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**HUDSON PLANNING BOARD
MEETING MINUTES
November 12, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:00 p.m. on Wednesday, November 12, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, Marilyn McGrath, Suellen Quinlan, Terry Stewart, Richard Maddox (Selectmen's Representative), Vincent Russo (arrived at 7:09 p. m.), and George Hall (arrived at 8:03 p.m.).

Members

Absent: None. (All present.)

Alternates

Present: Brion Carroll, Tierney Chadwick, and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes seated Ms. Chadwick in place of Mr. Hall, who had not yet arrived, and seated Mr. Carroll in place of Mr. Russo (who also had not yet arrived).

Chairman Barnes noted that a public hearing was scheduled, saying it would be held when the Board got to agenda item E under **New Business**.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes addressed the minutes for the meeting of September 3, 2008, as provided in the 11-05-08 documentation packets, asking if there were any changes or corrections. None being brought forward, Ms. McGrath moved to accept the minutes as submitted; Ms. Stewart seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, and Chairman Barnes declared the motion to have carried.

Chairman Barnes addressed the minutes for the meeting of September 10, 2008, asking if there were any changes or corrections.

Mr. Barnes referenced Page 8 through 11, saying one of the representatives was Mr. George Chadwick, asking that the first name be added throughout that discussion in order to avoid confusion with respect to Ms. Chadwick.

No further changes or corrections being brought forward, Ms. McGrath moved to accept the minutes as amended; Ms. Quinlan seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, and Chairman Barnes declared the motion to have carried.

Chairman Barnes asked that the minutes for October 8, 2008, be reviewed for the next meeting.

VI. CORRESPONDENCE

Chairman Barnes stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

VII. PERFORMANCE SURETIES

A. Busnach Bond Release

Map 191/Lots 24 & 25

Reference: memo dated 10-09-08 from Gary Webster, Acting Town Engineer to John Cashell, Town Planner.

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

Town Planner Cashell said he had no updates.

Ms. McGrath moved to release the \$7,900.00 (plus interest) 2 -year maintenance surety for the Busnach Subdivision, in accordance with the written recommendation of the Town Civil Engineer, Gary Webster, dated October 9, 2008. Ms. Chadwick seconded the motion.

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

VIII. ZBA INPUT ONLY

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

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. Tip Top Tree Service (Existing Conditions) Map 161/Lot 48-1
SP# 05-08 6 Clement Road**

Purpose of plan: Site Plan Review, relative to wholesale distribution of bark mulch products. Hearing. Deferred Date Specific from the 10-08-08 Planning Board Meeting.

Chairman Barnes read aloud the published notice, as repeated above, noting that there was an item of correspondence in the handouts folder with regard to this case.

Mr. Russo arrived at 7:09 p.m. and took his seat at the table at that time, although not yet recognized by Chairman Barnes for the inprocess hearing.

Town Planner Cashell said a letter, dated November 11, 2008, had been received from Mr. Richard Maynard, outlining his client's concerns about this matter.

Ms. McGrath asked if the applicant had received a copy of Mr. Maynard's letter before this evening. Town Planner Cashell said they had received it tonight, noting that it had come in after the deadline. Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of an abutter, protested that the required information was not available until Thursday, asking how he could meet the deadline.

Mr. David Buhlman, representing the applicant, said he would like to make a brief presentation on how the comments had been addressed.

Chairman Barnes asked Mr. Buhlman to hold on, and he then asked if this application had been accepted.

Town Planner Cashell answered in the affirmative but then changed his answer, saying he thought the Board had moved for Application Acceptance but then had withdrawn the motion.

Ms. McGrath noted that the plan showed off-site parking, which was not allowed, and she asked if that were still part of the plan (to have employees park at the home down the road). Town Planner Cashell said he thought that was still part of the proposal. Ms. McGrath then expressed a belief that the application was not ready to be accepted if off-site parking were being proposed.

Ms. Quinlan noted that the regulations had been put in place as a guideline, noting that there was a unique situation here in that an existing business did not require employees other than having them come on the site to drive the trucks away, adding that there were no rest rooms or rest area, or any gathering place shed, or anything of that nature. She suggested that the Board discuss this to consider whether the regulation against off-site parking should be waived. If this site changed, she said, the Board might want to look at it.

Town Planner Cashell, having reviewed his records, stated that the Board had voted to approve acceptance at the July 9, 2008, meeting. Ms. McGrath asked him to check to see if the motion had not been withdrawn. Town Planner Cashell read aloud from the 07-09-08 minutes, reporting that a motion to grant application acceptance had been made by Selectman Maddox, seconded by Ms. Chadwick, and then passed with all members in favor. Ms. McGrath expressed continuing concern, questioning the effect if the applicant subsequently sold this lot, which would then be a business use without parking—adding that the Board needed to keep this in mind at all times for all sites, as they could easily change hands.

Ms. Quinlan said she would like clarification, as her understanding was that the applicant did not own this site but had permission to use it—adding that the original intent of this lot had been that this would be a house lot.

Mr. Maynard expressed a belief that off-site parking was prohibited by the Zoning Ordinance and therefore needed a variance.

Mrs. Donna Cormier, one of the principals, said she and her husband had purchased the lot outright from Mr. Donald Lavoie, the previous owner.

Mr. David Buhlman identified the plan as being dated August 20, 2008, last revised October 23, 2008, saying yellow -highlighted comments had been added to show how CLD comments had been addressed. He noted that Mr. Hall had brought up the idea of asking for a waiver for the use setback from the two different zoning districts, saying this waiver request had been added. He noted that another comment by the Board had been to have no parking on the street or a truck island (note 9), and no operation of the chipper on Saturdays or before 10:00 a.m., adding that a note had been added to that effect. With respect to CLD's comments, he said the plan was drawn at the correct scale and was now so -noted. He then referenced a premise that the uphill scale meant truck drivers would be above the usual road view (but 400 feet could be seen left or right from the driveway, he claimed); and all driveways or roadways were to be within 200 feet of the parcel, which he said had been done. Noting that another CLD comment had been that the applicant maintain the silt -fence buffer, he said the fence remained, but a 10 -foot-high berm had been placed around the border of the site, with a note added saying the applicant would maintain this as part of the runoff screening. He said CLD had subsequently stated that firm was content with the responses it had received.

Mr. Buhlman noted that initially there had been 12 trees proposed, but the Cormiers had planted 40. He said CLD had said the trees were not on the service way, but he noted that they were there to provide screening, noting that CLD had previously said trees would be better than a fence. He said 66% of the site would remain green, noting that wetlands were 130 feet away from the portion being used. Mr. Buhlman said people had been entering the property and taking pictures, causing the Cormiers such distress that they had gone to the police to complain. He said the place was under constant video surveillance, pointing out that the property at the corner was not the property being addressed by this application. He also noted that trees were being cut off Wall Street, but this had nothing to do with his client.

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of Mr. Walters, an abutter, referenced his letter of November 11. He said the Planning Board could not waive parking, which was a zoning regulation. He said he did not know who was trespassing to take pictures, but he acknowledged that people from his firm had taken pictures from the road, and he then submitted two sets of the pictures, saying these showed the trees planted were sparse, 10 feet inside the property line instead of the 20 shown on the plan, and would take years to provide any buffering. He said land just inside the front lot -line was being used, in violation of the 50-foot setback, contending that some kind of barrier was needed, and saying his client would prefer to see something solid. He said trees done right would be an excellent buffer, noting that the ones at the corner lot (1 Wall street) were 6 to 8 feet high, backed up by a solid wall. He said the pictures showed that the view from the driveway across the street looked right into the property, with no screening provided. He said his client would prefer to see the driveway to be moved down the road, to where it had originally been proposed. He noted that "wood materials" was not defined, noting that the present use

was logs that were then transported to a lumber mill, saying he would like some assurance that other uses did not appear later. He said "occasional wood chipping" was not defined, suggesting that it should be confined to mid-day. Addressing traffic, he said the minutes said it had been represented that the traffic would be "minimal" – noting that one of the pictures showed a lumber truck coming on and off the property, starting at 11:30 a.m. He expressed a belief that there would be pickup trucks and other vehicles not having a high sight distance that would also be coming onto the property.

Noting that the driveway was gravel, he said asphalt paved driveways were usually required, especially at the intersection with the public roadway. He noted that this was a dirt site, saying it was common on construction sites to have stone riprap or trap locks to knock the dirt and mud off the trucks for usually 50 feet, along with a requirement for regular sweeping and road maintenance. He expressed doubt that people would walk from this site to the corner lot to use the bathroom, saying this was unreasonable, and predicting that it would happen on site, which would be unacceptable. Noting that there had been a comment in the minutes that there was some sort of fire extinguisher attached to the wood-chipper, he said more was needed for fire prevention if the wood pile should ever ignite. He noted that there was nothing listing what kind of vehicles would be on the site, or how they would be fueled or what would happen in the case of spills, noting that his client was on a well. He said his client had observed trucks parked on Clement Road, waiting in the morning to enter the site to pick up materials, saying this was unsafe on the very narrow Clement Road. He concluded by saying this site did not meet the acceptance criteria, to his mind, adding that the related 1 Clement Road site appeared to be quite congested.

No one else coming forward, Chairman Barnes asked if Mr. Buhlman wished to respond. Mr. Buhlman noted that the comments were received the previous day, which was a holiday, with no one working at Town Hall. He said there would be no fueling going on at the site, stating that the comments about parking were just speculation or hearsay purported by an interested party. He said he was not prepared to respond to Mr. Maynard's letter, which he had just received tonight and had not seen. He noted that the Town Engineer had not made any comments, and that reviews had been done by the Fire Department, for which \$1,000 had been paid. He then requested that the Board approve the plan, questioning when the comment period would end.

Chairman Barnes pointed out that the Board was still accepting public input at this time, even if verbal.

Chairman Barnes asked Town Planner Cashell about the Zoning Ordinance requirement that all parking should be on site, with all parking spaces to be paved, citing HTC §334-15 A. Mr. Cashell said he did not see why it would be impossible to provide up to four paved parking spaces and an apron, with screening, adding that the Board had previously noted that portable toilets could be provided.

Mr. Buhlman said he felt the applicant would be in agreement to provide an apron. He noted that there was one owner and that this was an adjunct site, saying he did not think there would be an issue if the properties abutted. He said there were three employees, who were currently parking at 1 Clement Road, and that site had been

working well. He said the Board had to look at the expense being put on this applicant, referencing the cost of paving—and noting that this increased the impervious area, resulting in possible drainage issues. He commented that four 10-ft by 20-ft parking spots would mean paving some 400 ft², which would be quite a burden, together with the additional expense of a berm, as had been suggested by Mr. Cashell.

Town Planner Cashell noted that this site was very visible, saying the only way for the Planning Board to be satisfied would be for this site to properly fit in with its location. He said a good job had been done across the street, at 1 Clement Road, and he suggested that the same should be done here. Mr. Buhlman said the applicant would agree to plant more trees, noting that these trees would get wider. He then asked the Board to consider the large expense being placed on the applicant, who was a small business man, not a big developer.

Selectman Maddox said it had been fascinating to watch Mr. Maynard make a 180° turn from the arguments he usually made before this Board. He then stated that an apron was absolutely necessary, as big trucks with large loads would be coming out on the town road; Mr. Buhlman said he agreed. Selectman Maddox then suggested that a graveled parking area perhaps should be proposed, adding that there should be a time limitation on the wood-chipper noise, as well as more definition of the hours of operation. He noted that this was basically an earth-moving operation and should be so defined, adding that the site was quite visible as he drove up off Route 111. He expressed concern about possible future separation of this lot from the one across the street. He then closed by noting that he had witnessed white wood going in one end of the chipper and red bark mulch coming out of the other end, saying this implied chemicals, which Mr. Buhlman had previously said did not occur—adding that a list of what chemicals were involved should be provided to the Fire Department.

Mr. Buhlman said a fence could run \$15,000 to \$20,000, reiterating that his client was not a big developer. He said the gravel could be extended to provide parking sites, asking if the parking could occur in that 50-foot setback area. Selectman Maddox suggested that a portion of the product area could be used.

Ms. Stewart asked when Mr. Maynard had been engaged by Mr. Walters. Mr. Maynard said that was not relevant. Ms. Stewart demurred, saying this had been before the Board since April 28th and Mr. Maynard was coming in at the last minute. Chairman Barnes pointed out that anyone could come in and provide input.

Ms. Stewart asked if the applicant could not run the wood-chipper on Saturday or Sunday. Mr. Buhlman said there was no operation on Sundays, but Saturdays might be a problem. Mrs. Donna Cormier said the wood-chipper had been run perhaps on three Saturdays in the past year, noting that it had been suggested before that they get more property, which was why they had purchased this one. She said their employees were not allowed to go to the bathroom at customer's premises, but there was a pathway from the present site to the Lavoie site, which was opposite the Cormier's driveway on 1 Clement Road.

Mr. Hall arrived 8:03 p.m. and took his seat at the table, although not yet recognized by the chairman for the inprocess hearing.

Mrs. Cormier said bark mulch was made in the winter time, when windows were shut, saying the noise was below the acceptable limits and was no louder than a lawn mower, with the work being done during normal work hours, not on overtime. She said mulch season ended in June, noting that this business was a small operation, run by her husband and herself, with three employees.

Mr. Maynard said Mrs. Cormier had just said they sold directly to landscapers, which was not wholesale. He questioned why this site should be treated any differently than other sites, contending that the 50-foot setback should be respected, which would provide ample visual and noise buffering. He said the pile was getting bigger every day, with the site continually operating within 10 feet of the right-of-way. He said the plans called for three trips, wholesale, but this was not what he had observed, and he wanted to know what was meant by "retail" and "wholesale," adding that what had been seen was vehicles parked on the street in the morning before the gate was opened.

Mr. Carroll asked about the waiver request form, saying he did not see it. Mr. Cashell said it was the re.

Mr. Carroll said if wood-chipping were only done on three or four Saturdays a year, it should not bother the Cormiers not to do it at all on Saturdays. He then stated that chainsaws were very loud, adding that it had been said that chain saws were not used, in which case that should be stated in the plan's notes.

Mrs. Cormier said the mulch was manufactured in the winter time, when it was above freezing, and they had to go according to the weather. She said she had never said that chain saws were not used, as they had to be used to split the logs up. Mr. Carroll expressed a belief that he had heard a claim that there would not be any chainsaws used on the site—adding that, if they were used, they should be specified in the notes just as the wood chipper was.

Mrs. Cormier said they had neighbors across the street and they were respected. She noted that a tree service company was cutting trees on Mr. Walters' property a few weekends ago, but she had not informed the police—adding that the same tree service had asked about buying logs from her firm. She said the hours of operation were kept to a minimum out of respect to her neighbors.

Selectman Massey said he had asked about dye and had been told they were not using it. Mrs. Cormier said she had documentation saying everything was approved. She acknowledged that the color got changed.

Selectman Massey asked how the Town could enforce the occasional use of the wood-chipper if its use was stated as "occasional." Mrs. Cormier said this was why hours were stated on the plan. Mr. Buhlman said they would look into this.

Selectman Massey asked if the Cormiers were aware that there was a sewer liability in the event that a sewer were ever connected. Mrs. Cormier said they understood that, but there would not be a sewer connected.

Ms. McGrath asked if parking on the site would be presented as part of this plan review. Mr. Buhlman asked if she meant changing the plan and resubmitting it; he then

stated that he would have to get together with his clients to discuss the impact of the expenses proposed tonight.

Ms. McGrath asked if the owners would consent to portable toilets. Mrs. Cormier said they would agree if it became a deal breaker, but there was no problem with their employees. Ms. McGrath noted that she lived next to a site, and people frequently went out in the parking lot during the day to relieve themselves. Mr. Buhlman said the employees of this site were not doing that.

Ms. McGrath noted that Mr. Buhlman had indicated that there had been a number of people coming onto the site and taking pictures; she asked if he could state that it was not someone from this Board. Mrs. Cormier said the license plate of the vehicle involved had been determined to be registered to Maynard & Paquette, adding that a woman had been seen on the 1 Clement Road site, and adding further that there was a video recorder in Mr. Walters' window pointing at her property.

Selectman Maddox referenced the plan, saying the wood mound was shown up against the berm. Mr. Buhlman said it moved around. Mrs. Cormier said they intended over time to get the site looking as good as the 1 Clement Road site, adding that the rock in the 50-foot setback was for dressing up the site and the pile of loam was for further landscaping. Selectman Maddox said it seemed as though there were room to the back that could be used. Mrs. Cormier noted that the property sloped down at the rear. Selectman Maddox suggested that the site be moved back, saying the provided bushes would not cover a bicycle.

Chairman Barnes said the Board needed to move on; he then asked how much time was needed to address the comments.

Ms. Quinlan clarified that 14 Clement Road was in the Industrial zoning district, noting that the residential abutter lived in an Industrial zoning district; she claimed this meant the setback requirement was not applicable. She said a stockade fence should not be needed, adding that she did not want to see the impervious surface increased. She then pointed out that many people put colored bark mulch around their property and it did not seem to soak down into their wells. She questioned if the Board really wanted a big ugly porta-potty to be installed on this site. She then suggested that many of these problems could be taken care of by adding a note that the property would have to come back to the Planning Board if any different use were proposed in the future.

Mr. Carroll expressed concern about the use of "occasional," saying the use should be defined.

Ms. McGrath suggested "no later than 4:00 p. m." be added to the wood-chipper hours of operation listed in Note 14. Mrs. Cormier expressed agreement.

Town Planner Cashell said the December meeting was full and he was anticipating a full agenda for January 14th because of the needed public hearings, adding that he did not think anything would be going on on this site in the interim beyond what was already going on there now.

Ms. McGrath moved to defer further action on this matter to the January 28th meeting. Ms. Chadwick seconded the motion.

Mr. Carroll expressed a desire to change "wood chipper" to some term that included wood chippers, chainsaws, thrashers, or whatever fit. Ms. McGrath suggested replacing "rotor-tiller" with "wood finishing operation."

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

Mr. Buhlman asked if the Board were insisting on a fence, saying it was expensive. Selectman Maddox said bigger and better trees would have to be shown.

Chairman Barnes recognized Mr. Russo and Mr. Hall at this time, saying they would be seated from this point, on with Ms. Chadwick and Mr. Carroll returning to their alternate positions.

XII. NEW BUSINESS/PUBLIC HEARINGS

A. C & M Machine Products (Additions) Map 215/Lot 2 SP# 14-08 32 Executive Drive

Purpose of plan: To construct additions to the existing building and additional paved parking and maneuvering areas. Project to be constructed in three phases. Application Acceptance & Hearing.

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

Town Planner Cashell confirmed that the application was ready for Application Acceptance

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

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

Town Planner Cashell said additional documentation had been received on this date; he then handed copies out, but Chairman Barnes noted that the Board members would have no time to read it.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, noted that he was appearing before the Board as the engineering representative of the applicant, George Villemaire (property manager and one of the owners), who was seated in the audience. Mr. Maynard reviewed the history of the site, saying the proposal was to replace the front with a 9,290 ft² addition, and to add

6101 ft² at the rear , totaling 11,865 ft² of new footage , with 17 new parking spaces being added to increase the total to 82. He noted that CLD had three comments :

- (1) Snow storage — he said there had been no problem in 30 -odd years of operation .
- (2) Landscaping — he said this was one of the better -landscaped sites in the entire park, saying this comment by CLD had been insulting to his client.
- (3) Drainage — He said a retention facility would be added for treatment and ground-water recharge , and he pointed to details on the plan affixed to the meeting -room wall, saying CLD's comments did not amount to a hill of beans, as there would be less runoff.

Mr. Maynard identified the plan on the wall as being entitled **Site Plan, C&M** prepared by Maynard & Paquette, dated Feb 21, 2008, Dwg 1 of 5, last revised 10 -16-08.

Chairman Barnes 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 Barnes asked if members of the Board had any questions.

Mr. Carroll asked why the shoreline protection lien was not added to the plan. Mr. Maynard responded: "No problem."

Selectman Maddox asked for clarification about the Fire Department's issue. Mr. Maynard discussed details on the plan, saying the other addition had been removed, as they could not put an accessway at the rear.

Ms. Stewart asked about the Heritage Trail easement. Mr. Maynard said it was shown on the plan, same as before, noting that there was an easement recorded. Town Planner Cashell referenced the aerial view, noting that there was a 560-foot drop-off. Mr. Maynard said there had been a request to provide access, but he had said it was not possible. Mr. Cashell said there was a beautiful flat plateau along the river bank, but it had to be accessed from elsewhere.

Chairman Barnes asked about the Shoreland Protection Act's restriction on impervious surface. Mr. Maynard said they met the criteria, noting that Mr. Cashell had documentation on file.

Selectman Maddox asked if the addition would be two -stories. Mr. Maynard answered in the negative, saying it was a one -story office level.

Selectman Maddox moved to grant the following waivers:

- (1) HTC 275-9 H -- HISS Study
- (2) HTC 275-9 B -- Traffic Study
- (3) HTC 275-9 C -- Noise Study
- (4) HTC 275-9 D -- Fiscal Impact Study

Ms. McGrath seconded the motion.

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

Town Planner Cashell said the crux of CLD's report had to do with the modifications to the site, with CLD contending that these had to comply with the latest regulations, but Mr. Maynard contending they did not. Mr. Maynard said it was more than that, as they were now adding trees, so that they would be doing more than was done today, so they were meeting the spirit and intent of the regulation.

Town Planner Cashell asked if Mr. Maynard would have trouble complying with CLD's recommendation to have the site comply with the regulations with respect to storm-water practice. Mr. Maynard contended that the site did so, adding that it complied with the intent and purpose. Mr. Cashell said he wanted to avoid the situation that had occurred with the site at the top of the hill on Clement Road, which Mr. Maynard had previously represented; Mr. Maynard contended that that plan had gone through Town Engineer Sommers. If worse came to worse, Mr. Maynard stated, he could put a leaching catch basin in and discharge it to the ground, adding that he would be doing more than was treated today.

Selectman Maddox asked about the CAP fee controversy, noting that Mr. Maynard's figure for one payment was higher than Mr. Cashell's two-phase total. Mr. Maynard said Mr. Cashell had the real numbers.

Chairman Barnes asked for the Board's pleasure. Selectman Maddox suggested approval contingent upon signoff by CLD and the Engineering Department. Mr. Hall said he would be okay with final engineering review.

Mr. Carroll noted that CLD had asked for a note put on the plan saying there would be no fertilizer usage within 250 feet of the river. Mr. Maynard said he had no problem with that, saying CLD's comments had just been received this past week.

Selectman Maddox asked if the plan were being phased over a 3-year period. Mr. Maynard answered in the affirmative. Mr. Cashell said it would be broken down. Mr. Maynard said he would put Mr. Cashell's final CAP numbers in.

Selectman Maddox moved to approve the Site Plan entitled: **C & M Machine Products, 32 Executive Drive, Map 215/Lot 2, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC, dated Feb. 21, 2008, revised through Oct. 16, 2008, consisting of Sheet 1 through 5 and Notes 1 through 19, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. All improvements shown on the Site Plan -of-Record, including Notes 1 through 19, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. The building rendering Plan -of-Record, representing a facsimile of the building upon completion of Phase I of II, is included in the permanent file and

entitled: **Architect Rendering Phase 1 of C & M Machine Products, Inc., 32 Executive Drive, Hudson, NH, dated November 2008.**

4. A cost allocation procedure (CAP) amount of \$3,901.80 shall be paid prior to the issuance of a Certificate of Occupancy for Phase 1, and \$2,562.00 shall be paid prior to the issuance of a Certificate of Occupancy for Phase II, for a total CAP amount of \$6,463.80.
5. Prior to the issuance of a final certificate of occupancy for each of the two phases, an LLS -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.
6. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
7. 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.
8. This plan shall be subject to final engineering review and approval prior to Planning Board endorsement of the Site Plan -of-Record.
9. Prior to endorsement of the Plan, the correct above -cited CAP amount shall be inscribed on said plan, together with the citation regarding the two phases of construction.
10. Prior to endorsement of the Plan, it shall be amended to include reference to blasting/ramming of bedrock material and the restriction of said activities to between 8:00 a.m. and 5:00 p.m. Monday through Friday. Such activities shall be prohibited on Saturdays and Sundays.
11. A note shall be added to the plan stating that fertilizer shall not be used within the 250 -foot Shoreland Protection buffer.

Ms. McGrath seconded the motion.

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

Chairman Barnes declared a break at 8:54 p.m., calling the meeting back to order at 9:10 p.m.

**B. Derry Street Professional Building
(Amended Plan) SP# 15-08**

**Map 174/Lot 23
26 Derry Street**

Purpose of plan: To amend the previously approved plan, HCRD #35723, to include existing white fence, exterior lighting, and additional parking along rear. Application Acceptance & Hearing.

Chairman Barnes read aloud the published notice, as repeated above. He then stated that he would be stepping down from this case, as he had done in the past, and he turned the gavel over to Vice -Chairman Russo.

Town Planner Cashell noted that there were outstanding items, adding that he had discussed these with the applicant, who had requested deferral to the December meeting in order to address CLD's concerns. He suggested that it would be better to defer to January 14 or 28th.

Acting Chairman Russo seated Mr. Carroll in place of Mr. Barnes.

Ms. McGrath asked if there had been any correspondence or calls from abutters. Selectman Maddox said he had received a call from an abutter, who had said that their lack of being here was not an indication that they were not still concerned, but they felt everything had been said and they expected the Board to act accordingly. Town Planner Cashell said he had much the same discussion with an abutter, who said the abutters were still concerned with the exterior lighting, the fence, and the tandem parking on the site, which was a major issue.

Ms. McGrath noted that this plan had been approved in April 2007, saying she had concern that this was dragging out far too long. Mr. Russo expressed agreement, noting that this issue had been dragging on for the past seven months.

Mr. Carroll asked if there were violations and this plan were an attempt to rectify those violations—or was this an attempt to circumnavigate the violations and to keep them. Town Planner Cashell said the latter was true. Mr. Carroll expressed a belief that the Code Enforcement Officer should be writing up the violations. He said the plan in front of him was in violation of what the applicant had said he would do.

Mr. Russo said some lighting detail was needed, and he had not seen it as part of this plan.

Selectman Maddox said the parking space sizes had changed. Town Planner Cashell said the Community Development Department had pointed out that there were violations, noting that the Town was dealing with multiple parking violations and added lighting, as well as the fence issue, and the applicant had asked for deferral.

Acting Chairman Russo noted that he had not been present at the previous meeting, and he asked about the lighting. Town Planner Cashell said there had been a split on the Board with respect to the lighting.

Ms. Stewart said she tended to agree with Ms. McGrath, saying it was totally unacceptable for the applicant to keep; deferring, and she felt the applicant should do what he had agreed to do.

Ms. McGrath said the applicant had agreed to have the fence be something other than white, so she was not amendable to changing that requirement.

Ms. Stewart said another agreement had been that the dumpster would be in an enclosure, but it was just sitting on a pad.

Selectman Massey said he was surprised to hear that a zoning violation had not been cited, and he predicted that the Board would keep getting requests for deferrals if the Board did not identify all of the issues that it wanted to be addressed before the applicant came back before the Board, as well as providing sufficient time for CLD to comment on the revised plan before the hearing was scheduled.

Mr. Carroll said there should be no As-Is plan, but that there should be violations cited. He protested that the applicant was bringing in a plan as to how he wanted the site to look, rather than what he had agreed to before —adding that he did not understand why violations were not being written up, since the site was noncompliant. Ms. McGrath noted that the former Code Enforcement Officer and the former Community Development Director, who had been responsible for enforcement, were no longer with the Town. She then noted that the applicant had assured this Board that he had adequate parking, but what this boiled down to was that he was trying to amend the plan back to what he had originally wanted, trying to cram too much onto this small site.

Selectman Maddox said he understood that a zoning violation had been written up but was on hold because the applicant was going through the process of coming before this Board. He said he would like to make a motion that the Board would not be amendable to 9 -ft by 18-ft parking spaces, saying they should be the 10 -ft by 20-ft size approved by the Town. Ms. McGrath seconded the motion. Mr. Hall questioned how the Board could make a motion on a plan that had not yet been accepted. Selectman Maddox suggested there should be a Board consensus.

Acting Chairman Russo said there had to be a motion either to go forward or to defer. Ms. McGrath said Selectman Maddox had made a motion, which had been seconded.

Mr. Carroll said he would like to discuss the potential of accepting the application so that the Board, in reviewing the application, could come up with a list of things with which the members did not agree concerning the plan. He contended that the Board could not make a motion on something that had not been accepted, but otherwise could not develop a list.

Ms. McGrath moved the motion, and she then read Selectman Maddox's motion aloud ("that it is the consensus of the Planning Board that 9 -ft by 18-ft spaces are not acceptable to this Planning Board"), noting that she had seconded that motion.

Ms. Quinlan questioned why the Board was talking about something for which the applicant had requested deferral. She suggested that the Board's consensus issues could be determined by a poll of the members, noting that not all members would have the same issues.

Selectman Maddox seconded Ms. McGrath's motion to move the question.

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

VOTE: Acting Chairman Russo called for a hand vote on Selectman Maddox's previous motion that 9 -ft by 18-ft parking spaces were not acceptable to the Planning Board. Selectman Maddox, Ms. McGrath, and Mr. Russo voted in favor; Ms.

Quinlan and Mr. Carroll voted in opposition, and Mr. Hall and Ms. Stewart abstained. Acting Chairman Russo then declared the motion to have carried (3-2-2).

Mr. Carroll said he had voted in opposition because the parking -space size was already taken care of by the regulations.

Mr. Maddox moved to defer further review of t he Derry Street Professional Building Amended Site Plan application, including application acceptance, date specific , to the January 28, 20 09, Planning Board Meeting. Ms. Quinlan seconded the motion.

Ms. Stewart questioned what would happen if the Board d id not make its concerns known to the applicant, and the applicant came back without addressing those issues. Selectman Maddox said the Board would probably defer it again.

Mr. Hall suggested that another option would be to have a discussion with the applicant but not accept the plan, in order to get a consensus on the issues. Acting Chairman Russo said he agreed but that there was a motion on the floor. Selectman Maddox said he had made the motion to defer because the applicant had requested it ; he then noted that the Board could not accept the plan because it was not ready for CLD review, and he had made the preceding motion so that the too -small parking spaces would not be on the plan when it came back at the end of January, so that the Board would hav e something to talk about.

VOTE: No further comment being brought forward, Chairman Russo called for a hand vote on the motion. All members voted in favor except for Mr. Carroll, who voted in opposition, and Mr. Russo, who abstained. Acting Chairman Russ o then declared the motion to have carried (5 -1-1).

Chairman Barnes resumed his position as Chairman, with Mr. Russo resuming his position as a regular member and Mr. Carroll returning to his normal position as a non-voting alternate.

**C. Allyson's Landing (Amended Plan)
SB# 09-08**

**Map 217/Lots 37 & 38
7 Mark Street**

Purpose of plan: To show one (1) conventional residential lot and ten (10) new OSD lots with accompanying road and site improvements. This application amends and restates the subdivision plan application dated 08-14-08. Application Acceptance & Hearing.

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

Town Planner Cashell said he had received a report from CLD.

Selectman Maddox moved to accept the OSD Subdivision application for property located off 7 Mark Street, and also referenced on the application as 67 Burns Hill Road, Tax Map 217/Lots 33 & 37. Mr. Russo seconded the motion.

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

Town Planner Cashell said he had no changes to his staff report.

Mr. Tony Basso, of the firm of Keach -Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, said the applicant was proposing a 10-lot subdivision, with one lot having an existing residence on it. He described details of the proposal, recalling that the applicant had obtained a favorable zoning decision, but had revised the plan to 30,000-ft² lots, but the application had been denied for not having a request for a waiver of the cul-de-sac length requirement, which had now been provided. He outlined the proposal, saying it was a 1,000 -ft cul-de-sac, 28 feet wide, noting that the Zoning Board of Adjustment had granted a Special Exception for the wetland crossings, and adding that there would be 16.75 acres in conservation. He outlined the drainage plans, noting water would be connected from the Empire Circle subdivision, with the houses having a community septic system and private sprinkler systems, as accepted by the Fire Department. He said they were looking at the second round of CLD comments, but were not yet ready to address those, noting that the State wetlands permit had been received. He said the declaration of conservation and easements had been submitted and had been forwarded to Atty. Buckley for review. He then offered to answer any questions.

Chairman Barnes 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 Barnes asked if members of the Board had any questions.

Mr. Carroll referenced Sheet 7, saying he recalled the outer circle of Empire Circle was too broad, and he asked if it were adequate to allow a fire truck to maneuver. Mr. Basso said he had reviewed that and had increased the width to 28 feet, which the Fire Department had asked for, and Road Agent Kevin Burns had confirmed this was enough for school buses, but CLD continued to request that he go back to 20 feet, which he found very frustrating. He said he was providing more than the minimum, so he did not see a need to request a waiver, as the 20-foot measurement would not comply with ADA requirements or the Fire Department request. He said the schematic in the book showed 20 feet as a minimum, which would not be adequate for fire trucks and school buses. Town Planner Cashell said that issue had been fixed by Board action, with the diagram having been changed. Mr. Basso said he had been responding for ten years that he did not need a waiver for this.

Selectman Maddox asked for clarification of the ten lots, asking if this included Lot 33-10. Mr. Basso answered in the affirmative. Selectman Maddox said Lot 33-10 did not come out onto Allyson Drive. Mr. Basso said it would, as the present driveway

would be removed, with a new one connecting to Allyson Drive. Selectman Maddox asked if the existing building would also be sprinklered. Mr. Basso answered in the negative.

Selectman Massey asked if Mr. Basso had applied for the water connection. Mr. Basso said he had applied and it had been approved by the Water Utility Commission.

Selectman Maddox asked if the frontage were still 150 feet, for the duplexes. Mr. Basso said he could have half, or 75 feet, for an OSD development, but that he actually had just shy of 200.

Mr. Russo questioned whether the Fire Department had agreed to the existing house not being sprinklered, saying he wanted documentation to that effect. Mr. Basso expressed agreement.

Chairman Barnes asked if the Board were comfortable with the waiver request for the cul-de-sac.

Mr. Carroll expressed a belief that the sprinklering addressed the Fire Department issues.

Ms. McGrath said she was not comfortable with a cul-de-sac off a cul-de-sac, saying she would not vote for that, and adding that she felt the Fire Department had been concerned about all life-safety issues, not just fire.

Mr. Hall expressed agreement, questioning if the argument that one could put a cul-de-sac off a cul-de-sac without regard to the combined length meant that developers could simply keep going.

Mr. Russo said this Board several years ago, when the Empire Circle development was put in, had voted not to provide access. He said he felt the blessing of the Fire Department suggested it was okay, noting that the Board had several times allowed extended cul-de-sac lengths. He said it was getting more and more difficult to develop land, adding that he felt the applicant had done everything that had been asked.

Ms. McGrath said the Board had approved longer cul-de-sacs, but those were not off from another cul-de-sac, and she would not vote to approve this. She noted that the Fire Department had also been concerned with getting ambulances and other emergency vehicles up cul-de-sacs, and they had not thought cul-de-sacs were good things.

Selectman Maddox said there was a fully-manned fire station less than half a mile away, adding that the applicants could connect directly through Lot 37 to Burns Hill Road if they wanted to. He noted that a lot of conservation land was being provided, with almost half of the total being open space, and he questioned forcing them to cut through one of the lots for a direct connection.

Ms. McGrath said the open space was largely wetlands that could not be developed anyway.

Mr. Hall said he would have to understand what the tradeoff was and also what the criteria would be moving forward. He said the preceding cases of overlength cul-de-

sacs had provided significant trade-offs, eliminating a number of wetlands impacts, but this was a significant increase, and he did not see what the criteria was for justifying this length—adding that he questioned what the limit number would be for future applications.

Mr. Basso said the Fire Department letter said that, with the recommendation, the author was satisfied and did not say that he still had concerns. He then referenced the minutes of the Planning Board's meeting of August 24, 2004, noting that Mr. Noury had volunteered to donate a 50-foot connection but that Mr. Hall had said at that time that these connections should not be provided ... and he noted that two such connections to adjoining properties had been provided a month later, for Mr. Sousa's development. He said Mr. Graham did not have an opportunity to get this land at the time, which would have provided a way out. He said the open space was *not* predominantly wetlands, saying it included 12 acres of usable land. He said it would not make sense to put in another road for the Town to maintain, adding that he still contended that the text of the requirement was clear that the cul-de-sac should be measured from the edge of pavement, which he was doing.

Mr. Carroll said it really depended on where one lived and the Fire Department started from, and he did not see how due diligence could have yielded any other result.

Selectman Maddox referenced sheet 1 of 19, saying the State had purchased the land below Lot 10 as part of the planning for the Circumferential Highway. He then moved to approve the following two waivers:

- | | |
|-----------------------|------------------------------|
| (1) HTC 289-26(B)(10) | HISS Mapping |
| (2) HTC 289-26(D) -- | Fiscal/Environmental Studies |

Ms. Stewart seconded the motion.

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

Selectman Maddox moved

Mr. Maddox moved to approve waiver HTC 289 -18 (B) 2, *100-ft. cul-de-sac length*. Mr. Russo seconded the motion.

Selectman Maddox spoke on his motion, saying he felt the open space being picked up was a good tradeoff.

VOTE: Chairman Barnes then called for a hand vote on the motion. All members present voted in favor except for Ms. McGrath and Mr. Hall, who both voted in opposition, and Chairman Barnes declared the motion to have carried (5-2).

Selectman Maddox asked for input from Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, on the open space.

Atty. Westgate said he had drafted a Declaration of Covenants and Open Space similar to others he had drafted for this Board in the past, saying this was subject to Atty. Buckley's review. He said the open space would be owned in common by the lot-owners of the subdivision rather than being owned by an association, saying the association's purpose would be just to manage the open space, rather than to own it, in accordance with the covenant.

Selectman Maddox asked if Lot 37 were part of this agreement. Atty. Westgate answered in the negative.

Mr. Hall asked if the residents would own one tenth of the open space. Atty. Westgate answered in the affirmative, saying the alternative would be to deed the property directly to the association.

Ms. McGrath moved to defer further review of the OSD Subdivision Plan off 7 Mark Street, date specific, to the December 10, 2008, Planning Board Meeting. Ms. Stewart seconded the motion.

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

**D. McGibbon Site Plan
SP# 16-08**

**Map 234/Lot 48
Stuart Street/River Road**

Purpose of plan: To show a proposed change of use from coffee shop to dog training/grooming facility. Application Acceptance & Hearing.

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

Selectman Massey stepped down, saying he was recusing himself from this case.

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

Ms. Stewart moved to accept the Site Plan application for the proposed Dual-Use Site Plan at Stuart Street/River Road, Map 234/Lot 48. Mr. Russo seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Ms. McGrath, who abstained, and Chairman Barnes declared the motion to have carried unanimously (6 -0-1).

Town Planner Cashell said a lot of this had to do with the Zoning Board of Adjustment, which had recently allowed the change of use.

Ms. McGrath asked if anyone from Mr. Cashell's office had visited this site within the past week. Mr. Cashell said he had driven by, but he did not know if Mr. Oleksak had been there.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, Loreen McGibbon, discussed details of the site.

Ms. McGrath asked about the new shed. Mr. Basso said the owners had applied for a Building Permit, which was granted a week and a half ago.

Mr. Basso said no overnight kenneling or grooming were being proposed. He noted that the use was allowed in the site's zoning district. He said there had been an existing 6-foot stockade fence, which had been replaced with a new fence, using most of the same holes. He noted that the Fire Department had asked the McGibbons to move the propane tank, which they had done. He said the site was serviced by a septic system, but the McGibbons would have another company come remove the dog waste, reiterating that the planned use was just for training of the dogs.

Chairman Barnes 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 Barnes asked if members of the Board had any questions.

Mr. Russo asked if the training would take place in the old coffee shop. Mr. Basso responded in the affirmative, saying the training would be indoors, not outside.

Mr. Carroll asked about the length of stay. Mr. Basso said the dogs would be dropped off for an hour or less and would not be left there for any length of time. Mr. Basso said he would be happy to add a note saying there would be no overnight boarding on the site or dog-sitting service. He said it was meant to be a training session, not for the keeping of dogs for any length of time.

Mr. Russo asked how many dogs or trainers could be accommodated. Mr. Ramon Miranda, identifying himself as a friend of the applicant, said the service would be private or semi-private, so there would be no more than three or four dogs in class at a time. He said a trainer could not pay enough attention to a large group of dogs.

Mr. Hall questioned how the parking spaces could work. Mr. Basso said this was what had been there originally, as proposed on the Maynard and Paquette plan for the coffee shop, adding that it was striped as shown on the plan. Mr. Hall said no one had ever parked in the way as shown while the coffee shop had been in operation. He then questioned why nine spaces were needed. Mr. Basso said he did not think more than three or four were needed, but that he had just shown what was already there as an existing condition.

Mr. Ken Massey, 20 Fairway Drive, speaking as a citizen, said the practical way to park on that lot for the past five or six years had been facing into the lot, using seven to eight parking spaces.

Ms. McGrath said she did not have a problem with what was being proposed, saying she did not anticipate it would be an exceptionally busy use, but she had a problem with the large shed, as the Zoning Ordinance said accessory sheds were to be placed at the rear of the building, and she felt the shed needed to be moved in order to comply with the zoning.

Mr. Hall said he had an issue with the shed, too, noting that the Board had appealed the issuance of a Building Permit for another site that did not have site plan approval. Mr. Basso said the area to the rear was the location of the septic system, saying he guessed that the Building Permit had been issued because the site was not being used for business at that time.

Mr. Hall noted that anywhere else would be in the setback, so there was no other location for the shed, but it needed to be part of site plan approval, so he had a problem with staff issuing the Building Permit. Ms. McGrath expressed agreement, noting that the Board had had similar problems with staff in the past, and adding that this was not a small shed and was very visible from the road. She then expressed a hope that the two Selectmen sitting in the room would take up this issue with staff, so that it did not continue to be a problem, as this was not the first time.

Mr. Basso reiterated that there was no other usable location, declaring that this kind of weight could not be put on a leach field, as it would crush it.

Ms. McGrath said the shed far exceeded the stockade fence, saying the property now looked like three large buildings sitting side by side. Selectman Maddox noted that the leach field was shown on the last sheet of the plan, adding that he had made a note to speak to the Building Inspector as to why the Building Permit was issued.

Selectman Maddox then moved to grant the following waivers:

1. HTC 275-6 - Development Agreement
2. HTC 275-9 B - Traffic Study
3. HTC 275-9 C - Noise Study
4. HTC 275-9 D - Fiscal Impact Study
5. HTC 275-9 A - Drainage Study
6. HTC 275-9 H - High Intensity Soil Survey (HISS)

Ms. Stewart seconded the motion.

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

Ms. McGrath asked if the shed could be relocated to the rear of the building that had formerly been used as the coffee shop. Mr. Russo noted that there was a regulation as to how close propane tanks could be to buildings, which would provide a limitation. Ms. McGrath said she was thinking of the back of the parking lot. Mr. Hall said it would cost a significant amount of money to move the shed; he suggested the cost should be known. Mr. Basso said moving the shed there would simply move it to a location along

Steward Street, questioning what the advantage would be. He then noted that Town Planner Cashell had suggested some landscaping. Mr. Cashell said some decorative shrubbery could be provided. Mr. Hall asked about the cedar trees; Ms. McGrath said she had not noticed them. Ms. McGibbons said they had taken out the bushes, to move the propane tank, but she planned to plant some trees —adding that all one could see was the roof behind the fence, and all she had felt she needed was a Building Permit. Mr. Hall said the Board was not blaming her.

Mr. Carroll said he felt enough due diligence would have been done if decorative landscaping would be provided so that over time one would not see the shed. Mr. Basso said he would gladly amend the plan to add the trees.

Mr. Russo said the propane had been screened behind the bushes, but now it was next to the driveway, and he had a problem with that; he then asked about details on the bollards, contending that 4 -inch lolly columns were not sufficient. He said he intended to discuss this with the Fire Department, to find out their thinking. Mr. Basso said further back on the property would interfere with a pump station, but he expressed doubt that the weight of the shed was a problem, as it would be distributed,

Ms. McGrath said the Building Permit allowed the shed to be placed in an area that clearly did not conform to the Zoning Ordinance.

Selectman Maddox suggested the parking space closest to the propane tank be eliminated. Mr. Basso expressed agreement.

Selectman Maddox moved to approve the Site Plan entitled **Amended Site Plan McGibbon Property, Map 234/Lot 048, Stuart Street/River Road, Hudson, New Hampshire**, prepared by Keach -Nordstrom Associates, Inc., dated: October 24, 2008 (no revision date), consisting of Sheet 1 of 1 and Notes 1 through 15, 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 HCRD, together with the Site Plan -of-Record.
2. This approval is exclusive to the change of commercial use from the former coffee shop (formerly known as "The Daily Grind") to a dog grooming/ training facility, with the existing dwelling use to remain the same —i.e., as a single-family dwelling.
3. All improvements shown on the Site Plan -of-Record, including Notes 1 -15, shall be completed in their entirety and at the expense of the applicant or her assigns.
4. Prior to the issuance of a final Certificate Of Occupancy, an LLS -certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms to the Planning Board approved site plan.
5. This plan shall be subject to final engineering review and approval.

Ms. Stewart seconded the motion.

Mr. Hall said he would like to see the fence shown on the plan, together with trees for screening, with parking to be head -in along the north end of the parking lot.

Selectman Maddox then added the following additional stipulations:

6. The existing fence to be shown on the final amended drawing .
7. Trees suitable to screen shed shall be placed outside of fence.
8. Parking spaces to be shown head -in along north edge of parking lot.
9. No overnight nor daytime boarding of dogs shall be allowed.

Ms. Stewart expressed agreement, making this a friendly amendment.

Ms. McGrath said she would vote against the motion, as this site did not conform with the Zoning Ordinance because of the location of the shed.

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

E. Amend §275-8(26)(a) of the Planning Board's Site Plan Review regulations, relative to the parking requirements for automotive fuel stations, automotive fuel stations with general retail and automotive fuel stations with fast-food establishments

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

Chairman Barnes then opened the public hearing at 10:54 p.m. for public input and comment, in favor or opposition. No one being present to provide comment either way , he closed the public hearing at 10:55 p.m.

Ms. Quinlan moved to approve the amendment of HTC §275-8 (26) (a) of the Planning Board's Site Plan Review Regulations, so that said section shall read as follows:

(b) Automotive fuel stations: one space for each fuel dispenser, plus two spaces for each working bay, plus one space per employee on the largest shift. Automotive fuel stations with general retail shall provide, in addition to the foregoing parking requirements, one (1) parking space per two hundred (200) square feet of gross leasable area established for the general retail use. Automotive fuel stations with fast - food establishments shall provide, in addition to the foregoing parking requirements, one (1) parking space per one hundred (100) square feet of gross leasable area established for the fast-food use.

Ms. Stewart seconded the motion.

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

XIII. OLD BUSINESS

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

XIV. CONCEPTUAL REVIEW ONLY

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

XV. OTHER BUSINESS

Chairman Barnes pointed out that several positions were expiring, including his own, Ms. Chadwick's, and Ms. Chadwick's, as well as an existing alternate's position that was still open. He noted that application forms were available at the Selectmen's Office or on the Web, saying they had to be turned in by December 3, 2008.

Mr. Carroll said he wanted to do some investigation and present to the Board some ideas about turning off unnecessary lights and getting these concepts incorporated into the regulations. The consensus of the Board was in favor.

Mr. Carroll said he had heard that the new Federal administration wanted to revitalize the roadway structure across the country. He said he had presented comments to the NRPC, saying he wanted them to take the Circumferential Highway off the list, but they had wanted it just for a place holder, which he really did not agree with. If there was a federal initiative to do something, he said, he would like the Town of Hudson request that the NRPC list the Circumferential Highway not as something to be privately funded but as something that was actually going to be done, like everything else. Selectman Maddox said he thought this was something that should be discussed at a workshop, saying there was a whole bunch of things that would have to happen. Chairman Barnes asked Town Planner Cashell to put this matter on a workshop agenda.

Ms. Stewart said the new pharmacy on Derry Street had been in violation this past Saturday. Town Planner Cashell said the workers had not been managing the traffic coming out of the housing development behind the project. Ms. Stewart said they were not supposed to be working there on Saturday.

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Mr. Hall moved to add the issue of the 7 Stewart Street shed to the December 3rd workshop and to invite Building Inspector Oleksak to that meeting to explain how he interpreted the Zoning Ordinance. Ms. McGrath seconded the motion.

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

XV. ADJOURNMENT

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

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

Chairman Barnes then declared the meeting to be adjourned at 11:08 p.m.

Date: April 6, 2009

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

These minutes were accepted as amended following review at the 05-06-09 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
November 12, 2008**

Page 27

The following changes were made in accordance with the Board's review of these minutes at its May 6, 2009, meeting:

Page 4, next -to-last paragraph — the phrase "off -site parking was a requirement of the Zoning Ordinance and therefore needed a variance" was changed to read "off -site parking was prohibited by the Zoning Ordinance and therefore needed a variance."