup>th</sup>.

**B. Review the Institution of a Formal Procedure for Reviewing Excavation Permits.**

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

Mr. Quinn expressed thanks to Mr. Hall for meeting with him in private and assuaging many of his doubts, adding that many of the things he had been concerned about were actually contained in the excavation permitting process. He then distributed three handouts, saying he still felt some sort of review process would be needed. He said the RSA required the applicant to provide a reclamation plan to the State and to provide four copies of the plan to the Town, for distribution to the land-use boards for their review and comment, and those groups had only 30 days to comment, but he

noted that this requirement had only been found in his review of the wetlands requirements.

Noting that he had mentioned previously that there were eleven items to be reviewed as part of this process, Mr. Quinn said these were DES's minimum standards applied to all projects, but they did not have to be done for grandfathered projects, such as standing manufacturing facilities.

Selectman Maddox expressed a belief that there had been agreement to say that there were concerns for any project that came in. Mr. Quinn said those eleven items were not considered in the State permitting process. Selectman Maddox asked Mr. Hall if getting input from the towns was something that the State took into consideration, in his experience.

Mr. Hall referenced the copy of a DES letter in his handout, saying the second and third paragraphs of that letter to the Town showed that the applicant had to meet the state's issues with regard to stormwater runoff and erosion protection. Mr. Hall noted that he was employed by Brox Industries, with permitting being his responsibility. He said anyone who did anything in town had to get a permit except Brox Industries, which had a stationary manufacturing plant and was grandfathered, in accordance with HTC §200-3 (5) and NH RSA 155-E:2 III, copies of which were included in his handout package. He said the Nash family also had a permit from the Planning Board.

Mr. Hall discussed the requirements, explaining how they did or did not apply to Brox Industries, but acknowledged that the Town had the authority (and the responsibility) to ensure that the requirements were complied with. He said there was only one condition that would allow someone in Hudson to excavate without a permit, which would be to construct a public road—adding that this had only happened once in all his years of experience and he could not see it happening again.

Selectman Maddox said the Board had heard in January that there would be half a dozen over the next X years. Mr. Hall said there was only Brox.

Chairman Russo asked if Mr. Quinn had any other issues. Mr. Quinn expressed a belief that Hudson was not doing what the RSA said. Mr. Hall said this pertained to wetlands permits, noting that Brox was not exempt from that—adding that Brox had never gotten a wetland permit without a permit from the Town.

Mr. Quinn repeated his belief that the Town was not doing what the RSA said it should be doing. Mr. Hall asked for an example. Mr. Quinn said he had asked for the last ten years of State permits that had been issued, saying no one in Town Hall was keeping those on file.

Mr. Hall referred to the second page of his handout, which was a copy of a letter Brox had sent to the Hudson Town Engineer—saying this was a courtesy call that had happened numerous times over the years, but that the cover letter was sent as a courtesy. He said there was no requirement to keep those notices, and that he did not know that the Town Engineer was responsible for keeping them.

Mr. Quinn said he was not suggesting that Brox had not complied, but there was no record in the town. Town Planner Cashell said Town Engineer Gary Webster had



located all of those permits about a month ago and had all of them, but had not been available today when Mr. Quinn had been asking to see them.

Mr. Hall said anyone who disturbed more than 100,000 ft<sup>2</sup> had to go to the State for a permit, adding that most applicants got that before finishing the planning process. Mr. Quinn said the RSA said the Town Clerk was responsible for filing those notices. Selectman Maddox suggested that these could be included in the scanning process, so that they would be available in one place, saying he would talk to the Assistant Town Administrator about that.

Mr. Quinn expressed favor of that idea, saying he felt things could continue with the status quo, saying he would leave it up to the Planning Board to decide what it wanted to do.

Ms. Quinlan expressed concern about how much water would be in the quarry, how much soil would be distributed, etc. Mr. Hall asked what she or the Conservation Commission would like to know. Ms. Quinlan asked why private industries could not provide a process to get comment from the citizens. Mr. Hall referenced his handout, saying there was opportunity to make comments, as identified in the second and third paragraphs of the DES letter. Ms. Quinlan objected that these letters were not seen; Mr. Hall demurred, pointing out that the DES letter was addressed to the Hudson Town Clerk with copies being sent to the Hudson Planning Board and the Hudson Conservation Commission. He then pointed out that what the State was looking for was technical comments with respect to the requirements.

Mr. Quinn noted that no input from the Planning Board had been found for the last two things reviewed by the Conservation Commission, saying someone had said they were on the agenda but not really reviewed. Chairman Russo suggested that Mr. Quinn was looking for a formal review process by the Planning Board whenever something was requested.

Selectman Maddox noted that the letter sent to the Town Engineer referenced enclosures, asking what enclosures were provided with that cover letter. Mr. Hall said copies of all the plans were included. Selectman Maddox suggested these could be scanned in, as well.

Chairman Russo referenced the recent go-around about the Prime Wetlands, asking if Mr. Quinn now wanted to micromanage the State process with no expertise. Mr. Quinn said "managing" was the wrong word, but that he was looking for a review. Chairman Russo said the State experts were looking at everything, which had been the purpose of the Prime Wetlands project. He said this had not been a major issue in this town, asking what kind of input would the Planning Board members give without going to the State. Mr. Quinn asked if Chairman Russo thought the State looked at these things with the same interests as the Town would have. Ms. Quinlan said there had to be some local control, as the citizens lived here.

Mr. Barnes said there was a chapter in the Zoning Ordinance on excavation of soil, adding that he had been informed by Town Counsel that Brox Industries was grandfathered and did not have to, but anyone else who wanted to do any excavation

would have to make an application to the Planning Board, at which time the Board would see it.

Mr. Quinn said Brox Industries was grandfathered by lots, but the more recently acquired lots were not grandfathered—saying Town Counsel had referenced anything before 1986 if contiguous with the properties already being excavated, but properties acquired after that were not grandfathered. He said Town Counsel had agreed with this belief, adding that he had never wanted to get into the permitting process. He then referred to Lot 153, acquired after 1986, with no comment from the Planning Board; he said Conservation Commission had looked at it, but there were no wetlands on it.

Ms. Quinlan said the Conservation Commission would only be concerned if there were wetlands, but Brox had property, much of it being in the buffer, and Mr. Quinn wanted to know if the Town should be involved in that process.

Mr. Hall again referenced the second paragraph on the second sheet of his handout, saying this was not the first time this had come up. He said no one had taken any other position than that, saying he did not think the current Planning Board had ever gotten into it, but a number of Town Attorneys had and a number of Town Engineers had, during the past 50 years. Noting that Mr. Quinn had started this issue by saying that Brox was not exempt from the expressed reclamation standards; Mr. Hall stated that he agreed that Brox had to comply with the reclamation standards. He said RSA 155 was very complex and very convoluted, reiterating that Brox Industries complied with the requirements.

Ms. Quinlan asked what arguments had been expressed before that Brox should be involved. Mr. Hall said the Town Attorney had raised issues in the past, but Brox was exempt and had been for the past 50 years. Chairman Russo thanked Mr. Hall for his inputs, saying he felt anything further should go to the Town Attorney.

Mr. Quinn said he was concerned not with the frequency but with the massive scale of excavation being done.

Selectman Maddox referenced the Brox letter from January 1, 2009, in Mr. Hall's handout, asking if Town Planner Cashell could provide for the next meeting copies of that full submittal. Town Planner Cashell said that *had* been submitted twice, but the Board had chosen not to take action, noting that this had been in accordance with guidance from Town Counsel. He stated that Brox complied with the excavation issues.

Selectman Maddox again asked for the Board to see the comments, saying the Board perhaps could find better things to say in the future. He noted that Brox had been here "forever," noting that he had taken aerial pictures of the Brox site 22 years ago.

Mr. Hall said he had mentioned that Brox also had permits from the EPA, which regulated stormwater discharges. He noted that sampling was required from one of its discharges, noting that construction projects disturbing more than an acre had to get an EPA permit, so it was not as if nobody were watching.

Selectman Massey spoke in favor of having the Board members see the full January 7, 2009, Brox application.

Town Planner Cashell said the number one issue was that anyone having a concern could contact the EPA and get that organization involved, or could call the DES—adding that he would not want to get either organization involved if he were violating something. Mr. Quinn said Town Planner Cashell was raising enforcement, which was not an issue he had raised.

Chairman Russo expressed appreciation for Mr. Quinn's input, saying he would inform Mr. Quinn when the Board was ready to review the application. Selectman Maddox said it would be the next meeting. Ms. Quinlan suggested waiting for the next Workshop. Town Planner Cashell noted that Atty. Buckley was coming in on April 14<sup>th</sup>, suggesting that the Board could study it and bring it up with him at that time. Chairman Russo suggested that the Board review the documentation at the April 7<sup>th</sup> workshop, asking that Mr. Cashell forward a copy of the same material to Mr. Quinn.

Selectman Massey said the whole thing had started with the question of whether there was or should be a process by which the Planning Board should be reviewing excavation permits, saying talking about Brox was a red herring. He said the Conservation Commission was reviewing things involving wetlands and was asking if the Planning Board were doing it for other excavation sites.

Mr. Hall said the only case in which the Planning Board would not have the documentation for the whole case would be Brox, which it did not. Chairman Russo expressed a hope to put this to bed at the next workshop meeting.

Chairman Russo asked if the board were in agreement that Mr. Quinn would be allowed to participate in the April 14<sup>th</sup> client-attorney meeting. The consensus of the Board was in strong approval.

Selectman Maddox moved to defer further discussion of this matter to April 7<sup>th</sup>; Ms. Quinlan seconded the motion.

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

Chairman Russo noted that Ms. Quinlan had been present throughout this discussion but that he had failed to recognize her, saying he would consider her as having been seated throughout, with Mr. Schneiderman having resumed his normal role as a nonvoting alternate.

## VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

**VII. CORRESPONDENCE**

No **Correspondence** items were addressed this evening.

**VIII. PERFORMANCE SURETIES**

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

**X. ZBA INPUT ONLY**

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

**XI. OLD BUSINESS/PUBLIC HEARINGS**

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

**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**

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

**XV. PUBLIC HEARINGS**

No **Public Hearings** were held this evening.

**XVI. OTHER BUSINESS**

Mr. Barnes referenced an article from the Police Department in the February 18<sup>th</sup> *Hudson-Litchfield News*, which gave a suggestion for people wanting to exit from the Haffner's site to use the Burger King driveway to get onto Executive Drive and then egress via the traffic. He said he found that recommendation to be a bit odd, as there had been discussion a few years ago that the Police Department should ticket people for doing exactly that, but there had not been a consensus. He expressed concern about using that referenced driveway, which he described as being in a failing state, on

private property, and that he felt there were safety issues with adding traffic to that driveway, which was immediately adjacent to the exit from the Dunkin Donuts site.

Town Planner Cashell displayed an aerial view showing the three sites in question.

Selectman Massey said the issue with the ticketing was very simple, as a State statute said one cannot cut through a property to avoid a traffic light, but it was perfectly permissible and legal to exit from Haffner's through the driveway shared with Burgher King to get onto Flagstone Drive and then to use the traffic lights. He said Mr. Barnes's concerns with safety were valid points, but the ticketing issue pertained to traffic going through the Haffner's site and then the Berger King driveway in order to take a right turn on Flagstone, thereby avoiding the traffic light.

Ms. Quinlan said the back driveway had been planned as an exit, and she had contacted Police Chief Gendron when her husband got a ticket for using it, saying it had been sold to the town as a safety measure at that time.

Mr. Barnes said he presumed that the concern was with people making left-hand turns coming out of Haffner's, saying right-turns onto Lowell Road made sense.

Ms. Quinlan said using that driveway was the safest approach and that it had been sold to the Planning Board that way.

Mr. Barnes said his concern was that the driveway was not being maintained, with the edges starting to crumble, and the two driveways were exiting within a few feet of each other.

Selectman Massey said the solution might be to tell drivers to turn right on Flagstone and go around through the industrial park and come out on Executive Drive. Selectman Massey said he would be talking with the Police Chief, saying the letter writer had wanted drivers to go exactly as Mr. Barnes had described. He said the owner of the property south of Dunkin Donuts was supposed to do some work.

Chairman Russo said he would have the same concerns as Mr. Barnes had expressed, but he questioned how the Town could force someone to do something on someone else's property. Selectman Massey said one did not—recalling that there was not supposed to be a left turn out of the inbound entrance at the south end of the Nottingham Square mall but that he had witnessed drivers doing exactly that.. He recalled that the proposed service station on the corner of Executive Drive had left because the Planning Board was not looking at the traffic turns.

Town Planner Cashell said he had put together a proposal for a fix because of the two recent accidents. He said the roadway in front of Market Basket was heavily trafficked, and he suggested that the Town should consider extending the median strip, because of the high rate of speed and the large number of left-hand turns. He noted that the Planning Board had \$50,000 that could be used for this sort of improvement.

Chairman Russo asked if this would be a recommendation to the Traffic Safety Committee. Town Planner Cashell answered in the affirmative, saying he had it in writing already.

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**XVII. ADJOURNMENT**

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

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

Chairman Russo then declared the meeting to be adjourned at 9:36 p.m.

Date: March 6, 2010

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Vincent Russo, Chairman

J. Bradford Seabury, Recorder

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Terry Stewart, Secretary

These minutes were accepted as submitted following review at the 04-07-10 Planning Board meeting, with this acceptance including changes originally proposed the March 24, 2010, meeting.

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**HUDSON PLANNING BOARD Meeting Minutes  
March 3, 2010**

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The following changes were made in accordance with the Board's preliminary review of these minutes at its March 24, 2010, meeting:

Page 4, 3<sup>rd</sup> paragraph – changed word “mean” to “meant” so that the sentence reads “[T]he proposed alignment with Route 111 at Hudson Park Drive meant that south-bound Greeley Street traffic would just go straight across and up Kimball Hill Road ....”

Page 10, 3<sup>rd</sup> line – added word “current” preceding “Planning Board.”

Page 10, 6<sup>th</sup> line – added words to clarify that Mr. Hall had stated that he agreed with Mr. Quinn that Brox had to comply with the regulation standards.