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**HUDSON PLANNING BOARD  
MEETING MINUTES  
August 27, 2008**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:05 p.m. on Wednesday, August 27, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

Chairman Barnes asked Mr. Carroll 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, George Hall, Marilyn McGrath, Vincent Russo, Terry Stewart, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:29 p.m.).

**Members**

**Absent:** None. (All present.)

**Alternates**

**Present:** Brion Carroll and Ken Massey (Selectmen's Representative Alternate).

**Alternates**

**Absent:** Tierney Chadwick (excused).

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes seated Mr. Carroll in place of Ms. Quinlan, who had not yet arrived.

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

Chairman Barnes addressed the minutes for the meeting of 06-04-08, asking if there were any changes or corrections. None being brought forward, Ms. McGrath moved to accept the minutes as submitted; Mr. Hall 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 (7-0).

Chairman Barnes asked that Board members be prepared to review the minutes for the 05-28-08 and 06-11-08 meetings at the following week's Workshop 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. Hudson Hills Bond Reduction    Map 144, Lot 24  
Letter of credit #1012541**

**Reference: memo dated July 31, 2008, from Gary Webster, Civil 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. Stewart moved to reduce the Hudson Hills Subdivision surety from \$74,000 to a 2-year maintenance amount of \$29,945, in accordance with the written recommendation from Civil Engineer Gary Webster, dated July 31, 2008, with the provision that the 2-year maintenance bond would expire on 06/17/2010.

Mr. Carroll 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).

**Hudson Hill Drive – Street Acceptance**

**Map 144, Lot 24**

**Reference: memo dated July 31, 2008, from Gray Webster, Civil Engineer, to John Cashell, Town Planner**

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

Town Planner Cashell said he had no up dates.

Ms. McGrath noted that the letter from Gary Webster stated that the 2 -year maintenance level bond would expire in June of 2008, which could not be correct. Town Planner Cashell concurred, saying the date should be 2010.

Ms. Stewart moved to forward a favorable recommendation to the BOS, relative to accepting Hudson Hills Drive as a public street, noting that this action was taken in accordance with the favorable written recommendation of the Town's Civil Engineer, Gary Webster, with a minimum 2 -year maintenance level bond that will expire on June 17, 2010, together with the favorable recommendations of the Police, Fire and Highway Departments , as included in the file .

Mr. Carroll seconded the motion.

Mr. Hall noted an expiration date of July 31, 2008, for the letter of credit in the package. Town Planner Cashell said the renewal of the reduced amount would be established , saying the existing letter of credit could not expire until the Planning Board gave the word .

**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 suggested that a future workshop should consider changing the standard verbiage used for recommending acceptance, to take out the release date and substitute a clause that expiration would not occur until released by the Planning Board; he expressed concern that people reading the minutes in the future would not be able to establish what actually had happened.

Ms. McGrath noted that the letter pertaining to the bond reduction also referenced Mr. Webster's memo containing incorrect language ; she said that memo also needed to be corrected , so that subsequent examination of the files would be able to follow the expiration schedule .

**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 07-09-08 Planning Board meeting**

Chairman Barnes read aloud the published notice, as repeated above. He then noted receipt of a request to defer further review of this application, date specific, to the meeting of October 8, 2008.

Selectman Maddox so moved, noting that this was at the applicant's request; 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).

**B. S.L. Chase Welding & Fabricating                                      Map 110, Lot 39  
SP# 01-08    Christine Drive**

**Purpose of Plan: To propose 13,800 ft<sup>2</sup> of building expansion to the existing S.L. Chasse operation and to propose a new 12,800 ft<sup>2</sup>, manufacturing office building to compliment the existing S.L. Chasse operation along with the associated access, parking, drainage, landscape, and site lighting improvements. Hearing. Deferred Date Specific from the 08-13-08 Planning Board meeting.**

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

Town Planner Cashell noted that the applicant was trying to prove that CAP fees had been paid previously on this property, adding that he had come in from vacation today to go through the plans but had not been able to determine where this property stood with respect to the CAP fee payments; he then stated that the only other

outstanding issue was that the Water Utility Commission had not been able to come to a final decision as to how this property was going to be serviced with water.

Mr. Hall asked for the members of the Board to be provided with a copy of the documentation that Mr. Colburn had submitted.

Mr. Patrick Colburn, of the firm of Keach -Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, recalled that this project had previously appeared before the Board at the July 9<sup>th</sup> meeting. He reviewed the plans, noting that a copy of the plan was posted on the meeting room wall, showing that there would be 13,800 ft<sup>2</sup> total expansion of the existing 17,500 ft<sup>2</sup> of manufacturing space, plus a new facility amounting to 18,000 ft<sup>2</sup> on the same lot. He said there would be 75% storage space and 25% industrial/manufacturing space, with the offices being moved to the new facility, for 6400 ft<sup>2</sup> of office space in a two-story building, with the remainder of that building being the same 75/25 storage/manufacturing space. He noted that adequate parking would be provided, as required. Noting that the Planning Board had previously moved to consolidate the three lots into one lot, he then reviewed the concerns expressed by the Planning Board at the July 9<sup>th</sup> hearing.

- Craneway – Mr. Colburn described it as large area, 52 feet out from the building, 213 feet long. He noted there would be overhead doors.
- Outdoor storage areas – Mr. Colburn said the applicant had large areas for large items, with turning areas provided for the large tractors needed to handle this stock material.
- Uses -- Mr. Colburn noted that he had designated the uses on Sheet 1.
- Snow storage – Mr. Colburn noted that the snow would have to be moved off the site if it interfered with the space he needed for storage, but he had added a couple areas to the plan, consisting of flat grass areas. He noted that he had proposed a 6-foot fence between the snow areas and the wetland buffer area.

Mr. Colburn noted that the previous CLD comments had been addressed on this plan, but he still had not received the latest comments.

Mr. Colburn noted that he had been asked to visit the Water Utility Commission. He reviewed a proposal to extend the main from the St. Joseph's property, noting that he had visited the Water Utility Commission twice to discuss the design, with some details still to be ironed out.

Mr. Colburn said he had noted that there seemed to be some confusion about the CAP fees in the Town Planner's staff report, and he stated that the St. Joseph's property was completely separate. He said he had done his own research and had provided a packet of information that he felt would clear up the confusion, stating that it was separate and distinct from the Merchants Village project and also from the Christine Drive properties, for which the CAP fees had been paid back in the 1980s.

Selectman Maddox said CAP fees were historically collected prior to occupancy, and he questioned why anyone would pay CAP fees for a project for which ground had never been broken. Mr. Colburn said Mr. Tate had presented five projects, in September of 1989, and the Planning Board had stipulated as part of its approval of the lot-line relocation that full payment of the CAP fees for the entire set of projects would have to be paid at the time of pulling the Building Permit for the first project. A 750-ft<sup>2</sup> building on Lot 13 ; a site plan for a 37,050 ft<sup>2</sup> office building on Lot 15, a site plan on Lot 37 for a 6400-ft<sup>2</sup> office structure, a site plan on Lot 38 for a 12,000-ft<sup>2</sup> multi-industrial building, and a 15,000-ft<sup>2</sup> multi-tenant structure on the current lot -- adding that the first and only Building Permit that Bill Tate ever actually requested was for the 37,050 -ft<sup>2</sup> building that exists today. He reiterated that Mr. Tate had been required to pay the CAP fees for all of the buildings when he got the Building Permit for that first building. Mr. Colburn said Mr. Chasse had modified the plan in 2001 and had paid CAP fees again for the 15,000-ft<sup>2</sup> building he constructed on the lot, for which Mr. Bill Tate had already paid CAP fees in 1989, with additional CAP fees also being paid for an addition constructed in 2004. He said less square footage was being proposed today, but the CAP fees were being assessed again.

Chairman Barnes asked if there were any minutes from those meetings.

Town Planner Cashell said that Mr. Basso had implied at the last meeting that the moneys were tied in with Merchants Square project. He said he had found out that application was yet to be submitted for the Board to consider waiving the CAP fees for the St. Joseph's plan. Mr. Cashell then displayed an aerial view showing the sites involved, noting that Mobil On The Run was the Merchants Square site, for which Mr. Tate had paid the fees, adding that he had determined that Mr. Tate was entitled to claim those fees being applied. He said he had not yet been able to get into the CAP fees paid for the property next to Christine Drive —adding that Mr. Colburn's account might be correct, but he had not yet been able to verify it.

Mr. Hall said it would be difficult for him to understand why CAP fees were paid prior to construction and then \$14,000 paid later for the parking area, questioning why CAP fees were paid in 2000 and 2004, but in 2008 claims were being made that CAP fees had already been paid. He said he would have to be convinced that the applicant had paid these prior fees.

Mr. Carroll said the Board simply had to find the records of the previous payments, saying he thought research should be done by the Town.

Selectman Maddox asked if the practice of the Board in the late 1980s had been to collect CAP fees in advance.

Chairman Barnes asked if Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, who had appeared before the Board as the engineering representative of the applicant for most of the referenced projects, had any information. Mr. Maynard said it had used to be the practice to collect the fees ahead of time, but one of the Town's attorneys had later told the Board that fees could not be collected before there was an actual impact.

Ms. Stewart expressed a belief that there had been someone a few years back who had done an investigation of the CAP fees. Mr. Hall said that investigation had not been concerned with CAP fees; he then stated that he would not be in favor of having Town Planner Cashell do that research, saying it should be presented by the applicant. Mr. Colburn said he had submitted a summary letter, accompanied by receipts, which he felt should clear this up, but he understood that Town Planner Cashell had not yet had a chance to review that. Mr. Hall said he wanted to see a copy of that documentation, himself, to determine if he would have any questions about it.

Chairman Barnes asked if Mr. William Tate wished to address the Board on this matter. Mr. Tate said the impact fees were prepaid for approximately 33,000 ft<sup>2</sup> of industrial space. He reviewed the payments for four projects he had proposed back in the 1980s, saying Mr. Chasse had purchased a lot and paid the impact fee again, as well as contributing \$5,000 to the traffic light at the Route 102/Robinson Road intersection. He said he and his brother had saved the two lots beside the Chasse operation with a verbal agreement, knowing Mr. Chasse would want to expand eventually. He noted that Chasse was a participant to bringing the water line down Route 102, which would be important to the Fire Department and to local businesses in that area, noting that some \$84,000 was being spent on that by Chasse and the other businesses. He said this had nothing to do with the out-of-court agreement between the Tate brothers and St. Joseph's hospital. He spoke favorably of Mr. Chasse's business, saying this was the only local manufacturing business that was growing. He then concluded by asking for fairness, contending that charging Chasse impact fees would be a double charge.

Chairman Barnes said copies of the information submitted by Mr. Colburn would be provided to the Board. Mr. Colburn said he would be attending the next meeting of the Water Utilities Committee on September 17, adding that the issues were whether the extension of the water line would be private (just for Chasse) or public (for other businesses in the area), as well as how far the line should be extended. He noted that he had not been at the first meeting, when another representative from his company had attended, adding that Mr. Jeff Rider, a member of the Commission, had requested that the waterline be extended over to Robinson Road, which his client was not willing to pay for. Selectman Massey, the Selectmen's Representative for the Water Utility Committee, said he would make sure he was at that next meeting, saying he had understood that the water Utility Commission had only wanted a stub out for possible future connections.

Ms. McGrath said she had questioned Mr. Basso about the landscaping details, at the previous meeting, and he had assured her that the plans would be corrected, but she did not see the needed note. Mr. Colburn said he thought he had added that note to the plan, but would do so if he had not.

Chairman Barnes noted that waivers had been requested, asking if there were any issue with those.

Ms. McGrath said she would like to have the applicant explain why two driveways were needed. Mr. Colburn said they were trying to separate the two uses of the

property, with the front being the customer parking area behind the new facility, while the "meat and potatoes" part of the operation would be segregated, keeping the customers away from the stock material, trucks, and the large crane. Ms. McGrath asked if this were a safety issue; Mr. Colburn said it was.

Selectman Maddox moved to approve the following waivers:

1. HTC 275-9(D) – Fiscal Impact Study
2. HTC 275-9(C) – Noise Study
3. HTC 275-8B(11) & 9(H) – HISS Mapping
4. HTC 193-10. G. & I. – Two Driveways

Ms. Stewart seconded the motion.

Selectman Maddox stated for the record that the reason he was making the motion to allow two driveways was the explanation that the applicant wanted to separate the two uses. Ms. McGrath said she would support that waiver, primarily because it was a safety issue.

**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. Stewart moved to defer further review of this application, date specific, to the September 24, 2008, Planning Board Meeting. Mr. Carroll 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 recognized Ms. Quinlan as having arrived during the preceding discussion, saying she would be seated from this point on, with Mr. Carroll resuming his normal nonvoting alternate's position.

**C. Planning Board review and vote on the Fiscal Year 2010 Capital Improvements Program (CIP). Deferred Date Specific from the 08-06-08 Planning Board Meeting.**

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

Town Planner Cashell said he had nothing new, but the audit was still in process.

Selectman Maddox moved to defer further review of this item, date specific, to the September 10, 2008, Planning Board Meeting. Ms. Quinlan 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. Ferry & Adelaide Streets  
LLR & Subdivision  
SB# 01-08**

**Map 175/Lot 154, 155, 155-3**

**Purpose of Plan: To relocate the existing lot-line between lots 154 & 155 and to subdivide Lot 155-3 into 3 lots. Hearing. Deferred Data Specific from the 08-13-08 Planning Board meeting.**

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

Town Planner Cashell noted that a letter had been received from the Town Attorney, as provided in tonight's hand out packets, providing a legal opinion with respect to the easement.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said he had discussed this with Atty. Buckley, had made a couple small changes in response to Atty. Buckley's suggestions, and he felt that the subdivision plan was ready for approval. Mr. Maynard said his client could purchase the land, subject to the required approval, after which he would issue the sight distance easement.

Chairman Barnes noted that the Town Attorney's letter was not marked CONFIDENTIAL; he questioned if this could be shared with Mr. Maynard. Mr. Maynard contended that it had to be, so that he could do what ever was being requested.

Mr. Cashell said endorsement of the plan would be contingent on the applicant's purchase of Lot 153 and execution of the sight distance, as amended in Atty. Buckley's letter.

Chairman Barnes said he had thought there would be a provision that there would be an inspection, and this was not mentioned. Mr. Maynard said he had no objections, saying it was double-checking.

Ms. McGrath read aloud what she had written for the final condition, noting that she would not be willing to make the motion, as she planned to abstain.

Mr. Hall moved to approve the Subdivision Plan entitled **Ferry & Adelaide Streets, Hudson, NH Subdivision/Lot Line Relocation Plan, Map 175/Lots 154, 155 and 155-3**, prepared by Maynard & Paquette, Engineering Associates, LLC, and dated: January 2, 2008, last revised June 14, 2008, consisting of Sheets 1 through 4 and Notes 1 through 16, shown on Sheet 1, 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. A cost allocation procedure amount of \$878.27, per residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
3. A public school impact fee in the amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
4. A public library impact fee in the amount of \$124.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
7. Prior to Planning Board endorsement of the Subdivision Plan-of-Record, Note 14 shall be amended to read: "If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday only, with the provision that said blasting/ramming activities shall be prohibited on Saturday and Sunday."
8. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday
9. This approval shall be subject to final engineering review.
10. Endorsement of the Plan shall be contingent upon the applicant's purchase of Map 175/Lot 153 and the execution of an amended Declaration of Mutual Reciprocal Easement to include Map 175/Lot 153.

Mr. Hall noted that he was not in favor of additional review related to asbestos, which had not been requested of other applicants in that area.

Ms. Stewart seconded the motion.

Ms. Quinlan noted that the latest plan she had was dated April 9, 2008, noting that each of several submitted earlier versions of the plan had been cited as needing different changes and she was not sure that everything had been addressed. Chairman Barnes said the latest plan, as before the Board, had been in the July 23<sup>rd</sup> packet.

Ms. Stewart said she wanted to amend Stipulation 8, as this was a tight neighborhood, and she wanted construction limited to Monday through Friday, with no construction on Saturdays.

Mr. Hall declined to accept this as a friendly amendment.

Ms. Stewart then moved to amend Stipulation 8 so as to prohibit construction activities on Saturday and Sunday, so that Stipulation 8 would be changed to read:

8. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday. Ms. McGrath seconded the motion.

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

**VOTE:** Chairman Barnes called for a hand vote on the amended 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).

Ms. McGrath said she was abstaining from this vote because she had missed a couple meetings at which this project had been discussed, but she knew there were objections from residents of the neighborhood and also because she felt this project was ill-advised and she could not in good conscience vote for it .

### **XIII. NEW BUSINESS/PUBLIC HEARINGS**

**A. FWM, Inc.  
SP# 10-08**

**Map 209/Lot 006  
11 Friars Drive**

**Purpose of Plan:**

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

Town Planner Cashell said the plan was ready for acceptance.

Selectman Maddox moved to accept the application for the ***FWM, Inc. Site Plan, 11 Friars Drive, Map 209/Lot 006***. 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).

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, reviewed the intent of what was being proposed, noting that product was being stored on the property until it was ready to be delivered, and more space was needed for storage . He commented on the drainage, noting that 35% green space and 65% pavement had been assumed for the original drainage project, but they were only up to 50% so far , so the property was well within the designed drainage provisions . Noting that CLD (Costello, Lomasney, and deNapoli, Inc., the Board's engineering consultants) had asked for some erosion controls on the plan , Mr. Maynard said this was a small property but this was a routine request and they had been added to the plan . He noted that waivers were being requested, saying

this was to support the existing operation, with no increase in employment or change in parking being proposed.

Chairman Barnes asked what was being stored. Mr. Maynard said this was a metal fabrication business, and what was being stored could be frames, cabinets, cryogenic equipment, or whatever the customer requested to be fabricated. The applicant, Mr. Mike Barry, said it was mostly aluminum.

Chairman Barnes said normally there would be a public hearing at this time, but no one was present except the applicant, so that would be put off, in case the Board felt that public input should be heard in the future.

Mr. Carroll asked if there were any potential issue with respect to arcing between the different metals involved—and, if so, if there were any provisions to prevent it. Mr. Maynard said there was separation provided from the bollard-surrounded transformer, and it was adequately protected.

Mr. Carroll asked if there were anything to limit how high the things being fabricated would be stacked. Mr. Maynard said these things had to be delivered over the road, so they would not be too high. Mr. Maynard said there was nothing on the plan and never had been; he suggested that no more than 20 feet would be acceptable as a limit.

Selectman Maddox said there was a fire hydrant in the grass area that was being paved; he asked how the availability of that hydrant would be protected, such as installation of a couple bollards. Mr. Maynard agreed that this should be addressed.

Town Planner Cashell said the Fire Department reviewed all of the site plans. Mr. Maynard said he had not received any Fire Department comments, but he had a letter from Deputy Buxton saying the Fire Department had no objections.

Ms. McGrath asked for an explanation of Note 3 on the plan, questioning what was meant by “appurtenances.” Mr. Maynard said this meant the fence. Ms. McGrath said the note should say “fence.” Selectman Maddox said the appurtenances also covered the concrete pads; Mr. Maynard demurred, saying these would be part of the paved storage area, as a place for trucks to offload.

Mr. Russo noted concern about the transformer and the hydrant, asking if a 10-foot raised grass area could be put around that area. Mr. Maynard said he could put grass around it, but he did not know about the “raised” aspect.

Selectman Maddox moved to approve the following waivers:

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

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 to take a break at this time, with the understanding that Mr. Maynard would use that time to prepare a plan showing what he would do to separate the hydrant. Chairman Barnes said no motion was needed, and he then declared a break at 8:34 p.m., subsequently calling the meeting back to order at 8:51 p.m.

Mr. Maynard described the provisions proposed for the hydrant, referring to a copy of **Site Plan FWM Inc. 11 Friars Drive**, dated July 8, by Maynard and Paquette, last revised 08-19-08, mounted on the meeting room wall.

Selectman Maddox moved to approve the Site Plan entitled **FWM, Inc. 11 Friars Drive, Map 209/Lot 006, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC, dated July 8, 2008, revised through August 19, 2008, consisting of Sheet 1 of 1 and Notes 1 through 17, 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 Plan.
2. All improvements shown on the Site Plan -of-Record, including Notes 1 through 17, shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. A Cost Allocation Procedure amount of \$1.00 shall be paid prior to issuance of a Certificate of Occupancy.
4. Prior to the issuance of a final certificate of occupancy, a 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. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
6. 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.
7. This plan shall be subject to final engineering review and approval prior to Planning Board endorsement of the Site Plan -of-Record.
8. An area, outlined as on the southwest corner of the building, surrounding the fire hydrant and the nitrogen tank, will be grassed to protect the existing hydrant, subject to final Fire Department approval.

Ms. Stewart seconded the motion.

Selectman Maddox said he would like to remove Stipulation 3 and move the numbering sequence of the following stipulations up. Ms. Stewart, the seconder, concurred, making this a friendly amendment.

Ms. McGrath moved to amend the motion by adding as Stipulation 8 that the site plan was to be amended in Note 3 on the plan to strike the word "appurtenances" and substitute the word "fence." Mr. Hall seconded the motion.

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

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

**B. Flagstone Plaza Extension  
SP# 11-08**

**Map 222/Lot 014  
3 Flagstone Drive**

**Purpose of Plan: To request a one-year extension on a previously approved proposal to construct an 8,576-ft<sup>2</sup> building with a parking garage. Application Acceptance & Hearing.**

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

Town Planner Cashell said he had nothing to add, adding that the plan was ready for Application Acceptance .

Ms. Stewart questioned the date of the application . Mr. Cashell said it had been submitted on time , prior to the June 27<sup>th</sup> deadline .

Mr. Russo asked if any changes had occurred in the site plan regulations which would affect this plan. Town Planner Cashell answered in the negative.

Ms. McGrath made a motion to grant Application Acceptance. Ms. Quinlan seconded the motion.

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said it was a simple extension and there were no changes.

Selectman Maddox said the application was on July 1<sup>st</sup> of this year, saying it technically had expired. Mr. Maynard said the Board had taken up his letter but then had requested that he submit a formal application.

Ms. McGrath moved to grant a 1 -year Site Plan Extension for the **Flagstone Plaza Site Plan, 3 Flagstone Drive – Map 222/Lot 14, Hudson, NH**, in accordance with the following conditions:

1. This 1-year extension is approved for the period from June 27, 2008 through June 27, 2009.
2. All terms and conditions of approval cited in the Site Plan-of-Record and Development Agreement, as approved by the Planning Board on June 27, 2007, shall remain in effect.

Mr. Hall seconded the motion.

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

### **XIII. OTHER BUSINESS**

#### **A. Review Mammoth Green Development Agreement and Associated Documents. Deferred Date Specific from the 08-06-08 Planning Board meeting.**

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

Town Planner Cashell said Atty. Buckley would be present at next week's workshop meeting to discuss the details of what was going on. He said the plan was to come back with an As-Built plan once the foundation had been poured.

Selectman Maddox said he thought the intent had been to give the potential homebuyer the ability to see where the building envelope was. He said the same thing could be done by putting in a stake. Mr. Cashell said the solution would be to put the stake in the corner. Mr. Carroll asked if a point would be depicted on the plan, giving the longitude and latitude, to define the cornerstone starting point of the building envelope, before any ground had been disturbed. Mr. Cashell said the subdivision plan showed the building envelopes, but the Board had been concerned about making sure that the building envelope did not extend into the farm areas. He contended that Mr. Carroll was getting too specific. He said the builders could come in with a certified plot plan, and staff would look at the plan. Mr. Carroll asked if it would be defined on the plan where the starting point would be. Mr. Cashell responded in the negative, saying the builders would look at a subdivision plan, look at the lot, and determine where in the building envelope they wanted to put the building, adding that whoever was staff at that time would make sure the building was being placed in the prescribed building envelope for that lot. He said the proposed approach would save the applicant a lot of money, as opposed to having to

produce a survey of each building envelope on each lot. Selectman Maddox said the intent was to stay within the defined area.

Selectman Massey expressed a belief that the Board was going down a wrong path. He said the Board wanted the residents to understand that they could have a piece of the property, but with common land, and he did not understand why the Board would want to pin the purchasers down to a certain point before they met with their architect.

Ms. Stewart said this discussion should take place with the Town Attorney and the applicant, rather than now.

Ms. Quinlan noted that the original developer (CROE Farms) had intended to work with the purchasers to create unique homes, but she expected the person who had taken over the plan was going to make cookie-cutter houses.

#### **B. Proposed CTAP Grant Application.**

**See memo from Sean T. Sullivan, together with a \$10,000 CTAP Grant Application.**

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

Selectman Massey confirmed that the Board of Selectmen had approved the application at the previous night's meeting of that board.

#### **C. Verizon Antenna**

#### **Flagstone Drive**

Chairman Barnes noted that he had received a letter saying Verizon was planning to add something inside the flagpole area in the storage area off Flagstone and was looking for input, with a formal application to be submitted later.

Ms. Quinlan suggested that the Board state that the Board might have some concerns but would reserve them until the Board saw the plan.

#### **D. New Hampshire Fall Planning & Zoning Conference**

Chairman Barnes reviewed a notice concerning an upcoming OEP conference that Board members might want to attend.

Chairman Barnes reviewed other correspondence received during the past few weeks.



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**XIV. ADJOURNMENT**

All scheduled items having been addressed, Ms. McGrath 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 9:27 p.m.

Date: September 2 , 2008

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James Barnes, Chairman

J. Bradford Seabury, Recorder

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Marilyn McGrath, Secretary

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