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**HUDSON PLANNING BOARD
MEETING MINUTES
August 6, 2008**

Prior to opening the regular meeting, members of the Planning Board met with the Town Attorney in a client/attorney session, which was not open to the public. That session began at 7:05 p.m. and ended at 8:11 p.m.

I. CALL TO ORDER

Acting Chairman Russo called this Planning Board meeting to order at 8:13 p.m. on Wednesday, August 6, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Russo asked Selectman Maddox to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

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

Members

Present: George Hall, Marilyn McGrath, Suellen Quinlan, Vincent Russo, and Richard Maddox (Selectmen's Representative) .

Members

Absent: James Barnes (excused) and Terry Stewart (excused) .

Alternates

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

Alternates

Absent: Brion Carroll (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATE S AND ANNOUNCEMENTS

Acting Chairman Russo seated Ms. Chadwick in place of the absent Ms. Stewart.

V. MINUTES OF PREVIOUS MEETING(S)

Members of the Board indicated that they were not ready to review the minutes for the 02-27-08, 04-02-08, 04-09-08, and 04-23-08 minutes at this time.

Acting Chairman Russo addressed the minutes for the meeting of 03-26-06, 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: Acting Chairman Russo called for a verbal vote on the motion. All members present voted in favor, and Acting Chairman Russo declared the motion to have carried (6-0).

Acting Chairman Russo requested that the members be prepared to address the 02-27-08 and 04-02-08 minutes at the next workshop meeting. Ms. Quinlan said she would also take on the task of reviewing the 04-09-08 and 04-23-08 minutes.

VI. CORRESPONDENCE

Town Planner Cashell noted a letter had been received from Ms. Francoeur; he reported that he had visited the site and found the added swing to be acceptable.

VII. JOINT DISCUSSION/REVIEW

A. Zoning Board of Adjustment and Planning Board – Review Article XII – Signs of the Town’s Zoning Ordinance.

Town Planner Cashell noted that the consensus of the Board at the last meeting had been that this previously scheduled discussion would be deferred to the September workshop because Ms. Maryellen Davis, a principal proponent of changes in the existing sign ordinance, was on vacation this week, and the members of the Planning Board had expressed a desire to hear her input.

Mr. Hall moved to defer this item to the meeting of September 3rd, 2008; Selectman Maddox seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Russo declared the motion to have carried unanimously (6-0).

VIII. WORKSHOP

A. Review List of Uses in Zoning Tables With Parking Uses cited in the Site Plan Review Regulations

Town Planner Cashell discussed his review of the Zoning Ordinance and Site Plan Regulations with respect to parking, noting that he had provided some proposals for changes.

Ms. Chadwick questioned the proposal for automotive fuel stations, noting that the pump-islands serviced both sides. Town Planner Cashell clarified that he had meant one space for each pump. Ms. Chadwick suggested making the text read one space for each gas pump, rather than one space for each fueling station. Selectman Massey noted that a 12-pump setup would involve 12 parking spaces. Ms. Chadwick concurred. Mr. Russo expressed a belief that this pertained to additional spaces, not just the fueling spots. Ms. Chadwick expressed a belief that some people stopped just to buy something in the station/store, not to get gas. Selectman Massey contended this was covered by the requirement to provide parking spaces for retail uses, at the rate of one parking space for every 200 ft² of gross retail area. Mr. Hall said he thought the original intent had been to count the spaces in front of the pumps as parking spaces. Town Planner Cashell suggested that "island" should be changed to "gas pump station." Selectman Maddox suggested the word should be "dispenser." Ms. Chadwick noted that there were parking spaces on each side.

Mr. Russo expressed concern about a need to tighten up the numbers for stations with "popular" retail business. He also expressed a belief that the Planning Board needed to find a way to have information about such future use be brought to the Board's attention at the time of the site plan review. Members commented on their individual experiences with such stations.

Town Planner Cashell suggested that the Board review his suggestions in his staff report and perhaps decide at a later meeting if the Board wished to make these and/or any additional changes. He clarified that he was trying to match the terminology in the Zoning Ordinance with the terminology in the Site Plan Regulations.

Mr. Hall suggested replacing "gas pump islands" with "fuel dispenser." Selectman Massey added that both should say "automotive."

Town Planner Cashell said another need was to change the text referring to "restaurants" vs. "eating and drinking establishments." Mr. Hall suggested this change should be reviewed by the Town Attorney, noting that "eating and drinking establishments" had been designed to cover establishments with a liquor license. Mr. Hall also suggested that it might be better to change "restaurants and fast-food establishments" in the Zoning Ordinance, which would take longer. Ms. McGrath expressed agreement.

Mr. Hall moved that this matter be sent to the Town Attorney for review of suggested changes to the Site Plan Regulations concerning restaurants, with the Town Attorney

then to make recommendations to the Planning Board. Ms. Quinlan seconded the motion.

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

Mr. Hall moved to hold a public hearing at the next workshop meeting, on September 3, 2008, to make the changes as discussed for the automotive matters in HTC §275-8 (26) (a). Ms. McGrath seconded the motion.

Selectman Maddox said he would vote in opposition, saying this could wait another month and have everything come out all together.

VOTE: Acting Chairman Russo then called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox and Ms. Chadwick, who both voted in opposition, and Acting Chairman Russo declared the motion to have carried (4 –2).

Town Planner Cashell discussed a desire to change “bank” Mr. Hall said he would be in favor of waiting to hear from the Town Attorney with respect to that change.

B. Lower Merrimack River Advisory Committee Study - Critique Presented by Brion Carroll

Acting Chairman Russo read aloud the published notice, as repeated above. He then noted that Mr. Carroll was not present this evening to make a presentation.

Selectman Maddox moved to defer this matter to the September 3rd workshop; Ms. Chadwick seconded the motion.

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

Members of the Board suggested taking a break. Mr. Hall noted that there were members of the public in attendance, and he suggested that the Board find out why there were present.

Mr. Richard Kahn, 147 Robinson Road, said he was present because of the proposed changes in the sign ordinance, explaining that he had been having a difference of opinion with the former Code Enforcement Officer as to what was meant by ongoing activities with respect to his signs. He said he put up signs on those

properties for which he had a contract to do landscaping and would be at the properties at least once a week, and the former Code Enforcement Officer had threatened to notify Mr. Kahn's customers that they were in violation if Mr. Kahn did not remove the signs. Mr. Kahn expressed a belief that all construction signs, such as the ones at the Walgreen drugstore site, would have to be removed if the Code Enforcement Officer's interpretation were correct, since the construction did not occur 24/7. Acting Chairman Russo expressed a belief that this was not part of the intended discussion. Town Planner Cashell demurred, saying everything would be on the table. Mr. Hall expressed agreement, but expressed doubt that the Board would be discussing code enforcement issues. He suggested that Mr. Kahn should provide in writing what he felt should be changed in the existing ordinance, saying the Board could then look at that.

Mr. Kahn said laws were such that anyone who looked at the Zoning Ordinance could come up with a different interpretation, adding that he was not sure whether the Ordinance needed to be changed or there should be a reasonable person's interpretation of the Ordinance. If the Code Enforcement officer gave a reading that Mr. Kahn disagreed with, Mr. Hall said, Mr. Kahn's alternatives were to go to the ZBA or to try to convince the Planning Board to make a change, or to petition a change in the Zoning Ordinance for the next year's election. Mr. Kahn said his customers had not been notified in writing with respect to his questioning of the former Code Enforcement Officer's interpretation, but that Code Enforcement was threatening to cite his customers, adding that all he had received was an E-mail from the former Code Enforcement Officer. He said he would like to see a clarification to define what was meant by "ongoing activities." Mr. Hall said he personally would not be in favor of allowing the sign to stay there, as it would stay there forever; he again suggested that Mr. Kahn should propose a change to the Zoning Ordinance—or wait until he got a violation notice and then go to the ZBA.

Acting Chairman Russo said he agreed that, if Mr. Kahn were being cited, signs at construction sites such as the new Walgreen drugstore would be a problem. He then read the applicable Zoning Ordinance text, noting that it was restricted to commercial and industrial sites. Mr. Kahn said another section of the Zoning Ordinance talked about exceptions, noting that he had taken pictures of approximately a dozen different signs where no work was ongoing, adding that there were signs all over town offering loam and fill for sale all over town, and he expressed a belief that the issue should be clarified, saying he wanted to avoid being cited or having his customers being cited.

Acting Chairman Russo declared a break at 8:57 p.m., calling the meeting back to order at 9:20 p.m.

C. Review Section 289 of the Planning Board Subdivision of Land Regulations Relative to Cul-de-sacs off Cul-de-sacs.

Town Planner Cashell expressed a belief that this had been covered in the Board's earlier discussion with the Town Attorney. Mr. Hall noted that people were present in the audience out of interest in this matter. Ms. Quinlan expressed a belief that the Board should have an opportunity to review the documentation that had been provided by the Town Attorney and discuss it at the next workshop meeting. Ms. Chadwick

expressed agreement, adding that she felt the Board should get some input from the Fire Department. Ms. McGrath expressed agreement.

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

Mr. Todd Graham, 67 Burns Hill Road, said he was working on a plan that dealt with this issue, but there apparently was no documentation available at this time. Selectman Maddox said all the Board had received from the Town Attorney was that the existing 1000-foot restriction was probably the norm, but that the Board also had to decide about allowing cul-de-sacs on cul-de-sacs. Ms. Quinlan said the Board needed to get input on safety issues, but also needed to discuss the matter of neighborhoods with respect to dead-end streets. Ms. McGrath said the Board members needed to review the document provided by the Town Attorney, which he had obtained from the OSP Website, as well as some advance information about the Fire Code that was about to be adopted by the State. Acting Chairman suggested that Mr. Graham review the minutes of past Planning Board meetings in which cul-de-sacs had been discussed. Ms. Quinlan recalled that some residents of Flying Rock Road had expressed concern when Lear Circle was added, noting that they had previously been promised and assured of a safe enclave by the realtors who sold them their homes. She said the philosophical perspective should also be considered.

Mr. Russo asked the Town Planner for his insight with respect to cul-de-sacs, from a planning perspective. Town Planner Cashell said the Board always should be looking for ways to connect roads with multiple points of access, so as not to land-lock the property behind it. He said cul-de-sacs were not the optimal and should not be planned for. He said the planning philosophy for communities was that it was not good for people to be isolated from each other. Mr. Cashell noted that having Town water brought into the development also made a big difference with respect to the fire issue.

No one else coming forward to provide input, Town Planner Cashell noted that the Town's independent review meetings resulted in review by the Fire Department. Ms. McGrath said she would like to have a member of the Fire Department present for exchange of information. Mr. Cashell noted that this would cost the Town a minimum of four hours of salary for whoever attended the meeting from the Fire Department. Ms. McGrath noted that it was a matter of safety, and she would hope that the Board could get input from someone who dealt with these issues and knew things about them.

Town Planner Cashell noted that there were already six items on the September 3rd workshop agenda. He suggested that this discussion be moved to the October 1st workshop meeting. Selectman Maddox so moved; Mr. Hall seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Russo declared the motion to have carried unanimously (6 -0).

D. Proposed Amendments to the Planning Board By-Laws.

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

Town Planner Cashell noted that he, Mr. Hall, and Selectman Massey had worked on the draft, adding that he had a number of corrections for the final copy.

Selectman Massey said there had been two principal changes, with the first being to clarify the difference between a regular member and an alternate. He said the entire document had been recast to differentiate between them. He said he had also reordered the document for a more logical flow with respect to the order of the meetings—to make the Roman Numeral sections more consistent within themselves. He noted that, based on comments from the Town Attorney—referencing section II.7, where alternates were barred from participating in the discussion. Selectman Massey said he felt section IV.7.A should be modified the same way.

Ms. McGrath referenced section III.5, saying she could not recall having to fill out anything pertaining to financial status. Ms. Chadwick concurred. Ms. McGrath said this had been started years ago for the Ethics Commission, but she had not been asked to fill it out again, through the past several appointments.

Mr. Hall said he understood that people were obligated to fill out that form when financial situation changed, adding that the practice had stopped some five or six years ago. He said he had filled the form out a number of times, but he had had to go ask for it. Selectman Massey said he would look into this as an action item, noting that filling out the form was an ordinance requirement; he recalled that some years ago a member had been removed from an elected board because of his refusal to fill out that form.

Selectman Maddox questioned section III.7. Selectman Massey agreed to reword the text to say that the alternates should not participate once the matter was before the Board; he noted that section VII.4.E was intended to resolve this. Mr. Russo expressed a belief that the decision had been that alternates would not talk once there was a motion on the table. Ms. McGrath clarified the differences between the way the Zoning Board of Adjustment and the Planning Board handled this. Mr. Hall noted that the discussion before the Planning Board was less formal, with the Planning Board often reopening public discussion at sequential meetings.

Mr. Russo expressed a belief that alternates who were seated on a case because of a member not being present should remain seated on that matter through subsequent hearings. Selectman Maddox and Ms. Chadwick noted problems with this, suggesting that there would only be two persons sitting for the Green Meadow hearings, in that case. Ms. Chadwick noted that in at least one case an applicant had requested deferral because he did not like the makeup of the Board that evening; she expressed a belief that the existing situation resulted in beneficial give-and-take of different points of view.

Town Planner Cashell noted that in Massachusetts board members were required to read the minutes or view the video recordings of any meeting they had missed, in order to sit on the matter at subsequent hearings.

Town Planner Cashell offered to go over a number of edits, page-by-page. Ms. Chadwick expressed a belief that he should just make the changes and provide a new clean copy. Mr. Hall concurred.

Mr. Russo asked if "deleted" meant "removed." Selectman Massey said he had expected the Board would receive the original, with changes marked, using the Word program's Edit-Tracking technique. Town Planner Cashell noted that this printout in fact was supplied as an attachment to his staff report.

Acting Chairman Russo said the draft would be returned to the committee for more changes. Town Planner Cashell said it should be deferred to the October 1st workshop. Ms. Chadwick so moved; Ms. Quinlan seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Russo declared the motion to have carried unanimously (6 -0).

IX. NEW BUSINESS/PUBLIC HEARINGS PUBLIC HEARING

A. Planning Board review and vote on the Fiscal Year 2010 Capital Improvements Program (CIP)

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

Acting Chairman Russo noted that a several things were missing, and he suggested that the Board should not act on this matter this evening. Town Planner Cashell suggested deferral to the August 13 meeting. Ms. Chadwick requested the 21st, instead, as she would not be present for the 13th. Selectman Maddox so moved; Ms. Quinlan seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Acting Chairman Russo declared the motion to have carried unanimously (6 -0).

X. OTHER BUSINESS

A. Review Mammoth Green Development Agreement and Associated Documents.

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

Mr. Hall stepped down, as his employer was an abutter to the subject property.

Acting Chairman Russo expressed a belief that this issue had been covered in the client/attorney session. Town Planner Cashell said the Town Attorney would present the amended document to the applicant.

M. McGrath moved to authorize the Town Attorney to present the amended development documents to the applicant and to defer this further to the 08 -27-08 Planning Board Meeting. Seconded by T. Chadwick. All in favor – motion carried.

Ms. McGrath moved to authorize the Town Attorney to present the amended Development Agreement to the applicant and to defer further discussion of this matter to the August 27th meeting. 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 unanimously (5 –0).

Mr. Hall returned to his position and then reported on discussion that had occurred at today's Traffic Safety Committee with respect to traffic lights on Lowell Road. He reviewed what had been discussed, including looking into getting the lights changed late at night. He said the Police Chief was adamantly opposed to setting the traffic lights to flashing, which was also opposed by the State. Mr. Hall said most of the signals would be changed so that through traffic would not be given a red light unless a car wishing to turn left across traffic sat there for 15 seconds. He said most of the traffic lights were set to activate the turn signal if a car waited in the turning lane for five seconds. Selectman Massey demurred, saying he had sat in the Nottingham Mall lot waiting for a long time for the light to change. Mr. Hall said the Highway Department had been working on the lights on Lowell Road for some time and felt comfortable that the lights had been tweaked as much as possible.

Mr. Russo expressed concern about the Police Chief's standing, saying he would have liked to see some pilot attempt made to resolve the problem. Town Planner Cashell said he had recently had to stop at every light on Lowell Road, even though traveling late at night with no opposing traffic; he expressed a belief that more sequencing was needed.

Mr. Russo said he had been told that the NO TRUCKS sign on Greeley Street was located on Greeley Street, so that it was not visible to the drivers until after they had turned off from Route 111. Mr. Hall suggested that Mr. Russo submit a letter to the Highway Safety Committee.

Town Planner Cashell suggested the Highway Safety Committee should look into making the Wason Road/ Burns Hill/Musquash Road intersection a four-way-stop intersection. Ms. McGrath moved to have the Chairman write a letter to the Highway Safety Committee requesting that they review the intersection of Wason/Burns Hill/

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Musquash Roads for a possible 4 -way stop intersection. Ms. Quinlan seconded the motion.

VOTE: No further comment being brought forward, Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor except for Selectman Maddox and Ms. Chadwick, who voted in opposition, and Mr. Hall, who abstained. Acting Chairman Russo then declared the motion to have carried (3 -2-1).

XI. ADJOURNMENT

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

VOTE: Acting Chairman Russo called for a verbal vote on the motion. All members voted in favor (6-0).

Acting Chairman Russo then declared the meeting to be adjourned at 10:35 p.m.

Date: August 11, 2008

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

These minutes were accepted as submitted following review at the 10-01-08 Planning Board meeting.