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**HUDSON PLANNING BOARD
MEETING MINUTES
July 8, 2009**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:03 p.m. on Wednesday, July 8, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, Tierney Chadwick, George Hall, Vincent Russo, Richard Maddox (Selectmen's Representative), Suellen Quinlan (arrived at 7:06 p.m.), and Terry Stewart (arrived at 7:11 p.m.).

Members

Absent: None. (All present.)

Alternates

Present: Tim Malley and Stuart Schneiderman.

Alternates

Absent: Brion Carroll (excused) and Ken Massey (Selectmen's Representative Alternate, excused)

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 tardy Ms. Quinlan and seated Mr. Schneiderman in place of the tardy Ms. Stewart.

VI. CORRESPONDENCE

Chairman Russo stated that correspondence received in tonight's handouts would be taken up later under **Other Business**.

He then announced that he would start the meeting with Agenda Item VII.

VII. PERFORMANCE SURETIES

A. Copper Hill Estates – Maintenance Bond Reduction Map 223, Lot 043

Reference: memo dated 06/23/09 from Gary Webster, Acting Town Engineer, to John Cashell, Town Planner

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

Town Planner Cashell said he had nothing to add to the report.

Mr. Hall moved to release the \$10,000.00, 2-year maintenance surety for the Copper Hill Estates Subdivision, noting that this action was being taken in accordance with the written recommendations of Acting Town Engineer Gary Webster and Road Agent Kevin Burns.

Ms. Chadwick 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).

Ms. Quinlan arrived at 7:06 and took her seat at the table, taking over the duties of Acting Secretary. Chairman Russo said she would be seated from this point on, with Mr. Malley resuming his nominal position as a nonvoting alternate.

VIII. ZBA INPUT ONLY

A. Unicorn Industrial Park ZI# 01-09

Map 170/Lot 038
25 Constitution Drive

Purpose of plan: To request a Wetland Special Exception from the Hudson Zoning Board of Adjustment for the impact of 2,390 ft² of jurisdictional wetlands and the associated 18,665 ft² of wetland buffer impacts to allow the construction of a 10,000 ft² industrial building and the associated site appurtenances.

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

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

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, accompanied by Mr. James Gold, of Gold Environmental Services. Mr. Colburn distributed half-size plans to those Board members who wanted them and then discussed details of the larger plan affixed to the meeting room wall. He said the proposal was to build a 10,000-ft², industrial building on the 4.4-acre lot, to house radio equipment and crane-type operating equipment, with 2,390 ft² of wetland impact and 18,665 ft² of wetland buffer impact. Noting that the majority of the property was encumbered by wetland, he reported that Gold Environmental Services had identified the large wetland to the east, encompassing almost half of the total property area, to be of a high functional value, so they had recommended to the Conservation Commission that a conservation easement be placed over that acreage to keep that wetlands undisturbed. He noted that a second wetland area on the western side of the site was of lesser functional value, but had sheetflow water running onto it from the adjacent properties. He then described the proposed drainage system and the proposed detention pond. He reported that a planting list had been developed by Gold Environmental, at the request of the Conservation Commission, adding that the Conservation Commission had voted on April 18th to send a favorable recommendation to the Zoning Board, with some suggestions as to maintenance.

Ms. Stewart arrived at 7:11 p.m. and took her seat at the table at that time, although not yet recognized for the inprocess hearing.

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appeared before the Board as the engineering representative of the abutter at 1 Wall Street. He noted that the detention pond overflow seemed to run away from the property he represented, but questioned whether it would increase flow onto the next property. He then discussed Wall Street ownership, stating that there was a delineation line missing, and adding that Hudson Park Drive within the park truly did not exist, inasmuch as it was over 20 years old and no longer had any value.

No one else coming forward to provide input, despite further request by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked for questions or comments from the Board.

Ms. Chadwick asked about boxes shown on the plan, next to and south of the building. Mr. Colburn explained that those were loading spaces.

Mr. Barnes asked if the increased flow from the proposed detention area would be contained in that pond, as well as the flow from the wetland. Mr. Colburn answered in the affirmative noting that the Town required a 25-year event, but his firm typically designed for a 50-year storm. Mr. Barnes asked about the discharge to the West. Mr. Colburn said it would be matched to 2-, 10-, 25-year values, saying the peak discharge, volume wise, would not infiltrate, so no waiver would be requested.

Mr. Barnes referenced the existing wetland, asking if it were because of poorly drained soil in conjunction with water from the adjoining property.

Mr. James Gold, of Gold Environmental Services, said this area had not always been a wetland, but previous development had slowed down some of the waterflow and the property had been clear-cut, with skidder ruts still visible, so this was actually a man-created wetland, with its basic function being stormwater management—unlike the large diverse wetland to the southeast. He said the detention basin would mimic that function, with the plantings providing support for wildlife.

Mr. Barnes questioned the different properties identified as 1 Wall Street, noting that they were on different sides of the Wall Street roadway. Mr. Maynard interjected that those addresses were correct, saying it was different properties but all one address.

Selectman Maddox asked if it would be better to mitigate this wetland. Mr. Gold said the wetland on the left side of the plan would be gone, noting that it would be excavated out for the parking area, with the proposed detention pond essentially becoming the new wetlands in that area. He noted that the proposed pond would be larger in size and lower than the existing wetland area. Selectman Maddox noted that there was no place shown for snow storage, as well as runoff from the added pavement. Mr. Colburn said they were here tonight to determine if they would be allowed to construct the building, and they had not yet proceeded to full design plans, at which time the areas for snow storage would be determined.

Mr. Gold said the larger wetland was being protected, by the tree line, which would be maintained in its forested state. He then discussed topological details to explain what he meant by this statement.

Mr. Schneiderman noted that there were no parking spaces shown along the side of the building. Mr. Coburn concurred, saying this would be a maneuvering area. Mr. Schneiderman asked how many employees would be in the building for any one shift. Mr. Colburn said he did not believe there would be shifts, saying this building would be mostly for storage. He noted that they were fairly constrained by the site limitations for parking locations.

Ms. Quinlan said she would opt for the third draft motion proposal, which said the ZBA should also look at the issue of frontage off a private drive. She asked if Mr. Maynard could speak for his client as to whether his client was in agreement with this applicant, saying she recalled that Wall Street was blocked off as a private driveway, saying it would be unfortunate to break ground and build a building and then find there was no way to get in or out. She referenced HTC §334-27.1 D, citing frontage requirements along Class V or better streets, and HTC §334-6, discussing frontage along cul-de-sac roadways, saying it would appear that the frontage requirements were not being met, and she felt the ZBA should address that issue as well, as the process would be further slowed down if the matter came back to the Planning Board and the Board then asked for a zoning opinion.

Mr. Maynard said he represented property owners on both sides, saying he did not remember where the line was but that the frontage was on the Town-owned portion of Wall Street; he then declared that the applicant had access from Constitution Drive and

had frontage, and that should not be an issue. Mr. Colburn said he had made a note to investigate that.

Town Planner Cashell said Road Agent Burns did not recognize Wall Street as a public roadway and had said it was not to a standard that he was able to maintain properly in the wintertime. He said Mr. Burns would like the applicant to include some type of roadway modification that would be acceptable to him, so that he could plow and maintain that road—noting there was no curbing and only sheetflow drainage, and adding that this portion of the Constitution Drive subdivision had never been completed. Mr. Maynard said he had not known of the status as to its being accepted, but it was definitely a dedicated public right-of-way. Town Planner Cashell said the road would have to be brought up to Town standards as far as construction was concerned.

No other comments or questions being brought forward, Chairman Russo asked if there were a motion.

Town Planner Cashell said the third alternative was still something that the Board could consider, saying that stretch of roadway was not considered to be Class V or better. Ms. Quinlan said she felt it would be prudent for the ZBA to look at this as an entire zoning package before it came back to the Planning Board.

Ms. Quinlan moved to have the Hudson Planning Board forward the following concern to the ZBA, regarding the proposed development which involves impacts of 2,390 ft² of jurisdictional wetlands and the associated 18,665 ft² of wetland buffer impacts to allow the construction of a 10,000 ft² industrial building and the associated site appurtenances at 25 Constitution Drive, Map 170/Lot 038, Hudson, New Hampshire, noting that the said project did not provide access to the proposed development off a Class V road or better, as required by Sections §334-27.1 (d). and §334-6 of the Town's Zoning Ordinance.

Ms. Chadwick seconded the motion.

Mr. Hall said he would have to vote against this motion, as there was no guidance for the ZBA for the matter that was before the Board. He noted that the applicant might not agree to address that issue with the ZBA, adding that he did not know if the motion addressed the concern that the Board was supposed to be addressing tonight. Selectman Maddox concurred, saying the wetlands impact had to be dealt with, saying the issue of frontage was secondary to what the applicant was asking for tonight—adding that he did not know how the applicant obtained an address on Constitution Drive.

Ms. Quinlan suggested a friendly amendment, asking if Town Planner Cashell felt it would be inconsistent to offer the first draft motion and then add the concern regarding the frontage from the third draft motion. Mr. Cashell said he did not think that would be inconsistent or confusing to the ZBA. Ms. Quinlan then revised her motion, moving to forward correspondence to the ZBA, citing that the Planning Board concurred with the favorable recommendation of the Conservation Commission regarding proposed impacts of 2,390 ft² of jurisdictional wetlands and the associated 18,665 ft² of wetland buffer impacts to allow the construction of a 10,000 ft² industrial building and the associated site appurtenances for the proposed development, which involves impacts

of 2,390 ft² of jurisdictional wetlands and the associated 18,665 ft² of wetland buffer impacts to allow the construction of a 10,000 ft² industrial building and the associated site appurtenances—noting that the plan-of-record for this petition was entitled ***Conservation Commission Master Site Plan Unicorn Industrial :Park, Map 170, Lot 038, 25 Constitutional Drive, Hudson, New Hampshire***, prepared by Keach-Nordstrom Associates, Inc., dated October 22, 2008, with no revision date(s), consisting of Sheets 1 through 2 and Notes 1 through 4. She then added as part of her motion that the Hudson Planning Board was forwarding the following concern with that plan to the ZBA regarding the proposed development—that the said project did not provide access to the proposed development off a Class V road or better, as required by Sections §334-27.1 D. and §334-6 of the Town's Zoning Ordinance.

Chairman Russo asked if the Recorder were okay with that change. Mr. Seabury answered in the affirmative.

Ms. Chadwick said she was still willing to second, making it a friendly amendment.

Selectman Maddox said he still did not believe that the Board had enough information, saying Fire Department turnaround and snow storage requirements could result in significant changes to the sheet flow.

Mr. Colburn said he could not state whether his client would be willing to move forward if asked to do work that at that level, saying it would be a decision of his client when he came before the Planning Board.

Ms. Stewart asked if it were not the Fire Department which set addresses. Town Planner Cashell said that address was given to this lot by the Fire Department through the approval of Constitution Drive—adding, however, that this had been done taking into consideration the assumption that Wall Street was going to be constructed. Mr. Cashell said he would suggest that the applicant's engineers advise their client to plan on construction so that proper access would be available, saying the Fire Department and the Highway Department would have to be appeased when this came through the planning process. Mr. Colburn said he had not been involved with this project in the early stages, but he presumed that Deputy Buxton had been consulted—adding that he believed these were all planning issues.

Chairman Russo asked, if Wall Street were a public way, if this project could be approved with a stipulation that the Town would not be responsible. He noted that it looked as though there were room to get fire equipment in there, and the parking lot was big enough to turn equipment around, but he had more concern about the Road agent being able to manipulate his equipment around that property. He asked if the applicant had that option. Town Planner Cashell said the applicant's only option would be either to open Wall Street all the way out to Central street or else to provide sufficient safe turnaround for Fire Department equipment—noting that the Fire Department insisted on being able to get in and out without having to back the equipment out, and the applicant was planning to build at the end of the road.

VOTE: Chairman Russo called for a verbal vote on the motion. Finding himself in doubt as to the vote, he then asked for a vote by showing of hands. All members present voted in favor

except for Selectman Maddox, Mr. Schneiderman, and Mr. Russo, who all voted in opposition, and Chairman Russo declared the motion to have carried (4–3).

Chairman Russo recognized Ms. Stewart as having arrived, saying she would be seated from this point on, with Mr. Schneiderman resuming his position as a nonvoting alternate.

**B. Central Street Restaurant
ZI# 02-09**

**Map 160/Lot 105
297 Central Street**

Purpose of plan: To request a Wetland Special Exception from the Hudson Zoning Board of Adjustment for impacts to 10,635 ft² of wetland buffer to allow the construction of a 4,300-ft² restaurant and the associated site appurtenances.

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

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

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, accompanied by Mr. James Gold, of Gold Environmental Services. Mr. Colburn outlined the proposal, saying he suspected that there would be similar discussion for this plan as for the preceding one—adding that it was on the other side of the large industrial building from the lot that had just been discussed. He identified the property as a 1.4-acre lot that had been maintained in a somewhat disturbed state, saying it had frontage on both Central Street and Route 111, as well as a private driveway leading into Century Park—adding that there were two owners of record, with both trying to work things out. In order to accommodate access through an existing easement and to provide 58 parking spaces for the proposed 4300-ft² restaurant, he continued, they needed to disturb the buffer area, noting that a retaining wall would be provided. He said the wetland along the front of the site was actually an intermittent stream caused by stormwater drainage from Central Street. He described the proposed detention system, noting that there would be some ledge blasting, with a 100-foot treatment swale. He said a considerable amount of rainwater would be intercepted, with some processed on site and the rest sent through a bypass channel. He noted that the Conservation Commission had voted on May 11th to send a favorable recommendation on behalf of this proposed buffer impact.

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the abutters, said his concern was the property line, saying he thought the proposal was doing construction on his client's property and he would have to check that, as they

would not have the right to build on his client's property. Mr. Colburn said his client, Mr. William Tate, had been working with the abutter for a 25-ft drainage easement.

No one else coming forward to provide input, despite further request by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Town Planner Cashell asked Mr. Gold for a description of these wetlands. Mr. Gold distributed a photograph of the site, saying it essentially looked pretty much like a man-made ditch, but it fell within the definition of an intermittent stream as defined by the New Hampshire Wetland Bureau. He said there were a few shrub species, adding that the major function of this wetland was stormwater management and it had very little wildlife habitat.

Mr. Barnes asked if the grading would not interfere with the drainage capabilities of what was there. Mr. Gold said he did not see that there would be any effect on the stormwater management.

No further questions being brought forward, Chairman Russo asked if there were any motions.

Ms. Chadwick moved to forward correspondence to the ZBA, citing that the Planning Board concurs with the favorable recommendation of the Conservation Commission regarding the proposed 10,635 ft² wetland buffer impact cited on the Wetland Buffer Impact Plan for the proposed Central Street Restaurant, Map 160/Lot 105, noting that the plan was entitled ***Wetland Buffer Impact Plan Central Street Restaurant, Map 160/Lot 105, 297 Central Street, Hudson, New Hampshire***, prepared by Keach-Nordstrom Associates, Inc., dated: April 3, 2009, with no revision date(s), consisting of Sheet 1 of 1 and Notes 1 through 8.

Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor except for Mr. Hall and Selectman Maddox, who both abstained, and Chairman Russo declared the motion to have carried unanimously (5-0-2).

**C. Fairview Nursing Home
ZI# 03-09**

**Map 216/Lots 1 & 2
203-205 Lowell Road**

***Purpose of plan:* To request a Wetland Special Exception from the Hudson Zoning Board of Adjustment to impact 763 ft² of jurisdictional wetlands and the associated 20,979 ft² of wetland buffer to allow the construction of a 3-story assisted living facility and the associated site appurtenances.**

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

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, accompanied by Mr. James Gold, of Gold Environmental Services. Mr. Colburn reviewed details of the proposed plan on the drawing affixed to the meeting room wall. He noted that a 90-bed assisted living facility and associated parking spaces were being proposed, saying there would be a need to impact two small wetlands; he said Gold Environmental Services had identified the two depressions, which collected stormwater from the adjoining property—noting that Mr. Robert Haefner of the Conservation Commission had expressed a belief that these used to be manure pits. He said the Conservation Commission had voted to send favorable recommendations, including a comment that these wetlands were judged to be of low functional value, being very small and not connected to other wetland complexes—but had asked that the Planning Board review the size and the number of parking spaces, which he said would be discussed at the planning level. He said Gold Environmental Services had determined that these attracted some wildlife, including birds, so plantings had been suggested to provide food and nesting habitat—adding that these would be incorporated during the design phase.

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 declared the matter before the Board and asked if any members of the Board had any questions.

Mr. Barnes said there appeared to be a wetland or a pond to the southwest, on the Haffner property; he asked if they were not connected. Mr. Gold discussed the history of the site, saying as one moved east to west an aerial-photo analysis had been done going back to 1943; he said barns had been noted in that area, with a road having proceeded directly through the areas of these wetlands. He then suggested that the ground was depressed because it had been used as a roadway to bring in hay. He said there were a lot of sandy soils, but there had been a lot of compaction, cutting into the surface, so wetland plants had developed, but there was sandy soil underneath, which was why it was not connected—because drainage simply drained into the ground.

No other comments or questions being brought forward, Chairman Russo asked if there were a motion.

Mr. Barnes moved to forward correspondence to the ZBA citing that the Planning Board concurs with the favorable recommendation of the Conservation Commission, re: proposed 763 ft² wetland impact and 20,979 ft² wetland buffer impact associated with the proposed free-standing Fairview Nursing Home project, located at 203-205 Lowell Rd. Map 216/Lots 1 & 2, noting that the plan depicting said impacts was entitled: ***Wetland/Wetland Buffer Impact Plan Fairview Nursing Home, Map 216/Lots 1 & 2, 203 – 205 Lowell Road, Hudson, New Hampshire***, prepared by Keach-Nordstrom Associates, Inc., dated: November 21, 2008, revised through April 13, 2009, consisting of Sheet 1 of 1 and Notes 1 through 7.

Ms. Stewart seconded the motion.

Selectman Maddox said he had the same concern as the Conservation Commission, referring to the 125 parking spaces, which he said would be using up a lot of the green space area.

Mr. Hall said he would abstain on this motion, primarily because of the wording. He said in his mind the Planning Board was hearing this to review the plan from the value or lack of value of the wetland. If there were planning issues, such as parking and run-off from the parking area, or snow-storage, he said, those were planning issues, and the function of the Planning Board was not to double-check the Conservation Commission and rubber-stamp the Conservation Commission's recommendations. He said the Planning Board should either have concerns or not have concerns—not to give a recommendation, as it was not the Planning Board's job to tell the Zoning Board what to do with the special exception request, but to advise the Zoning Board from a planning perspective.

Ms. Quinlan questioned whether Mr. Hall wanted to be a part of the solution or part of the problem, and she asked if he had concerns. Mr. Hall replied that he would have said what they were if he had had any.

Town Planner Cashell said he had researched what was done last time there was a ZBA Input Only case, but he had forgotten to note what Mr. Hall had said before. Mr. Hall said the wording of the draft motion for the first case had been correct.

Selectman Maddox said he did not want the applicant's representatives to go away thinking the Planning Board was fine with this plan, much like the last one—adding that he did not see how a building could be built on this property without the needed frontage. He then expressed agreement with Mr. Hall's concerns, suggesting that the Planning Board should discuss this issue at a workshop, to determine how the Planning Board should handle these ZBA Input Only matters, and adding that the applicant's representatives should not go away thinking that the Planning Board had no concerns.

Ms. Quinlan said she thought there were planning concerns on all three plans.

Selectman Maddox expressed a concern that sending this approval kind of boxed the Zoning Board in.

Mr. Hall said he would vote "No" if he had concerns, adding that he did not have any planning concerns regarding the filling of those wetlands. Chairman Russo noted that this sort of discussion came up with every ZBA Input Only hearing.

Town Planner Cashell said it would have been an issue if these wetlands had been determined as valuable wetlands. He then added it might come out that there was way too much parking being proposed for this particular use.

Chairman Russo asked if Mr. Barnes wished to change his motion. Mr. Barnes said he would leave it as it was.

VOTE: No further comment being brought forward, Chairman Russo called for a hand vote on the motion. All seated members voted in favor except for Mr. Russo, who voted in opposition,

and Mr. Hall, who abstained. Chairman Russo then declared the motion to have carried (5-1-1).

IX. DESIGN REVIEW PHASE

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

X. CONCEPTUAL REVIEW ONLY

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

XI. OLD BUSINESS

- A. Derry Street Professional Building. Map 174/Lot 23**
SP# 15-08 (Amended Plan) 26 Derry Street

***Purpose or plan:* To amend the previously approved plan, Hillsborough County Registry of Deeds #35723, to include existing white fence, exterior lighting, and additional parking along rear. Hearing. Deferred Date Specific from the 06-24-09 Planning Board Meeting.**

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

Mr. Barnes and Mr. Schneiderman stepped down. Chairman Russo seated Mr. Malley in Mr. Barnes's place.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said there were no material changes. He noted that some members had expressed a desire to visit the site to see how it appeared when fully lit, and he hoped that the members had done that.

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 declared the matter before the Board and asked if any members of the Board had any questions.

Selectman Maddox said the lighting plan said that no light came onto Leslie Street, but a number of the Board members had stood in the middle of Leslie Street and found that the light was quite bright, noting that the sign had a 150-Watt floodlight reflecting off the sign and lighting up the front of the house across the street. Mr. Maynard said the lighting plan only presented illumination, not glare, adding that he had not noticed it, and further adding that it was a 25-Watt frosted bulb. Selectman Maddox said he found a glare. Ms. Quinlan said she did not have a problem. Mr. Maynard said he would take

the three-bulb light out, saying it was not important. Chairman Russo said he had also had a problem with that light. Mr. Maynard reiterated that he would take it out.

Selectman Maddox stated that the plan said the pole light was a 150-Watt sodium light, which he thought meant a yellow color, but this was a bluish light and seemed brighter than 150 watts. Mr. Maynard said the lighting plan showed five foot-candles. Selectman Maddox asked if it were based on the plan or what was there. Mr. Maynard said both, saying that was straight from the manufacturer's specifications. He then said it was what it was.

Town Planner Cashell said everyone out there that night that the Board had visited the site had found the light to be higher than 18 feet and four times brighter than a street light, saying one could not look at it. Mr. Maynard expressed agreement, saying it was 2-1/2 times brighter, for parking lot security, adding that a streetlight was two foot-candles. Mr. Cashell said the light was not needed that bright for parking purposes, adding that there was no need for the three-pronged light. Mr. Maynard said he had already agreed to take that light out. Mr. Cashell said the glare from the reflected sign was bouncing across the street and was way too much for that site, affecting the residents of the neighborhood. Mr. Maynard said he would agree, as it had been described.

Selectman Maddox asked Mr. Malley about the bluish sodium light. Mr. Malley said he had never seen a sodium light in the past 20 years other than a yellowish light.

Chairman Russo said he had an issue with the light over the back door, which was supposed to be shielded. Mr. Maynard said instead of putting a hood up, the light had been aimed down, so it was significantly less than what had been requested. Chairman Russo said the light could be redirected by turning a screw; he then asked why recessed lighting was not used. Mr. Maynard said the way the first fixture was configured was at the wall, so putting in a downcast fixture was easier, whereas it would be difficult to put wiring in the eaves for a downcast light.

Chairman Russo said he concurred with Selectman Maddox and Town Planner Cashell, saying that the pole light was not a high-pressure sodium light. He said he was questioning what was actually installed, and he suggested that someone use a tape to measure the height of the light, which he insisted was higher than fifteen feet.

Chairman Russo asked if the lights were still on. Dr. Ebeed said they would remain on until the plan was approved, after which they would go off at 8:00 p.m.

Ms. Quinlan said she wanted to paraphrase a member of the Board of Selectmen about the Board needing to be business friendly, saying she felt this Board had truly put this applicant through the mill. She said it was an attractive site and the applicant had worked hard to make it a site that had infinite improvements over the site that had been there before. She said the lights would be off when people were ready to go to bed, and she was ready to be done with it.

Ms. Stewart said it did not matter what the Planning Board said or what Mr. Maynard agreed to, as the issue was who was going to enforce it.

Chairman Russo said he did not expect Dr. Ebeed to be a problem, but Dr. Ebeed would eventually sell that building, and the next property owner would change the lights as desired. He said this was a residential neighborhood and he thought lights that aimed down with reduced lighting would be more appropriate.

Mr. Maynard said every light on any building could be changed at will, very easily, including the boxed hooded lights that Chairman Russo was recommending. He said the glare of the sign and the height of the pole needed to be verified, but he did not agree with the other comments that this would become a code enforcement problem just because the owner changed the lights.

Mr. Hall said this was a code enforcement issue now, as the matter was before the Planning Board because the applicant had not abided by many aspects of the approved plan. Mr. Maynard said code enforcement was a different issue, saying this was a site plan violation, so Dr. Ebeed could not get his final Certificate of Occupancy.

Selectman Maddox said most people felt it was a painful ordeal to come before the Planning Board, noting that he was still getting phone calls from the neighbors, who he felt had now given up. He said Mr. Maynard had stated that it was a high-pressure sodium light, at 15 feet, with three foot candles. He said this matter had gone around and around at its own making.

No other comments or questions being brought forward, Chairman Russo asked the Board's pleasure.

Town Planner Cashell commented that Dr. Ebeed had made a silk purse out of a sow's ear.

Selectman Maddox noted that there had been no discussion about signage, in case it came up in the future. He then moved to approve the following amended site plan, entitled **Amended Site Plan "Derry Street Professional Building," Tax Map 174/Lot 023, Hudson, NH**, prepared by Maynard and Paquette, Engineering LLC, dated: August 12, 2008, revised through March 31, 2009, consisting of Sheet 1 of 1 and Notes 1 through 14, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. All improvements shown on the Plan, including Notes 1 through 14, shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. Prior to the issuance of a final certificate of occupancy, an LLC-certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms to the Planning Board approved site plan.
4. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NH DES requirements for such systems.
5. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Saturday.

6. Prior to Planning Board endorsement of the Plan, the following corrections shall be made to it: the first word "Existing" in Note 3.1 shall be spelled correctly, and Note 3.3 shall be amended to include the following language at the end of the present sentence: "(i.e., the west side of the lot, opposite Derry Street)".
 7. The three-light post on the Leslie Street side shall be removed from the site plan.
- 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 Ms. Stewart, Mr. Hall, and Mr. Russo, who all voted in opposition, and Chairman Russo declared the motion to have carried (4-3).

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of June 3, 2009, asking if there were any changes or corrections. None being brought forward, Mr. Hall moved to accept the minutes as submitted; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion to approve the 06-03-09 minutes. All members present voted in favor, and Chairman Russo declared the motion to have carried (7-0).

Mr. Hall moved to approve the minutes for the meeting of June 10, 2009, as submitted. Ms. Chadwick seconded the motion.

Mr. Barnes noted that he had a couple corrections to request, and Ms. Chadwick withdrew her second.

Mr. Barnes addressed Page 4, 4th paragraph, 1st sentence, saying "affluent" should be "effluent."

Mr. Barnes addressed Page 8, 3rd paragraph, 7th line, saying the "14 out of 461" clarification should be "41 out of 461."

No other changes being requested, Mr. Barnes moved to approve the minutes for the meeting of June 10, 2009, as amended. Ms. Chadwick seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion to approve the 06-10-09 minutes. All members present voted in favor, and Chairman Russo declared the motion to have carried (7-0).

Chairman Russo asked that the Board members be prepared to review the minutes of September 24th at the next meeting.

XII. NEW BUSINESS/PUBLIC HEARINGS

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

XIII. OTHER BUSINESS

Town Planner Cashell said the electronic message centers would be discussed at the July 22nd meeting. He then asked for an informal poll as to whether the Board members were looking for electronic message centers for the Business District only. Ms. Chadwick answered in the affirmative. Mr. Hall demurred, saying he did not think that had been decided. Chairman Russo said he would have no problem with such a sign in an industrial park. Mr. Hall said they might be appropriate in other places, depending on what was agreed to with respect to stipulations.

Ms. Chadwick expressed a hope that the citizens off Hudson would participate in the discussion.

Town Planner Cashell discussed Item 9 in Part D (Commercial Uses) in the Table of Permitted Principal Uses in the Zoning Ordinance, asking if the Board would consider sale and rental of motorized construction equipment such as bobcats fell in that category. Mr. Hall said it was irrelevant what the members of the Planning Board thought. Chairman Russo contended that Item 9 did not say "such as," so it pertained to any motorized vehicle.

XIV. ADJOURNMENT

All scheduled items having been addressed, Ms. Chadwick 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 8:52 p.m.

Date: July 9, 2008

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

These minutes were accepted as submitted following review at the 11-18-09 Planning Board meeting.