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**HUDSON PLANNING BOARD
MEETING MINUTES
July 23, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:03 p.m. on Wednesday, July 23, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes asked Mr. Hall 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, and Richard Maddox (Selectmen's Representative).

Members

Absent: Suellen Quinlan (excused).

Alternates

Present: Brion Carroll, Tierney Chadwick (excused), 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 Mr. Carroll in place of the absent Ms. Quinlan.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes addressed the minutes for the meeting of April 5, 2006, asking if there were any changes or corrections. None being brought forward, Mr. Hall moved to accept the 04-05-06 minutes as submitted; Ms. McGrath 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 addressed the minutes for the meeting of April 23, 2008, asking if there were any changes or corrections. None being brought forward, Mr. Hall moved to accept the 04-23-08 minutes as submitted; Ms. McGrath 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 requested that the Board members be prepared to review the 05-28-08 and 06-04-08 meeting minutes at the next meeting, noting that copies of these minutes had been distributed in the 07-09-08 packets.

VI. CORRESPONDENCE

Chairman Barnes noted that items of correspondence received in tonight's handouts would be taken up under **Other Business** at the end of the meeting.

VII. PERFORMANCE SURETIES

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

VIII. ZBA INPUT ONLY

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

IX. DESIGN REVIEW PHASE

A. Sagamore Crossing – 43 Steele Road – Map 239/Lot 001

Pursuant to NH RSA 676:4(II)(b), the Planning Board will conduct a Design Review Phase of the traffic analysis and roadway network design associated with the proposed RiverPlace Lifestyle Center, 43 Steele Road, Map 239/Lot

**001. Applicant: Green Meadows Golf Club, Inc. Public is invited to attend.
Deferred Date Specific from the 05-14-08 Planning Board Meeting.**

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

Town Planner Cashell noted that he had handed out to the members of the Board a copy of the memo that he had previously sent via E-mail.

Atty. Leonard, the applicants' legal representative, noted that he was present with Ron Muller, the applicants' traffic engineer. Mr. Muller posted a copy of two different plans on the meeting-room wall.

Atty. Leonard reviewed the discussion at the 05-14-08 meeting concerning the proposed interchange—both the old plan and the new plan. He discussed recent conversations with the Board, and the NH DOT, leading to a new and simpler interchange design following the meeting with this Board on May 14th. He discussed details of the proposed new design, noting that it provided an exit off the bridge to the site and an exit from the site to the bridge. He described these two drawings as the two extremes of various designs that had been considered. He acknowledged that the applicant had to meet the full design requirements, suggesting that the next step would be for the applicants to continue discussion, perhaps on a different part of the project.

Atty. Leonard said the applicants did not have options with respect to the Wason Road area, as that was not their property, adding that the River Road discussion had not yet begun. He said wanted to keep the dialogue with the Board open, adding that he continued to believe this site would be developed, with a group to be firmed up within the next six months or so, and saying he wanted to continue working with the Board, with the goal being to do what would be best for the town.

Mr. Carroll commented on the capacity of the roads (the connector road, the access road, and the exit road), saying he would like to see someone come up with a statement saying what the maximum capacity of these roads would be, so that the site could be developed around those restrictions. Atty. Leonard said he understood Mr. Carroll's point, adding that that was the plan to some extent, but it was more complicated than that, as not all trips were the same. He said office traffic did not have the same peak as retail traffic, for example, but that general approach was being taken. He acknowledged that the road development carried some restraints, saying the development would be compatible with those restraints. He said the whole design review process had been very helpful, as he had heard from the Board about several different options and had tried to respond, adding that it was his intent to incorporate those suggestions with whatever group came down the road to develop the property, adding that the property-owners were continuing to try very hard to have a single group handle the property as a whole.

Mr. Carroll noted that the layout gave some kind of maximum capacity. When the project was laid out in the best configuration, he suggested, the grid should be calculable from the profiles. He then again asked if it were the applicant's intent to position development based on what the Board would allow. Atty. Leonard said he felt the applicant intended to follow that plan in general.

Selectman Maddox noted that retail had a certain window and office use would be different. He expressed a need to look at the entire site, not just this intersection—referencing the River Road bypass as an example. He said the entire package had to be examined. Atty. Leonard said he agreed, noting that there would be a final review after this series of discussion was completed.

Ms. Stewart suggested having an exit from Wal-Mart Boulevard, so that people could proceed directly to the bridge. Atty. Leonard said the Board had to keep in mind that there would have to be a traffic light or something else in that case, adding that people coming from Wal-Mart Boulevard would have already passed by the access to the bridge. He noted that the access from the boulevard had been beefed up, saying that Town Planner Cashell felt there should be a traffic light involved—adding that the applicant intended to look at that. He said the principle was not to impede traffic unless they had to.

Ms. Stewart said she was not a traffic engineer, but she was looking at it with logic, and making the cut-through she had suggested would route a lot of traffic, including tractor-trailers, directly out of the site rather than putting it on Lowell Road.

Mr. Russo commented that, if he had an opportunity to just go through one traffic light rather than more, that would be his option. He noted that the intent was to put a STOP light at the ramp. Atty. Leonard said there had to be, as there would be cross traffic, with people wanting to turn left. Mr. Russo said this would back up traffic, and he suggested this should be looked at further, noting that Christmas traffic would be a real problem. Mr. Russo then discussed the choking down from three lanes to two to let traffic come in, saying the applicant could not expect this to happen if he could not slow down the traffic. He added that he agreed with Ms. Stewart that keeping traffic off Lowell Road would be important. Atty. Leonard said the weaving flow of the traffic would be looked at closely.

Mr. Russo asked what the applicant's status with the State was right now. Atty. Leonard said there was no formal application, but they first wanted input from the Planning Board and also to have a group interested in the whole project. He expressed confidence that he could come up with a good plan once the circumstances were right, but he noted that the Board of Selectmen eventually would have to authorize an application and would be looking for input from the Planning Board at that time.

Mr. Carroll commented on the need to “bleed in” traffic, describing a technique he had seen used in Atlanta GA and Portland WA, taking cars one at a time rather than trying to have everyone move at once. Atty. Leonard said Ron Muller knew about this, but the question was whether it was needed. Mr. Carroll described reasons he felt it was necessary, saying the signal light at the other intersection was as technical as he felt would be needed.

Selectman Maddox asked Mr. Muller if the signal were going to stop traffic going onto the westbound ON ramp. Mr. Muller said the purpose was to allow Wal-Mart Boulevard traffic to access onto the connector road, with 90% of the green time being to let the connector road traffic flow. Selectman Maddox said the simpler plan cut off the industrial park, which had been one of the elements he had been looking for, as it

would take traffic off Wason and Lowell Roads. He said something coming out of the industrial park would be an advantage.\

Mr. Hall said he would echo those comments, adding that he was concerned about the one lane coming from the industrial park, as well as the proposed reduction of the weaving lanes on the Sagamore Bridge road. He said he also would be looking for a way to get from Wal-Mart Boulevard to the westbound road to the bridge, noting that a signal light would be needed. He then stated that the biggest issue was the intersection, saying it would be a waste of breath if the Selectmen were not going to be in favor of an intersection; he then asked if the applicants had any kind of consensus from the Selectmen. Atty. Leonard said they had not gone to the Board of Selectmen yet, as they wanted to know what the Planning Board wanted, and also the eventual developer would also need to have input into the design. As far as talking about the other intersections, he said, he felt everyone benefited from continued discussion. He then cited the Dracut Road/Lowell Road intersection as an example, saying these intersections had to be addressed whether there was an interchange to the bridge or not.

Mr. Hall said it was a case of which came first, reiterating that it would be a waste of time if the applicant did not have some indication of agreement from the Selectmen. He noted that he would have a vastly different opinion about the Dracut Road and River Road connection if there were no interchange. He said the biggest key was whether or not there would be a connection to the Sagamore Bridge road, noting that he had previously suggested putting signals on the Sagamore Bridge road and changing the classification of that road. He then commented on the issue of whether the Town would be responsible for maintenance of that road.

Town Planner Cashell said what Mr. Hall was saying was very important, noting that the Sagamore Bridge had been designed as part of the proposed Circumferential Highway, which now was not going to be built for some foreseeable future, so this did not need to be a limited access highway. He pointed out that the whole premise was that the applicant would have to convince the Selectmen that a road through the proposed site would be more beneficial than not having a road. He pointed out that the site was going to be developed, sometime, noting that convincing the Board of Selectmen would be a huge obstacle. He pointed out that the applicant would not be allowed to create levels of service F, but as a minimum would have to maintain the existing levels. He said he was suggesting a year's delay to give time for that planning. Atty. Leonard said he did not disagree necessarily, saying the question was what happened to the traffic and what traffic would there be. He said they wanted to make the road the best able to handle the traffic, regardless of what the development would be. He acknowledged that the Selectmen held all the cards, saying he understood it was a political process—adding that he had talked to a lot of people and was confident that the majority of the residents of Hudson wanted an interchange and improvement of the roads. He said he was listening and writing down the comments being stated.

Town Planner Cashell said it was not totally political. He then suggested that the Wal-Mart Drive connection could be designed to carry traffic out of the site, via Vectron Drive. He said it would be important to have as much capacity on the slip ramp as

possible, for free-flowing traffic, as there was no way to know how much traffic there would be.

Mr. Carroll said he was hearing Board members say what they believed would help the area, which would improve the political situation—but he was not hearing what kind of “Yes” they were hearing from the Selectmen. He said he did not understand what Atty. Leonard could get from the Board of Selectmen that would make the Planning Board more comfortable.

Chairman Barnes said the Selectmen had to make the application to cut into the highway. Mr. Carroll noted that Mr. Hall had questioned why keep doing this, asking how the Planning Board could get comfort from the Selectmen. Mr. Hall said he did not have an answer, but that Town Planner Cashell was correct in saying that the Selectmen would have to feel that whatever was proposed would be to the benefit of the Town of Hudson. Atty. Leonard expressed agreement that this was his problem, saying this took time.

Town Planner Cashell said the most important thing brought up was that the discussion was going in the wrong direction, as Mr. Hall had said, and he was now thinking that redesigning what the Sagamore Bridge road should be, so as to slow it down from a highway to a local roadway, would make the project simpler.

Selectman Maddox expressed disagreement, saying the Circumferential Highway might go through in thirty years, and he expressed doubt that the State would want to do the proposed reclassification.

Mr. Hall said the circumferential roadway would be more likely to be built as a parkway road with lighted intersections than as a highway, and putting a lighted intersection at this location would not kill that. He then stated that he could not understand how Town Planner Cashell was connecting Wal-Mart Boulevard to Vectron Drive. Mr. Cashell suggested putting a connecting road between the two. Mr. Hall noted that there was a lot of wetland in this area. Mr. Cashell said there was a percentage of the town’s population that wanted the town to remain a town, with that group being opposed to having a highway bisect the town. He said a boulevard roadway, as had been suggested by Mr. Hall, would do a lot for that view, adding that Hudson had a great deal of potential to create itself as a place that people would call home.

Ms. McGrath asked if Mr. Cashell and/or Mr. Hall saw an access going from the industrial park to the westbound Sagamore Bridge road. Mr. Hall expressed doubt. Ms. McGrath noted that she traveled across that bridge twice a day, five or more times a week, and she saw a need to slow the traffic down. She said the concept being suggested by Town Planner Cashell and Mr. Hall seemed an excellent idea, commenting on the close calls she had witnessed.

Ms. Stewart said she accepted the idea of development, but she wanted to see a good project that would benefit the town. She said she would like to see one of the two golf courses preserved as green space, but felt the plans should move forward.

Mr. Carroll questioned how a traffic signal could be put in. Mr. Hall said it could be done by connecting a road between them.

Ms. McGrath said she continued to receive E-mails concerning this project from one individual, often with outrageous suggestions, with one of the latest being that this Board stop having discussions with the applicant because it was wasting time and the Town's resources. She said she would like some sort of confirmation as to whether or not the Board had any right to limit that, or did the applicants have a right to come before the Board to discuss the plans, as she believed they had a right to do. Chairman Barnes said it had been the Town Attorney's idea in the first place that the applicants come before the Board for design review. Ms. McGrath expressed concern about the letter writer making claims that the Board was wasting the Town's resources, time, and money.

Ms. Stewart noted that there was a group that was opposed to this project, but she did not see members of that group here, noting that the member who posted a letter almost weekly in HLN had never been seen at a Planning Board meeting.

Chairman Barnes said he would like to hear suggestions from Atty. Leonard.

Atty. Leonard said he would like to propose discussion of the Wason Road and Dracut Road areas, adding that he would like to go before the Board of Selectmen within the next few months.

Mr. Hall expressed a desire to hear from the public.

Ms. Kathleen Leary, 8 Par Lane, said one of the reasons that the masses were not here was because the meetings dragged on, with different plans being proposed each time. She said people were "out there" watching and keeping tabs on the proposal. She said people would be here when things were happening, adding that she had been involved since Day 1.

Selectman Maddox expressed a desire to hear from Mr. Kennedy, the Board's traffic consultant for this project; he then questioned how Mr. Kennedy could say what the impact on town roads would be until such time as he knew what was going to be on the site. Mr. Kennedy expressed agreement.

Mr. Carroll asked Mr. Kennedy to comment on the suggestions that had been aired this evening. Mr. Kennedy said all of the ideas were viable options, but all had to be evaluated to get real numbers.

Atty. Leonard asked if Mr. Kennedy felt this past few months had been a waste of time. Mr. Kennedy said he thought discussion was good.

Chairman Barnes questioned how anything could be decided until the Board knew what was going to be proposed on the site. Atty. Leonard said he did not think a specific plan should be submitted the next time he came in, adding that he would like to know if Ms. Leary or other members of the public liked the idea of an interchange.

Mr. Russo noted that the process had started a long time ago, saying Atty. Leonard and his colleagues had gone from looking at a roadway system through the site to just focusing on an interchange. He said this Planning Board wanted to see the big picture, so that the members could scrutinize what it would mean to the town. He said this new interchange and the previously proposed interchange meant nothing, because the

Board did not know what was going to be on the site. He then stated that what Atty. Leonard had to do was purchase the interchange lands, adding that he felt Atty. Leonard was planning for 20 years but not for 40. He reiterated that the discussion had to go back to the big picture, saying the Board did not know what it wanted because it did not know what was needed because it did not know what was going to be there.

Mr. Hall noted that the previous applicant had had a big picture, noting that the Board had said a site plan could not be submitted until a plan showing where the roads would go, because of the need for wetland special exceptions—and could not apply for a special exception until the applicant knew where the roads would be located. He said the key issue was whether there would be a connection to the Sagamore Bridge road or not.

Town Planner Cashell expressed an opinion that the design review phase had really run its course. He said the applicant knew what could be accepted, and it was up to the developer to design that and present it to the Board of Selectmen. Alternatively, he continued, the applicants could go back to a limited roadway system restricted to connecting to Lowell Road. He said he did not think the Board could do anything more with the design review phase. Atty. Leonard said he was fine with that, saying he understood he could come in at another time in the future.

Mr. Carroll noted that the Board had given the applicant suggestions, but he felt there should be one more session to look at the overall road layout, including the connection with River Road. He suggested the applicant should come in with the rest of the roads being shown.

Selectman Maddox said he would like to know the size of the store more than the name, saying the size and type of use would determine the traffic.

Town Planner Cashell said the lesson learned from the previous W/S Development attempt was that the applicant had to work with the community and that the project would have to sell itself.

Chairman Barnes said he would like to hear some kind of direction, but he was hearing two different things, with one being that the applicants should come back when they had the big picture and the other being to continue the process by looking at the connections at the south end of the property.

Mr. Carroll said he would very much like the applicants to come back with a plan showing the whole roadway.

Mr. Hall said the difference with this process and most other cases was that the applicants needed the Selectmen's approval and did not have that at this point, so the applicants did not have a right to submit a plan. He said the applicants had to deal with two boards and make them both happy.

Ms. Stewart said she felt the next step would be for the applicants to meet with the Board of Selectmen.

Mr. Hall said he felt the applicants had enough of a consensus from the Planning Board but would have to go the Board of Selectmen.

Ms. McGrath said the applicants also had another option—to go back and decide whether they wanted to go forward with this design or with the different parkway design suggested by Mr. Hall and Town Planner Cashell earlier. Mr. Hall said they still would have to go before the Board of Selectmen, but the applicants first had to decide what they wanted to do.

Chairman Barnes said the applicant would have to have something that could be provided to the State. Mr. Hall added that the applicant would need a design that Mr. Kennedy would say would work.

Town Planner Cashell said the developers had to go to the Board of Selectmen, to get the Selectmen's support of whatever was to be proposed. He said the Planning Board could not help the applicants until they had that approval. Atty. Leonard said he was fine with that, but he would wait to go before the Selectmen when he was confident that he had the answers to the questions that Selectman Maddox had raised. He said he would continue to be happy to meet with member of the public and answer any questions.

Chairman Barnes declared a break at 8:47 p.m., calling the meeting back to order at 9:02 p.m.

X. CONCEPTUAL REVIEW ONLY

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

XI. OLD BUSINESS

A. Ferry & Adelaide Streets LLR & Subdivision Map 175/Lot 154, 155 & SB# 01-08 155-3, Ferry & Adelaide Sts.

Purpose of plan: To relocate existing lot-line between lots 154 & 155 and to subdivide lot 155-3 into three lots. Hearing. Deferred Date Specific from the 05-14-08 Planning Board Meeting.

Chairman Barnes read aloud the published notice, as repeated above, noting that Ms. McGrath and Mr. Carroll had left the meeting during the break, and he requested Mr. Russo to serve as Acting Secretary for the remainder of the meeting.

Town Planner Cashell said he had no updates to the staff report.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, offered large-size drawings to whoever wanted them and reviewed the discussion of the previous meeting, noting that PSNH would not sign the easement documents but would sell the applicant the land. He said the conditions that Town Planner Cashell had suggested were fine. He clarified that PSNH would retain

easement rights, with the Town in the last resort being able to enforce the sight distance.

Mr. Hall said the Purchase & sales agreement said “portions.” He asked what portions were meant, saying this pertained to some other previous tax map and lot number. Mr. Maynard said the Assessor regarded the property as one, but it was several small lots. Mr. Hall said the tax map was what was referenced, suggesting that the reference was to an older tax map. Mr. Maynard said this the subdivision plan was only record since 1900. Mr. Hall said it should refer to that. Mr. Maynard said it did, noting that the Registry number was referenced. Mr. Hall said he had problems with the text, saying the only recorded plan should be referenced. Mr. Maynard said all of the little lots belonged to PSNH, with there never having been a document that consolidated all those lots—adding that the fact that six little portions were being purchased was referenced in several places.

Mr. Hall said the easement document really did not deal with the existing situation; he suggested it had to be rewritten—saying that it said nothing about Map 175/Lot 153, as an example, and asking why Map 175/Lot 155-001 had to be included. Mr. Maynard said he would agree that “Lot 001” should not be there. He noted that this document still needed to be reviewed by the Town Attorney.

Ms. Stewart asked if there were anyone in the audience who wished to speak.

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

Mr. George Mackie, 18 Blackstone Street, said he lived 200 feet from the proposed site, noting that previous plans for the property had been voted down. He asked if the Board members understood the concerns of the neighborhood residents, noting that his research indicated that the sites listed on his spreadsheet contained asbestos, with 200 asbestos sites identified in the town, and he felt this was another. He referenced a letter from Mr. Labombard, dated 02-25-05, in which Mr. Labombard said some of the locations could not be found—noting that Mr. Labombard had recommended that the only way to know for sure would be to excavate some observation pits along the road, with further excavation being recommended. Mr. Mackie asked if the applicants were going to do that. Mr. Mackie posted a drawing on the meeting-[room wall, noting that 6,000 tons of asbestos had been placed on Ridge Avenue, and saying that Mr. Maynard had been the site manager at the time. He said six families had been relocated for six months because it had been so hazardous, noting that he lived within a few hundred yards of this site. He noted that no recapping had been done.

Mr. Maynard objected that asbestos was all over town, asking if the discussion could be restricted to the land in question.

Mr. Mackie said he had talked to the Health Officer and to State people who had said they would be there on the day that Mr. Maynard started digging. Mr.; Mackie noted that other lots in this neighborhood were known to have asbestos. He said he would like the land to be left as it was, saying there was a reason why that land had not been built on. He noted that trees had been taken down, reporting that Ms. Barbara Bradshaw had come over from Nashua and taken a reading, noting that people in the

area had developed sores since the trees were taken down; he stated that trees could stop EMF but the trees were down. He asked what traffic analysis was being done. He said it probably could not be proven that people had died because of this area, but it had been proven that it was hazardous. He said there was a good chance of asbestos being on this site, asking again if the Board members understood what his issues were.

Chairman Barnes noted another letter from Mr. Labombard, dated March 6, 2008, addressed to Mr. Fauvel, the property owner, in which he said he had seen some thirty test pits dug on the site by a contractor, with Mr. Labombard concluding that no further excavation was needed. Mr. Mackie asked to look at the letter.

Selectman Maddox asked what Mr. Mackie's issue was. Mr. Mackie said it was the asbestos and the traffic. Selectman Maddox noted that the Town had found asbestos when doing the work on Library Street, noting that the work had stopped and investigators had come. He suggested that someone should be there from an independent source, with money in place through a bond, when the site was excavated, and he asked how this could be covered. Mr. Mackie said he would be in favor.

Ms. Stewart said she agreed, but she questioned what dollar amount should be put on the bond, saying it should be the owner to mitigate, not the Town. Selectman Maddox said he was thinking of something like \$25,000.

Mr. Mackie said he understood that the way it was handled was to dig up the ground and then stop if asbestos was found, adding that he understood there was a cheaper air analysis method.

Mr. Maynard said on any lot where asbestos was suspected, first a walkover was done, and then a test pit was dug, with an asbestos abatement plan being filed if any asbestos was found. He said the asbestos could be bagged and taken off site, or buried on the site. He said no one could build until the land had been demonstrated to be clean. On a lot such as this, he said, at worst case, if there happened to be asbestos, some \$10,000 would cover the cost. He said this was why they had dug some thirty test pits, and nothing had been found, adding that there was no evidence of asbestos on this land.

Mr. Mackie said he would rather hear it from an engineer, not from a developer, adding that he had been told different from what Mr. Maynard had said—adding that Mr. Maynard had said a number of fabrications over the past few years that had turned out not to be true.

Chairman Barnes said what the Board was talking about tonight was three lots on an application, not the past. He said there were procedures, and the Board could stipulate that someone be there to inspect the excavation when development began. He said the Board could ask the Town to make sure someone was involved when the developer started breaking the land, if the Board approved the plan.

Mr. Russo asked if the readings that Public Service had taken were acceptable. Mr. Mackie said the government was trying to determine that, noting that a pamphlet provided information and recommendations. Mr. Russo said there were certain levels of EMF that were acceptable, saying his question had been whether Mr. Mackie knew if the levels were acceptable. Mr. Mackie said this was separate from PSNH, adding that

he could give the information he had received to Mr. Russo. Mr. Mackie said his wife and a neighbor had been there with Ms. Bradshaw, but they were not given specific numbers.

Mr. Russo questioned if the matter should be deferred so that a staff member could get answers, noting that document changes had to be made, anyway. Mr. Russo noted that it would no longer be a blind corner, as there was something to change that.

Selectman Maddox said he would meet with the acting Town Engineer/Civil Engineer and get an idea of his procedure. Mr. Maynard said the Health Officer was the expert. Selectman Maddox moved to defer this matter to the first meeting of August. Town Planner Cashell noted that there were already six items on that agenda. Selectman Maddox then moved to defer to the meeting of August 13th; Ms. Stewart seconded the motion.

Mr. Hall said the Board had never before dreamed up a bond where a site was guaranteed; he suggested this was stretching things a long ways. He questioned why this would be needed here when it had not been needed for other sites in the town. He suggested that the Town Attorney should be asked to review the purchase and sales agreement, as well as the easement document, and report to the Board whether he was satisfied.

Selectman Maddox said the idea of the bond was to provide comfort to the neighbors, adding that the Town might have a procedure in place.

Mr. Maynard said he did not disagree with having the Town Attorney review the documents, noting that there was an established procedure—to ask an expert to review the property. He noted that the Health Officer/Building Inspector looked at every site at the time of excavation.

Town Planner Cashell noted that both Gary Webster (the Civil Engineer) and Bill Olesak (the Building Inspector) had 40 years of experience.

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).

XII. NEW BUSINESS/PUBLIC HEARINGS

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

XIII. OTHER BUSINESS.

**A. Thurston's West LLR
Subdivision Sign**

**Map 185/Lots 11 & 12
14 & 51 Flying Rock Road**

Chairman Barnes noted that the Board had received something in the information packets, but it was not on the agenda.

Town Planner Cashell said this was an unusual request, adding that it was before the Board as a courtesy by the petitioner, saying the Board could vote as to whether a public hearing was in order.

Ms. Stewart asked if "Thurston's Landing West" were the legal term. Town Planner Cashell said this was how it was presented. He expressed a belief that the Planning Board did not have jurisdiction, as this public way was in the 50-foot right-of-way.

Mr. Hall expressed a belief that this would be a problem, as signs were not allowed within the public right-of-way.

Town Planner Cashell said the Community Development Director had steered the resident to the Planning Board.

Mr. Anthony Martin, 44 Flying Rock Road, said the sign was proposed to be at the end of the development, at the intersection of Flying Rock Road and Bush Hill Road, and would not be on any individual's property. He said it would be roughly a 4-foot by 4-foot sign, on a movable material made to look like a rock. He said the purpose was to identify the neighborhood community. He said the sign would have a flat face, with shrubs and bushes around it to make it pleasing.

Mr. Hall said all the other signs of this nature, at other subdivisions, were on someone's property, so far as he knew—adding that he did not think the Planning Board had the right to put a sign in a right-of-way.

Town Planner Cashell expressed a belief that the Planning Board had approved the other signs throughout town as part of the subdivision approval process.

Selectman Maddox expressed concern that the Board was discussing something that had not been posted.

Ms. Stewart noted that HTC 334-60 said no sign could be erected in the right-of-way. Mr. Hall said this was a part of the Zoning Ordinance, adding that the Planning Board did not have a right to hear it.

Mr. Martin asked if it would be acceptable for a sign to be on the property belonging to a gentleman on the other side of the road, adding that it would be further than 25 feet from the Bush Hill Road intersection. Chairman Barnes suggested that Mr. Martin should talk with Director Sullivan. Mr. Russo noted that the Planning Board was supposed to approve the dimensions.

Mr. Martin suggested that he could go ahead, provided that he obtained Zoning Board of Adjustment approval, asking if the Planning Board would approve the dimensions of the proposed sign, looking like a natural rock surrounded by a bed of perennials, with "Thurston's Landing West" on it.

Mr. Hall said there were right-of-way easements, noting that this was private property, but the rock would have to be in an easement outside of the right-of-way. He asked if the rock had already been purchased. Mr. Martin answered in the negative.

Selectman Massey questioned why this had to come before the Planning Board, saying this would be landscaping on private property. Mr. Hall concurred, saying this discussion was making a mountain out of a molehill.

Town Planner Cashell noted a second notice of violations regarding Krystal Estates, saying this was being handled by the Code Enforcement Officer. Ms. Stewart suggested this should be put on the August Workshop agenda, saying she did not want this to go into November.

Mr. J. Bradford Seabury spoke about having observed tall weeds growing on several sidewalks; noting that the Planning Board frequently demanded sidewalks to be installed as part of a subdivision plan or as part of town planning, he suggested that provisions also should be made for ensuring that they were properly maintained— noting that the sidewalks on Central Street were growing over and the sidewalks on Industrial Drive were unusable. Selectman Maddox said he would bring this matter up with the Selectmen.

Ms. Stewart asked if code enforcement on Dr. Ebeed's property was being processed. Town Planner Cashell said Dr. Ebeed was required to be in compliance. Ms. Stewart noted that she had brought in pictures showing how the parking was not being done in accordance with the plan, with more than one car being squeezed into a parking space. Mr. Cashell said the Code Enforcement officer had been dealing with it and had taken pictures, confirming that the parking in the lot was not being done in accordance with the approved plan.

Town Planner Cashell referenced a handout copy of a memo from Director Sullivan about a matter that had been discussed with the Selectmen regarding the Community Development Department's proposal to go out and seek engineering consultants with an RFP. Mr. Hall asked for what purpose, asking if this would be to replace CLD. Mr. Cashell said it was spelled out in the proposal, saying that it was time to put out new proposals, but CLD could apply. Mr. Hall asked if this were saying that the Board of Selectmen did not want CLD reviewing plans for the Planning Board. Town Planner Cashell said he had been told it was time to go out and seek proposals from other consultant firms, to see if the Town could get a better firm. Mr. Hall expressed a belief that this was up to the Planning Board.

Selectman Maddox said staff had brought forward a proposal to go out for review, expressing concerns about time of review, price, etc. Mr. Hall expressed disappointment that the Planning Board had not heard of this first and did not have anything to say about it, as he felt it was a Planning Board function.

Selectman Massey said he had voted against the measure, as the Planning Board was the sole decider as to who should be hired. He referenced a "killer" paragraph that

stated the successful bidder could not be doing other engineering work in the town, saying the only firm that complied was the current firm. He noted a recent example of a problem with a similar suggestion.

Mr. Russo asked what had promulgated this whole concept. Town Planner Cashell said it was a matter of having direct communications with the consulting engineering firm, saying it was not the Planning Board's consulting firm but the Town Engineering Department's consulting firm. He noted that he personally had always had a problem with the communication process, which went through a filtering process in the Engineering Department. He said CLD believed it was working through the Engineering Department, adding that he believed many other engineering firms would apply. He said this was one of the elements of fine-tuning the planning process. He also stated that the E-mail process did not work well with CLD, saying there was no flexibility.

Chairman Barnes expressed surprise that none of this had been brought to the attention of the Planning Board. Mr. Russo noted that everything the Planning Board had received indicated that CLD was communicating to or through Town Planner Cashell; he then asked if the fees would have to be revamped to cover costs of working with a different engineering firm. He suggested that it would be advantageous to have CLD come in and talk to the Board about any problems.

Town Planner Cashell again expressed concern about a lack of flexibility, saying he needed to have a direct communication link but always had to work through a third party, consisting of the Engineering Department. Mr. Hall expressed disappointment about hearing about this now, thinking there should be an easier way to improve the communication; he then questioned the idea that there would be many other firms, noting that there were also issues of CLD's familiarity with the Town of Hudson's process. He said it sounded more like a problem in the communication process between the Communication Development Department and the Engineering Department. He suggested that all the Town would get would be a list of fees.

Town Planner Cashell said he had tried to improve the communication situation, but it was going nowhere and was frustrating.

Chairman Barnes asked what the Planning Board was being asked to do. Selectman Massey said the Board of Selectmen had voted to send this to the Planning Board, to see if the Planning Board wanted to go forward. Chairman Barnes said he felt the first thing would be to discuss this with CLD. Mr. Hall concurred, saying he thought the problem really was an internal problem.

Town Planner Cashell said it was before the Board to take action.

Mr. Hall moved to invite Ms. Heidi Marshal and her superior to come to the September workshop meeting to discuss the concerns of staff and the Planning Board, with the provision that they know why they were coming. Ms. Stewart seconded the motion.

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

abstained, and Chairman Barnes declared the motion to have carried unanimously (4-0-1).

Selectman Maddox advised the Board that a meeting had been held with respect to having a process review, noting that the president of the Chamber of Commerce had been invited. He said another meeting would be held in three weeks.

XIV. ADJOURNMENT.

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Ms. Stewart 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 10:42 p.m.

Date: July 26, 2007

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

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

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**HUDSON PLANNING BOARD Meeting Minutes
July 23, 2008**

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The following changes were made in accordance with the Board's review of these minutes at its October 1, 2008, meeting:

Pages 10 & 11 — Five references to a "Mr. Lombard" were corrected to read "Mr. Labombard."

Page 10, third paragraph from bottom, fourth line from bottom — an address given as "Ringe Avenue" was corrected to read "Ridge Avenue."