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**HUDSON PLANNING BOARD
MEETING MINUTES
July 9, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:03 p.m. on Wednesday, July 9, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes asked Selectman Massey 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, Suellen Quinlan, Terry Stewart, and Richard Maddox (Selectmen's Representative).

Members

Absent: Vincent Russo (excused).

Alternates

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

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes seated Ms. Chadwick in place of the absent Mr. Russo.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes addressed the minutes for the meeting of 04-02-08, asking if there were any changes or corrections.

Mr. Barnes referenced Page 1, stating that the pledge of allegiance had been led by Mr. Tom Murphy, not Ms. Quinlan, and that it had been Ms. McGrath, not Mr. Murphy, who called the roll.

No further changes or corrections being brought forward, Mr. Hall moved to accept the minutes as amended; Ms. Chadwick 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 04-09-08, asking if there were any changes or corrections. None being brought forward, Mr. Hall moved to accept the minutes as submitted; Ms. Chadwick 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 members review the minutes for, April 3, 2008, along with the minutes for April 5, 2006.

VI. CORRESPONDENCE

Chairman Barnes stated that a number of 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

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

VIII. ZBA INPUT ONLY

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

IX. CONCEPTUAL REVIEW ONLY.

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

X. OLD BUSINESS

A. Thurston's West LLR
SB# 04-08

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

Purpose of Plan: Lot line relocation with an even exchange of land between Lots 11 & 12. No new building lots created. Hearing. Deferred Date Specific from the 06-25-08 Planning Board Meeting.

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

Town Planner Cashell reported that the Town Attorney had not been able to finalize his recommendation for this evening's meeting, explaining that what he had provided was a draft motion, not Atty. Buckley's final. He noted that the applicant had been given a copy of the draft motion.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, referred to his 06-30-08 memo, which he said summarized his position. He said the Town Attorney had referenced a zoning case, but this was a matter of planning, in which no waivers required. He said this was a lot-line relocation to make the lot better, with a buildable area for the house being proposed that was better than the one that had actually been approved. He urged approval.

Ms. McGrath asked for elaboration on Mr. Maynard's comment about the Town Attorney's advice. Mr. Maynard said the referenced case, *Fisher v. City of Dover*, pertained to ZBA cases and defined what a Zoning Board could do with respect to zoning cases that had already been decided. He contended that planning was different, noting that the New Hampshire Supreme Court had not made any decisions of this nature pertaining to planning cases, adding that the applicant's attorney felt it did not apply to this proposed plan, which was a better plan. Ms. McGrath asked if Mr. Maynard had discussed this with Town Attorney, asking how he knew what the Town Attorney's advice was. Mr. Maynard said he was interpreting from Town Planner Cashell's staff memo. Town Planner Cashell clarified that Mr. Maynard had not seen Atty. Buckley's confidential memo but was surmising from the Town Planner's staff memo.

Ms. Quinlan said the Town Attorney had actually cited a number of cases, and had acknowledged that the *Fisher v. City of Dover* case might only apply to zoning issues. She referenced one of the other cases, saying she was not familiar with the other cases mentioned by the Town Attorney, and she then suggested that this matter be deferred so that the members of the Planning Board would have an opportunity to review those cases and also to discuss the matter with the Town Attorney. She noted that the Thurston's West subdivision had been a dense plan, with very steep slopes involved, with a driveway extending beyond boundaries, with some of the other lots having had to come in for waivers and/or variances. She expressed a belief that it would be prudent for the Board to discuss this with the Town Attorney, in order to determine how to proceed.

Ms. Chadwick expressed agreement, expressing concern about going into uncharted territory without getting advice from the Town Attorney.

Atty Dave Groff, attorney for the applicant, commented on the other two cases cited by the Town Attorney, saying *Morgenstern v. Town of Rye* was a zoning case, in which the New Hampshire Supreme Court had restricted *Fischer v. City of Dover*, saying the Zoning Board could rehear cases in which there was a material difference in the plan, and the *Appeal of the Town of Nottingham* case related to an application for the removal of groundwater and had nothing to do with planning or zoning. He argued that the New Hampshire Supreme Court's decision in the *Simplex* case had done away with "hardship in the land" as an issue. He said this plan should be treated on its merits, noting that the lot was being taxed as a buildable lot, with material differences being proposed, including houses on both sides, with a retaining wall in place, with a smaller buffer being proposed.

Ms. McGrath moved to defer this item date specific to the 08-13-08 Planning Board Meeting. Ms. Chadwick seconded the motion.

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

Mr. Maynard objected for the record, saying they were beyond the 65 days. Ms. Quinlan said the Town Attorney had indicated that there were three cases that might impact the Board's decisions, and the Board needed to flesh these out with Town Counsel.

XI. NEW BUSINESS/PUBLIC HEARINGS

**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. Application Acceptance & Hearing.

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

Town Planner Cashell said the plan ready for Application Acceptance.

Selectman Maddox so moved; 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 (7-0).

Mr. David Buhlman, engineer for the applicant, distributed extra copies of larger plans. He described details of the plan posted on the wall, identifying it as **6 Clement Road, Tip Top Tree Service**, dated April 29, 2008, with no revisions. He said there would be no buildings, with most of the area remaining open space, except for 34,000 ft² that would be used for storage of bark mulch, firewood, etc. He said screening would be accomplished by installing a 6-foot fence with plantings (12-foot high evergreens), with a locked gate. He said the site would be exclusive to trucks, adding that all setbacks would be met, and the use would not go anywhere near the wetland, which he described as being 180 feet away. He said there would be no dumpsters, no parking, no exterior lighting, but there would be a small sign saying AUTHORIZED TRUCKS ONLY at the driveway entrance. He listed six waivers being requested (grading, traffic study, noise study, fiscal impact study, high impact, and soils survey, saying that no work would be done on the site other than the screening, which was to improve the aesthetics.

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

Mr. Gerald Lavoie, 2 Clement Road, abutter, said he was not bothered by the business, which was on land beside him and also across the street. He said he was more bothered by the Town's DPW trucks and Police Department vehicles, which were supposed to go down Park Avenue but instead came down Clement Road, than by the vehicles associated with this business. He said the property owners had put up a buffer between their site and his and he had no complaints.

Mr. John Walters, 5 Clement Road, owner of the home across the street, said he had just learned of this hearing the preceding day. He said he would like to see the Cormiers (the property owners) succeed, asking if there had been a previous site plan application, as the property had been leveled before—adding that he had never received notice before that leveling occurred. Ms. Quinlan said there had been a subdivision for a house, which had not been built. Mr. Walters said he did not have buffers, and the proposed driveway was right across from his own driveway, which he declared to be unacceptable because of the truck traffic. He expressed concern about the hours of operation, and he questioned if the “existing conditions” was the current site. Mr. Buhlman answered in the affirmative, saying the previous owners had intended to put a single-family house there and cleared the property for that. Mr. Walters said the land had been lower before, and had been filled in. He expressed worry about possible fire from the wood product and how that could impact him. He expressed concern about how high the piles of product would be, questioning if the buffer would be sufficient—asking what he would be looking at every day. He also asked about bathroom facilities, and he then concluded by saying he would be concerned about noise and traffic, saying there would be trucks and backhoes in there.

Mr. Buhlman responded by saying the site clearing and filling had occurred before the Cormiers purchased the property and was not within their bailiwick. Mr. Walters said the property had been raised six to eight feet. With respect to the fire issue, Mr. Buhlman said, 1 Clement Road had raised similar issues, and all had been addressed by Inspector Scott Dube. He said there was no chance of fire, by any means. Mr. Walters asked if Mr. Buhlman could guarantee that; Mr. Buhlman replied that there

were no guarantees in life. Chairman Barnes said the Fire Department would be reviewing the proposal, would make any needed restrictions, and would be involved in any going-forward of the site plan. Mr. Buhlman said there were only three trucks per day involved, saying there would be no more traffic than already existed and the trucks would not be stored on that site, saying the operation would be less than what was currently occurring on 1 Clement Road. Mr. Walters said he was familiar with it, saying Mr. Buhlman would not be saying that if Mr. Buhlman lived in his house. He asked if the driveway could be moved further down. Ms. Quinlan noted that there would not be sufficient sight distance on the curve; Mr. Buhlman concurred. Mr. Walters said he understood that Mr. Buhlman was limiting it to two or three trucks, saying he would monitor the situation; he expressed a wish that someone had come to him before about this plan, noting that it would be easy for people using the proposed site to back into or drive into his own driveway for maneuvering purposes.

Ms. Quinlan said this business had been going on for quite some time, adding that what was being proposed was essentially what was there. Mr. Walters said he had been unaware that this business had not already been approved, saying he had checked the records and not found anything on file. Ms. Quinlan asked Mr. Walters to state what his issues were. Mr. Walters said one was the driveway location, noting he had not yet moved into his own house, and adding that driveway access and visibility were concerns, as well as noise and fire.

No one else coming forward to provide input, Chairman Barnes asked if members of the Board had any questions.

Mr. Carroll expressed confusion, asking if the proposed driveway would be where the driveway was currently located; Mr. Buhlman expressed agreement. Mr. Carroll said a truck on raised land might have lights shining over the barricade. Mr. Buhlman said the lights would not come over the fence, saying there might be only one truck in there in the winter time. Mr. Carroll asked about the topology. Mr. Buhlman said the road was lower than the land. An unidentified woman in the audience expressed disagreement, saying the land was lower than the road.

Mr. Carroll asked about the "revised plans" that were to be submitted, asking if what the Board was looking at were the revised plans or the unrevised plans. Mr. Buhlman said the revision was being addressed, adding that he had done the drawing himself, because of the tough financial winter that the Cormiers had experienced; he said he had added the "proposed stuff" to the survey done by Hayner/Swanson, Inc.. Mr. Carroll clarified that what was color-coded on the drawing posted on the meeting-room wall would somehow be added to the previously approved plan, with the resulting version being the one that the Planning Board would approve, given that there were no other problems. Mr. Buhlman said they were trying to hit it on one shot. Mr. Carroll confirmed that the Fire Department would review the plans and produce a report.

Ms. McGrath noted that a note needed to be added to the plan saying what the use of the property would be. She noted that no surveyor was listed, and she expressed a hope that the Town had that on file. Town Planner Cashell said his copy of the plan had Mr. Buhlman's signature, as engineer, saying Gary Rollins had done the survey, stamping it, but with no signature. Ms. McGrath asked if having these signatures on file

were not a requirement. Chairman Barnes confirmed that it was normally a requirement.

Ms. McGrath said she would like to see hours of operation on the plan. Mr. Buhlman said the hours would be 7:00 a.m. to 6:00 p.m. Monday through Saturday. Ms. McGrath asked what exactly would they be doing on the site. Mr. Buhlman said a truck might come in to deliver material (bark mulch, produced elsewhere, along with firewood logs that would be cut up into firewood). Ms. McGrath asked if the lots would have to be split up; Mr. Buhlman said it would be, as with the other stuff. Ms. McGrath asked if they would be creating their own mulch; Mr. Buhlman said there was a roto-chipper on the site, running about 60 hours a year, which was used in late winter, for an hour at a time as needed, to create chips. Ms. McGrath asked what type the 12 evergreens to be added would be; Mr. Buhlman said the type would be identified in the future. Ms. McGrath asked about the size of truck involved; Mr. Buhlman said it would be the same as a 20-foot U-haul, adding that the site could not accommodate anything larger. Ms. McGrath asked if the truck traffic would pertain to the same hours of operation (7:00 a.m. to 6:00 p.m., Monday through Saturday); Mr. Buhlman answered in the affirmative. Ms. McGrath asked about the request that CLD not be required to review the plan, asking why the Board should grant that—noting that this was not in the list or waivers. Mr. Buhlman said he thought it could be handled internally, as there was not a lot of engineering, and the engineering review would represent additional expense to the property owner.

Ms. McGrath said she had concerns about the noise that would be generated, adding that she was not sure that 7:00 a.m. to 6:00 p.m. hours of operation would be agreeable to her, especially on Saturday. Mr. Buhlman said a block wall might be a better noise barrier.

Mr. Carroll said truck traffic vs. wood chipping might be very different items. Ms. McGrath noted that the noise from the truck traffic on the highway past her house was sometimes unbearable.

Selectman Maddox noted that the chipper had a fire suppression system, indicating that the owner had not felt it was impossible that fire might develop. He asked about the requirement for features within 200 feet, saying things were not shown on this plan. He then noted that the zoning was not delineated on the plan. Mr. Buhlman expressed a belief that the whole area was Industrial.

Selectman Maddox asked about the requirement to show features within 200 feet, saying he did not see them on this drawing. Town Planner Cashell said there was nothing other than the abutting house, adding that Mr. Walters' driveway was shown, very lightly, on the second sheet. Selectman Maddox noted that abutters were supposed to be listed on the plan. Ms. Quinlan said two lots were listed, but they were not listed accurately, with the Walters and the Coakleys not being listed. Chairman Barnes noted a number of issues had been brought up with respect to the plan, with the plan having been checked off as being ready. Selectman Maddox said he thought the State also owned a parcel of land along Route 111, saying he saw a number of deficiencies. Town Planner Cashell said he was taking exception, as he had said the plan was correct and had signed off on it.

Selectman Maddox asked if this were a code enforcement action. Town Planner Cashell said it had been, saying the applicant appeared to have purchased the property and started his business on the property without obtaining site plan approval. When this became apparent, he continued, Town officials took action and cited the owner, adding that he had been working with the property owner for a number of months. He said the applicants were living on limited means, adding that he did not know how familiar they were with the requirements and the process, but they were here today looking for site plan approval and that Mr. Buhlman had done a yeoman's job in trying to get the plan up to present-day standards. He said the revised site plan for tonight's meeting had not materialized, saying the realistic cost of putting a site plan together would be \$10,000 to \$15,000, and the owners did not have the money to do that. Selectman Maddox said he disagreed, as he was seeing things that were not there that were supposed to be and was not seeing some things that should be.

Town Planner Cashell said the Town had been trying to schedule this public hearing for this applicant for some months, and had expected a revised plan to be in place, but things had not been able to be materialized.

Selectman Maddox said he had a concern about the drainage waiver, saying someone had filled in a lot of property and there was no indication of where the runoff would go. Mr. Buhlman said it was falling on impervious material. Selectman Maddox said the Town did not have a Town Engineer, so he did not know who would be doing engineering review at the Town level.

Ms. Chadwick asked how materials arriving in trucks was gotten out of the trucks, asking if the trucks were running while the material was loaded. Mr. Buhlman expressed a belief that the trucks were shut off at that time. Ms. Chadwick asked about other trucks coming to this site but not owned by the business—such as coming too early in the morning. Mr. Buhlman said they would be told to go away, adding that these were professional drivers, who would not be causing problems in the neighborhood.

Ms. Chadwick asked about the existing sign. Mr. Buhlman said that the sign had previously been approved, for the other property, and it was not germane to this property.

Selectman Massey asked why there were no CAP fees listed. Town Planner Cashell said the process had not gotten to that point, but there would be CAP fees.

Selectman Massey asked if Mr. Buhlman's clients were aware that there were sewer issues, with the Town Sewer Commissioners having agreed to hold back on the sewer-access fees, which would be \$77,000, for the single-family residence, but those fees would have to be collected if there were no residence there. Mr. Buhlman said the Cormiers had not been aware and could not handle that, adding that a lawyer would have to be involved, as they could not handle that sort of assessment fee.

Selectman Massey asked about chemicals. Mr. Buhlman said the chemicals used were not toxic and the Board would be getting information on that. He then stated that there would be no chemicals on this site, as the coloring was done at 1 Clement Road.

Mr. Hall said this was a 12-month operation, not seasonal. Mr. Buhlman said it was potentially 12 months but realistically was four or five months. Mr. Hall said there would be cordwood, so he presumed that there would be plowing in the wintertime, when the ground would not be impervious, with a significant amount of runoff being possible. He said normally pre-development and post-development runoffs would be shown. Mr. Buhlman said the pre-development runoff would be as it was today, saying he did not want Mr. Hall to go back to two years ago, adding that this lot was mostly dirt, with the graveled area being only the driveway. Mr. Hall said that was where he had to go, stating that the issue was that this was now an industrial site, and the runoff would not be the same as when there had been woods, so he felt that saying there was no need for a drainage study was a problem, as nothing was being done to slow down stormwater runoff. He said that he would not be in favor of waiving CLD review for that reason.

Mr. Hall then asked why Mr. Buhlman felt there was no need for a setback, saying HTC §275-8 (12) (c) said there had to be a 100-foot buffer where a commercial or industrial use or zone abutted a residential use or zone, so a waiver had to be requested. Mr. Buhlman said the ZBA had approved a house, saying he did not think the regulation applied, which would cost the Cormiers extra expense, as he felt the 100-foot distance had been closed up. Mr. Hall said he was not going to argue with Mr. Buhlman but was only asking why he felt he did not need to ask for a waiver. Mr. Buhlman reiterated that he did not think it applied.

Ms. Stewart expressed disagreement with Selectman Massey about paying the sewer fees, as nothing was being built on the site. Selectman Massey said he felt this should be looked into. Ms. Stewart said there would not be a septic system on the site, only piles of stuff. Selectman Massey said someone would have to research the issue, as he believed a property owner had to hook up to sewer running by his property. Ms. Stewart said she would agree with him if there were a septic system on the site, but there was no septic system.

Ms. Stewart said it had been stated a couple times that this would be wholesale only, so she would like a note on the plan saying there would be no retail use on the site. Mr. Buhlman expressed agreement.

Mr. Carroll said there had been a statement that people would be grinding wood, splitting wood, etc., so he felt the issue of sanitary facilities was needed. He asked where parking would occur, saying the people doing the grinding and splitting had to park someplace. Mr. Buhlman said they would be parking at 1 Clement Road. Mr. Carroll said he felt that a time should be specified for when grinding/splitting would occur, which might help the abutter. He noted that another applicant had been asked to specify on his plan that trucks would not idle, saying he felt a note on the plan should address that, along with a statement that no treatment of the mulch would occur on this property.

Ms. McGrath asked about sanitary facilities on the site. Mr. Buhlman said there would be none, as the personnel would go to the house on the lot at 1 Clement Road. Ms. McGrath expressed concern, saying that the Cormiers could sell the other piece of property after this was approved, meaning that this site would be left without sanitation

facilities. Mr. Buhlman said he felt Board restriction would be appropriate for that. Ms. McGrath suggested that there should be a note on the plan requiring the owners to come back to the Board if the property changed hands.

Ms. Quinlan said she would not think having porta-potties on this site would be a good idea, noting that the site was unattractive to look at, and she would be favorable to a time restriction on grinding/chipping. She then noted that this lot was adjacent to a very noisy industrial area, saying she did not think the residential quality of life would suffer too much, but she would like to see screening, preferably natural screening (adding that she did not like the construction fence on the other site)/ She noted that there was another neighbor further up the road who had filled in some of his property with woodchips obtained from this site. She felt there should be engineering assurance that the piles of product material would not affect the drainage and that appropriate safeguards would be installed, not simply a silt fence as Mr. Buhlman had suggested.

Selectman Maddox asked if all of the lot lines could be shown. He then referenced the Hayner Swanson, Inc. (HIS) document. Mr. Buhlman said he had added to the HIS drawing. Selectman Maddox asked where the HIS drawing stopped and Mr. Buhlman's additions began.

Ms. Stewart asked if Ms. McGrath would be comfortable if the same notes that had been used for Hudson Monument were added, stipulating that the site plan applied only to that current owner. Ms. McGrath expressed agreement.

Mr. Hall expressed surprise that no one was reacting to the regulations, saying that all parking had to be on the site, adding that there were the issues of toilets and noise. He said there were a number of regulations that applied to this site, and he questioned just forgetting them all.

Ms. Chadwick moved to defer further review of this application to the August 27, 2008, Planning Board meeting; Ms. McGrath seconded the motion.

Chairman Barnes noted that the applicant had asked for a waiver of review by CLD, noting that he had heard three members speak against this.

Mr. Hall said there were many issues, and he presumed the applicant had not paid the review fees. He said he would be opposed to deferring, noting the requirement for a 100-foot buffer, the requirement that all parking be on the same lot as the use, adding that he felt sanitary facilities were an issue. He said the site plan would not satisfy cars. Mr. Buhlman said no cars would be on the site. Mr. Hall said he could not buy that, saying he was not in favor of deferral but felt the plan should be denied and the applicants should start over again. Ms. McGrath expressed agreement with Mr. Hall, saying she had jotted down a number of issues. Town Planner Cashell said he had 18. Chairman Barnes noted that Ms. McGrath could vote in opposition.

Selectman Maddox said he would vote to defer, as the applicant was at least trying to do something.

VOTE: Chairman Barnes then called for a hand vote on the motion.
All members present voted in favor except for Mr. Hall and Ms.

McGrath, who voted in opposition, and Chairman Barnes declared the motion to have carried (5–2).

Chairman Barnes asked if there were a motion to require engineering review by CLD. Selectman Maddox so moved; Ms. Chadwick seconded the motion.

Mr. Carroll said he felt the review should be done later in the process, when all the changes had been made, closer to the end of the process. Mr. Hall expressed a belief that this plan was far from being ready for review, predicting that it would have to go through CLD review two or three times, wasting the applicant's money.

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

Mr. Buhlman said the fact that the Town of Hudson had not been able to hire a Town Engineer should not be an added cost to the Cormiers. Chairman Barnes pointed out that the Planning Board had no control over that.

Selectman Massey referenced a note in Mr. Buhlman's letter, saying it suggested that no paper plan would be submitted but that the final submittal would be only in electronic format. Mr. Buhlman said that was correct. Town Planner Cashell demurred, saying a paper plan would have to be submitted.

Ms. Stewart requested a 5-minute break. Chairman Barnes declined to accept that request at this time, saying there were too many items remaining on the agenda.

**B. Lindquist Subdivision
SB# 06-08**

**Map 173/Lots 7 & 8
Webster Street**

Purpose of plan: To relocate the lot line between lots 6 & 7 Map 173, to consolidate lots 7 & 8 Map 173, and re-subdivide the new lot into four building lots for residential. Application Acceptance & Hearing.

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

Town Planner Cashell said the plan was ready for Application Acceptance.

Ms. McGrath moved to accept the Lot Line Adjustment, Consolidation & Subdivision Plan application for Map 173, Lots 6, 7 & 8 Webster Street. 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 (6–0).

Chairman Barnes noted that Ms. Stewart had left the room prior to the vote; he then appointed Mr. Carroll to sit in her place.

George Chadwick, PE, from Keach-Nordstrom Associates, Inc., Bedford NH, identified the plan on the wall as the **Lot Line Adjustment, Consolidation, and Subdivision Plan, Lindquist Subdivision, Map 173/Lots 6, 7, & 8**, dated 06-06-08, last revised (Rev 1) 06-30-08. He discussed details of the existing three lots of record (Lots 6, 8, and 7), saying the proposal was to adjust the line between Lots 7 & 6, consolidate Lots 7 and 8, and then re-subdivide that parcel into four single-family home lots: 7, 8, 9-1, and 8-2. On lot 7, he said, the existing residence and driveway would be maintained, with new driveways being constructed on new lots 8 and 8-2. On May 22, he said, the Zoning Board of Adjustment had approved a use variance to allow four lots within the business district, along with an area variance to enable the requirements of the residential zone to be used on the lots in the business zone. He said all lots exceeded residential zoning requirements and would be serviced by Town water and sewer. He noted that all impact fees would be paid, saying three waivers (HISS, traffic study, and drainage calculations) were being requested. He said the plans had been submitted to CLD, with subsequent changes having been made, and with CLD and the Fire Department saying the plans now met requirements. He noted that Reed Brook ran down through the parcel.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, Chairman Barnes asked if members of the Board had any questions.

Ms. McGrath noted that some lots had been mislabeled. Mr. Chadwick concurred. She noted that Note 18 said no blasting and/or ramming would occur Monday through Saturday, saying this should be changed to Monday through Friday. Mr. Chadwick concurred.

Ms. Stewart asked why such small lots as 8 and 8-2 were being proposed. Mr. Chadwick said there was a power-line easement running through the property.

Ms. Quinlan asked if there were room for a house. Mr. Chadwick affirmed that to be the case, and he then discussed Sublot 1.

Ms. Quinlan expressed concern about the request for waiver for a stormwater study, saying this property came right up against the Merrimack River. If density and housing were going to be increased, she said, a study might yield something of significant interest. Town Planner Cashell said the Zoning Board of Adjustment had given permission because this was more in character with the neighborhood. Ms. Quinlan expressed surprise that none of the abutters were present, noting they had been concerned in previous cases.

Ms. Stewart asked if the Town had an easement for a walking trail. Town Planner Cashell said the three newer developments had easements, but he did not know of any for this property. Mr. Chadwick said there were no existing easements. Town Planner Cashell concurred, saying the Board could ask the applicant if they would like to be included. Ms. Stewart said she would be looking for that.

Mr. Chadwick said he was sure his client would be willing to provide an easement. Ms. Susan Lindquist, 44 Webster Street, one of the property owners, sitting in the audience, said "Absolutely not!" Ms. Lindquist then said she understood that people wanted to enjoy the river, but she had to go out and pick up the beer cans and other things left behind, and she did not think people should have to be subjected to that, adding that she was concerned about liability. She said other people really did not respect property.

Ms. Stewart said development of a walking trail would make it more public, with police being involved. She said the liability right now was on the property owners, but people would respect a well-planned trail. Mrs. Lindquist asked if Ms. Stewart would want that in her back yard. Ms. Stewart said she had it, in fact, but the police could not get down there.

Mr. Hall said an easement along the river would not give anyone the right to go across the property from Webster Street, but only the access along the trail. Ms. Lindquist said she understood that a trail of half a mile or more would have people walking along the property. Mr. Hall said they would all be on the other side of Reed Brook. Ms. Lindquist responded: "Not necessarily."

Chairman Barnes declared a break at 9:06 p.m., calling the meeting back to order at 9:19 p.m.

Selectman Maddox said he was trying to correlate the lot numbers against what was in the Zoning Board of Adjustment plan. Mr. Patrick Colburn said they had renumbered the lots in accordance with recommendation of the Assessor. Selectman Maddox said the clarification should be put on the plan, so that ten years from now people would know which lot was which. Mr. Chadwick said all of the lot numbers in Note 4 had been corrected. Mr. Hall expressed doubt that Note 4 clarified the issue. Mr. Chadwick said this plan had the correct numbers and stipulation, using the numbers that the Assessor wanted them to use. Mr. Hall said he had the same problem as Selectman Maddox, saying there needed to be clarity, using numbers in parentheses or some such device. He said the tables needed to be clarified as well, with Lot 6 being included in the table.

Ms. McGrath said Lot 6 had a shed that appeared to be outside the setback area, with no note (as was true of the others) saying that shed would be relocated. Mr. Hall concurred, saying the shed was in the buffer. Mr. Chadwick said it was an existing structure, and he believed the Zoning Board had allowed it. Mr. Hall questioned the meaning of the lines on the plan. Mr. Chadwick said the shed was in the wetland area. Mr. Patrick Colburn, also of Keach-Nordstrom, said the brook was the only jurisdictional wetland.

Mr. Carroll expressed confusion, saying the wetland buffer line could not simply stop, as shown on the plan, and he contended that the line had to be put back.

Ms. McGrath said the shed, if either in the wetland or in the buffer, needed to be moved, in her opinion.

Selectman Maddox said this was an awfully sensitive area, adding that he did not think putting out a few flags would cut it. He said he would be looking for something more substantial than the plastic reflectors usually requested by the Conservation

Commission—suggesting that a clear delineation, such as a split-rail fence, needed to be provided. Selectman Massey noted that a split-rail fence had been required as delineation for the Copper Hill Estates subdivision.

Ms. Chadwick asked if she were correct in thinking that there would be no modifications of the building on Lot 6. Mr. Chadwick referenced Sheet 2, saying the buildings were on the flat area of the property; he suggested that orange construction fence or something could be put in to prevent work in the buffer if the Board desired. He said he would have to talk with his client if a permanent fence was going to be required, pointing out that the lots were larger than required.

Selectman Maddox said the Board had seen people who did not read their deeds and just chain-sawed down to the river, and he wanted something that clearly showed the next home owners where they could not go beyond the edge of wetland. Because of the sensitivity of this parcel, he reiterated, he felt more had to be done.

Mr. Chadwick said there were no trees there, saying there was not a natural stand of trees in that area.

Chairman Barnes noted that there had been a recent change in the Shoreland Protection Act. He then asked if it had been checked as to whether Reed Brook was involved, suggesting that checking be done.

Selectman Maddox asked if the Lower Merrimack River Advisory Committee had been consulted. Chairman Barnes replied in the negative, and he pointed out to the applicant's representatives that the Lower Merrimack River Advisory Committee was looking at anything within a quarter mile of the Merrimack River, so the Board would be looking for input from that group.

Ms. Chadwick asked about the space for the driveway. Mr. Chadwick said Sheet 2 showed it.

Ms. Quinlan said this was a business-zoned area, noting that HTC §275-4 & §275-6 would have applied if the owners had not obtained a variance, noting that this would have given the Board the right to ask for pedestrian/bicycle access. She noted that many property owners to the south had provided such easements, adding that hopefully others to the north also would do so, and it would be unfortunate if that passage were blocked by this parcel. She noted that this parcel had already received a tremendous amount of concessions, noting that there was incredible density involved here, and she was troubled that the Town was now not going to get any concessions from the property owner.

Mr. Hall said he understood that the two age-restricted developments on Route 3-A had granted easements, as well as others. He said he would be very disappointed if these owners would not grant an easement for a strip along the river bank so that the trail could be continued as further development took place along the riverbank, adding that he would be looking for something along those lines.

Mr. Maddox moved to approve the following two waiver requests:

1. HTC 289-26(B)(10) – HISS Mapping

2. HTC 275-9B – Traffic Study.

Mr. Hall seconded the motion.

Selectman Maddox noted that he was not yet ready to do the third requested waiver until he could see a plan delineating the wetlands protection area, as he was worried about fertilizer coming into the wetlands. Town Planner Cashell noted he had recently been concerned with a split-rail fence project for delineating wetlands, adding that it had really done the job.

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. Chadwick asked if it would be possible to have a motion granting that waiver with a stipulation that a fence be placed there. Selectman Maddox responded that the Board would be seeing the project again; he then moved to defer further review of this item to the August 13, 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).

Chairman Barnes at this time seated Ms. Stewart (who had returned to the room during the discussion of this case), with Mr. Carroll returning to his nominal position as a non-voting alternate.

**C. O’Loughlin Subdivision
SB# 07-08**

**Map 174/Lots 15 & 16
18 & 22 Baker Street**

Purpose of plan: To show the proposed subdivision of Lots 15 & 16, Map 174, into three (3) new lots: Lot 15 having 0.360 acres; Lot 15-1 having 1.185 acres and Lot 16 having 0.292 acres. Application Acceptance and Hearing.

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

Town Planner Cashell said the plan was ready for Application Acceptance

Ms. McGrath moved to accept the Consolidation & Subdivision Plan application for 18 & 22 Baker Street, Map 174 Lots 15 & 16. 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).

Mr. George Chadwick, of Keach-Nordstrom Associates, Inc., Bedford NH, referenced a plan posted on the meeting-room wall, identifying it as the **Consolidation, and Subdivision Plan, O'Loughlin Subdivision, Map 174/Lots 15 & 16**, dated 06-06-08, last revised (Rev 1) 06-30-08. He discussed the orientation and the existing lots of record, saying the proposal was to consolidate :Lots 15 & 16 into with existing grade and driveway. He said the CAP fees were acknowledged and noted on the plan, with three waivers being requested (HISS, traffic study, and drainage calculations). He said the plans had been submitted and approved by both CLD and the Fire Department, with staff recommending approval of the waivers. He noted this was two lots being consolidated into three, with Lot 15 containing the existing home and driveway and with Lot 15-1 containing the existing garage and existing driveway, with Town water and sewer provided.

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

Ms. Sandra Hayes, said she had lived in the area for all of her life, now living at 24 Baker Street since 1971, abutting the subject property. She said most residents had enough land for privacy, saying there was home for animals and birds, and she had concerns about maintenance and change of character of the land.

Mr. James Hayes, 24 Baker, said he wanted to know what was going to be done with the property after it was subdivided.

Mr. Chadwick said the O'Loughlins were renovating the two existing structures and selling them, with the remainder being maintained for some future use, but there were no plans at this time.

Chairman Barnes noted the Board had received a petition signed by some 28 residents in concern about the subdivision, expressing concern about the animals that had lived there for years, and requesting that the land be left as nature had intended.

Chairman Barnes then read into the record a letter, dated July 8, 2008, from Mr. Richard Brough, 25 Webster Street, noting that he operated a dental lab at that location with 15 employees and expressing concern about possible impact from the large amount of fill involved with the proposed subdivision on serious drainage problems he had already experienced with respect to the high water table.

Chairman Barnes read a letter from Ms. Ann Brook Smith, 10 Derry Street, expressing concern about flooding and water damage that had been experienced in the past, and asking that these be taken into consideration because of possible pollution of the Merrimack River.

Ms. Quinlan referenced the Zoning Map, asking for confirmation that this property was in the TR zone and that the proposed use was permissible in this area. Town Planner Cashell concurred, saying he had asked the applicant to come in with a schematic, but their option was that they might not have a valid schematic. He questioned if a cul-de-sac would fit in there. Ms. Quinlan expressed frustration, saying this neighborhood was not a densely populated neighborhood, and she felt this proposed development would totally destroy the character of the neighborhood.

Ms. Chadwick said she felt the applicant was not being totally frank, as a driveway was being left in the middle. Mr. Chadwick said all the owner could do today would be to put a single-family home on that lot, noting that anything else would require the owner to come back before the Planning Board. Ms. Chadwick objected that the Board was not being told where the house could be put on the property.

Mr. Carroll said it appeared that someone wanted to sell the houses and leave land to be developed later. He said he did not see anything being proposed that compromised the woodland situation. He then questioned the short distance of what appeared to be five feet for the setback of the driveway. Mr. Chadwick asked if a driveway could not be in the setback; being told it could not be, he said the driveway would be moved. Mr. Carroll expressed a belief that the applicant should find a way to define a plan that would satisfy the neighbors by keeping a certain percentage of green space.

Selectman Maddox stated that property owners did not have to tell anything if they were not going to do anything within five years.

Ms. McGrath referenced Lot 16, saying it looked like two walkways, with one going through the proposed driveway. Mr. Chadwick said that would be removed. Ms. McGrath said a note was needed to clarify that.

Ms. McGrath referenced lots 15 and 15-1, noting that two buildings were within the front setback. Mr. Chadwick said that was an existing nonconforming use. Ms. McGrath said a remedy would be getting an Equitable Waiver from the Zoning Board of Adjustment, which would prevent future problems that might arise in the selling process as technical violations. Ms. McGrath then concluded by stating that Note 18 needed to be made consistent with other plans.

Selectman Massey observed that the front cover sheet showed two different owners. Mr. Chadwick said it was the same owner, but Lot 15 was held by a management company.

Ms. Stewart said another note change would be that construction would not occur on Saturday. Mr. Chadwick expressed agreement.

Selectman Maddox referenced a note on Sheet 2, saying he thought these were existing homes. Mr. Chadwick said the note was in case a home was built. He said this was a general note for the entire plan.

Ms. Chadwick asked why the applicant believed a drainage study was not necessary, since a direct abutter, Mr. Brough, was concerned about drainage impact. Mr. Chadwick said the amount would be minimal, with no runoff running off to other properties.

Ms. Kathy Taylor said she wanted confirmation that the owner could not build on the vacant lot if the use were not shown on the plan, and would have to come back. Selectman Maddox said there was text in the regulations saying a subdivision plan was supposed to show any development being proposed within the next five years. Mr. Hall said that text was vague. Chairman Barnes said the owners would have to come back before the Planning Board if another subdivision were to be approved. Ms. Taylor

questioned if the house would have to be built down below, asking if they would use the Baker Street driveway to get to the house or come in from Webster Street. Chairman Barnes said it would be hard to tell. Ms. Taylor asked how the sewer connection would work. Chairman Barnes said he was not sure where the sewer line was, but it would need a pumping system if connected uphill.

Mr. Hall said the text referenced by Selectman Maddox was designed to prevent someone from coming in with a crazily-shaped lot. He expressed a belief that the owner would have a right to build a house anytime after this subdivision was approved—noting, however, that he expected the garage would have to come down. Town Planner Cashell read aloud HTC §289-12, the referenced regulation; noting that no time limit was specified. Mr. Carroll expressed a belief that the applicants would have to come back before the Planning Board if building anything other than a single-family house.

Chairman Barnes said he wanted to move this along, and he asked for some kind of motion.

Town Planner Cashell said a number of issues had to be resolved on the plan; he suggested deferral to August 13.

Mr. Maddox moved to approve the following waivers, as requested by the applicant:

- | | | |
|----------------------|----|----------------|
| 1. HTC 275-9B | -- | Traffic Study |
| 2. HTC 289-26(B(10)) | -- | HISS Mapping |
| 3. HTC 289-20C | -- | Drainage Study |

Mr. Hall seconded the motion.

Ms. Stewart said she would vote against this motion because of the drainage study concerns raised by Mr. Brough and comments by Ms. Taylor.

Ms. Quinlan said she also would vote against the motion, based on those same reasons and also the letter from Ms. Smith.

Mr. Hall said it would be hard to have a drainage study, since the applicant was not currently proposing to build anything, adding that he believed Mr. Chadwick was right in saying that anything that would be built would not be a problem. Selectman Maddox expressed agreement.

Ms. Chadwick said there was a problem, because no one knew where the house would go.

Ms. Stewart said they would not have to come back if they were just building one house.

Selectman Maddox asked if Mr. Hall would be satisfied if a driveway and house location were shown. Mr. Hall said that would satisfy the requirements, but the house would not have to be built where it was shown. He said it was just semantics, and a waste of time.

Ms. McGrath said she would vote for the motion, as the colored drawing showed that someone would come back in the future to subdivide the large lot, so the Planning Board would get another bite of the apple.

VOTE: Chairman Barnes then called for a hand vote on the motion. All members present voted in favor except for Ms. Quinlan, Ms. Stewart, and Ms. Chadwick, who all voted in opposition and Chairman Barnes declared the motion to have carried (4-3).

Selectman Maddox moved to defer further action on this matter to the August 13, 2008 Planning Board 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 (7-0).

**D. Rebel Square Site Plan
SP# 09-08**

**Map 101/Lots 30-1 thru 30-4
1 Rebel Road**

**Purpose of plan: Allow showroom use for portion of building.
Application Acceptance & Hearing.**

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

Town Planner Cashell said the plan was ready for Application Acceptance.

Mr. Maddox moved to accept the Site Plan application to amend the Candy Lane Site Plan, Map 101/Lot 030 & 031. Ms. McGrath seconded the motion.

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

Town Planner Cashell said he had no updates for his staff report.

Mr. Tony Marcotte, present as the representative of the applicant, said one of the units had been sold and the owner was here, because the approved site plan said there would be no retail sales. He said the business had a showroom, with people coming in to look at the product, but they did not do a cash and carry business, as the product was too heavy to be carried. He noted that there were 40 parking spaces for five units, and this had two units, with an intention to grow to 10 to 12 employees—adding that a majority of the employees worked elsewhere. He addressed Sheet S1, **Site Plan of Candy Lane, Feb 4 2003, Rev j June 10, 2008**, posted on the meeting-room wall, noting that Mario Plante owned the site.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, Chairman Barnes declared the matter before the Board, asking if members of the Board had any questions.

Ms. McGrath asked how the Board could know which unit was being referenced. Mr. Marcotte said he would clarify it.

Selectman Maddox said this Planning Board had said NO RETAIL for several properties for good reason, noting that what had been built on this site was larger than what had been approved. He said he could not vote for this, as the owner had said he was not going to do this, and this was opening the tent for the camel. Mr. Marcotte said this was why the note had been put on the plan that they would come back to the Planning Board if the intent were changed. He said this was serving the same contractor industry, with very low volume, adding that he felt this met the intent.

Mr. Carroll questioned if contractors were really the only persons who would come, rather than the person building the home in which the cabinets would be installed. Mr. Marcotte said persons had to look, but they did not buy and carry. Selectman Maddox said the customer should be going to a facility that had the ability to have people show up, not to this contractor site, which did not have the parking or traffic capability.

Ms. Chadwick asked what was in Units 3 & 4. Mr. Marcotte said they were empty, adding that he did not know who/what was in Unit 5.

Mr. Hall asked why Mr. Marcotte was here. Mr. Marcotte said they had been asked by the Community Development Department to come here, as it did not meet the intent of the site plan. Mr. Hall asked if there had been a complaint; Mr. Marcotte answered in the affirmative. Mr. Hall noted that there had been a prior case in which a pool contractor had come in to sell pool supplies; Town Planner Cashell said that applicant had been discouraged and had not returned.

Mr. Hall said he did not personally have a problem with the proposed use, but he had a problem with the note saying "NO ADDITIONAL RETAIL SALES" as he felt this was a show room, not retail sales. He referenced the recent Specialty Kitchen case, saying he did not have a problem until cash and carry sales were involved, as additional parking would be needed. Mr. Marcotte said he felt Mr. Hall was suggesting he change the words to NO ADDITIONAL SHOWROOM SPACE. Mr. Hall said the wording would have to be changed before he would approved the plan.

Ms. McGrath moved to defer, saying she would not vote to approve anything until she saw the language regarding what was being proposed. Mr. Hall said it was basic, that these two units would be limited to a showroom.

Ms. Chadwick asked how many delivery vehicles would be there. Mr. Marcotte said there would be one, parked inside.

Mr. Marcotte said the Note 6 would be changed to read that no retail sales were allowed. Mr. Hall said this would be true for any unit. Ms. Chadwick suggested there should be a separate note, saying no retail sales throughout the multi-unit building.

Mr. Hall moved to defer further review of this item, date specific, to the August 13, 2008, Planning Board 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 (7-0).

OTHER BUSINESS

A. Stop & Shop Review proposed traffic improvements

9 Wason Road
Map 222/Lot 041

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

Town Planner Cashell said he had put together a statement, following previous discussion with Selectman Maddox.

Selectman Maddox said the traffic light at Lowell & Wason had been relocated, and he had been told it would fail. He said he had asked for a price, as there was money available from the Stop & Shop contribution.

Mr. Hall expressed concern about the fact that the intended work was not described in detail, although a specific amount of money was requested. Mr. Carroll suggested that engineering should be done.

Members of the Board discussed components and concerns. Town Planner Cashell said the proposal would modernize the traffic light at that intersection.

Ms. Stewart asked if the money for the ballpark were still in the account. Selectman Maddox said there was \$100,000 but the state was holding up final approval, as the State had given permission to do it but now would not give permission to use it. Mr. Hall questioned why the Stop & Shop money for the intersection could not be used, as he felt the whole intersection was involved. He said the Board should approve the \$35,000 but also should seek the \$8,000 for the striping, for a little over \$40,000.

Mr. Hall then moved to forward a favorable recommendation to the Board of Selectmen, relative to the expenditure of up to \$42,000 from the remaining \$50,000 of the Stop & Shop contribution to the Lowell Road Corridor Improvements Account, and for said funds to be used for the exclusive purpose of upgrading the components associated with the Lowell Road/Wason Road traffic signals and roadway markings. Ms. Chadwick seconded the motion. Town Planner Cashell suggested that language to include the striping be included; Mr. Hall expressed agreement.

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 noted that there had been discussion of a sign ordinance at the August workshop, but Ms. Maryellen Davis, who had proposed many changes, would not be available on that date. Members of the Board expressed a desire to defer that discussion until Ms. Davis could be available.

Town Planner Cashell referenced the request for a one-year extension of Flagstone Plaza. Selectman Maddox asked that it be submitted as an application so that it would go through the process and be listed on an agenda.

Chairman Barnes referenced a hand-written letter, undated, from Ms. Karen Dexter, asking for a zoning change. Chairman Barnes said the applicants would have to come to the Planning Board, rather than having this as something that the Planning Board would be driving.

Chairman Barnes referenced a large packet of documentation about the Nadeau Estates subdivision. Town Planner Cashell said the Town Attorney was not satisfied that the document had all of the changes requested by the Planning Board and wanted the Board to read through the document and have a discussion, with a formal vote. Mr. Cashell said he felt that had already taken place, but there were a lot of changes, adding that at the January 9th meeting the Board had formally voted to have those documents changed, and they were amended thereafter.

Ms. Chadwick said it would behoove the members to put this on the August workshop agenda, when the Town Attorney would be present.

Mr. Carroll said many of these were his own notes and his comments to Atty. Buckley. He said Atty. Buckley should first pass back his comments on these changes.

Selectman Maddox noted that this had been a significant task. He said all members should review the final documentation, and also the simple document that the applicant would provide as a summary.

Town Planner Cashell reported receipt of a copy of a survey being sent out by Dr. Ebeed to abutters of his recently opened dentistry establishment at 26 Derry Street.

Town Planner Cashell referenced a letter from Sean Sullivan in regard to the recently approved St. Joseph's Hospital and the request for the Board to take into consideration the fees previously paid by Mr. William Tate. He said he had not yet been able to check out the fees, but Mr. Basso said they had been paid.

Selectman Maddox said those had been pre-CAP fees. Mr. Hall questioned why Town Planner Cashell should have to do the research, if the applicants knew all the figures.

Town Planner Cashell asked if CIP should be on the workshop agenda. He then stated that he would try to have it that night, or at the next-following week.

XIII. 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 11:19 p.m.

Date: July 17, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

These minutes were accepted as amended following review at the 03-25-09 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
July 9, 2008**

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The following changes were made in accordance with the Board's review of these minutes at its March 25, 2009, meeting:

Page 4, second line — changed "*with*" to "*without*" so that the sentence now reads "Ms. Chadwick expressed agreement, expressing concern about going into uncharted territory without getting advice from the Town Attorney."