

-- FILE COPY --

**HUDSON PLANNING BOARD
MEETING MINUTES
May 14, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7: 07 p.m. on Wednesday, May 14, 2008, in the Community Development meeting r oom in the Hudson Town Hall b asement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, Marilyn McGrath, Suellen Quinlan, Vincent Russo, and Richard Maddox (Selectmen's Representative). Terry Stewart (arrived at 7:12 p.m.), and George Hall (arrived at 8:18 p.m.)

Members

Absent: None. (All present.)

Alternates

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

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner Joh n Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATE S AND ANNOUNCEMENTS

Chairman Barnes seated Mr. Carroll to sit in place of Ms. Stewart , who had not yet arrived, and seated Ms. Chadwick in place of Mr. Hall , who also had not yet arrived .

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes deferred the review of minutes of past meetings to the next workshop meeting, as he was not prepared to review them this evening, adding that these would be the minutes for the meetings of Mar 26th, April 22nd, April 9th, and April 23rd.

Chairman Barnes said he wished to take **Old Business** Item A out of order. No objections being raised, he proceeded to that item.

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 the existing lot-line between lots 154 & 155 and to subdivide lot 155-3 into 3 lots. Hearing. Deferred Date Specific from the 04-09-08 Planning Board Meeting.

Chairman Barnes read aloud the published notice, as repeated above. He then noted that the Planning Office had received a request for deferral in writing. Mr. Russo moved to defer action on this matter to the meeting of July 23, at the applicant's request. Mr. Carroll seconded the motion.

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

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 03-26-08 Planning Board Meeting.

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

Town Planner Cashell said he had no updates.

Ms. Stewart arrived at 7:12 p.m. and took her regular seat at the table, although not recognized by the chairman for this inprocess case.

Mr. Marty Kennedy, the Board's traffic consultant from VHB (Vanasse Hangen Brustlin, Inc.) reviewed the past meetings pertaining to this plan, noting that his concern at the 12th meeting was with respect to the weaving issue, and reporting he had suggested the NH-DOT would not approve the plan for those reasons. He said the DOT had subsequently reviewed the plan as a cursory review, giving its comments in a letter dated April 18. He noted that a meeting with the DOT had occurred, attended by himself, the applicant, Town Planner Cashell, and Chairman Barnes. He then reviewed the DOT's comments.

- Referring to the DOT letter dated April 18th, he said the first comment pertained to the weaving, with the westbound movement onto the Sagamore Bridge being declared a problem.
- The second issue was with the short distance for the ramp coming in from Flagstone Drive, with a potential backup queuing into the Flagstone Drive area, meaning that there might need to be a tied-in traffic signal at that intersection to mediate that situation, which would affect the efficiency of the interchange signal light.
- The third issue was the short distance for traffic turning right off Lowell Road to decide whether to stay on to get to the bridge or to take the ramp.
- Point four was that the changeover from three lanes to two prior to the point where two lanes would be coming on, so that there would be four lanes, subsequently dropping to three before getting to the bridge, resulting in too much happening.
- Comment five referred to the DOT standards, with the DOT thought process being that the geometrics did not meet those standards.
- Point six pertained to the lengthy process for changing the limited access way. Mr. Kennedy emphasized the importance of the Town's agreement that the purpose of breaking the limited access would be for the benefit of the community, not for a private developer's profit.
- Point seven concerned the issue of ownership of the roads, with the DOT being nervous about who would maintain the roads.
- Point eight pertained to the need for some sort of overall analysis.

Mr. Kennedy noted that this had just been a cursory review, adding that the state would want a 20-year design and might want some additional traffic counts for verification.

Ms. McGrath asked if Mr. Kennedy felt the applicant could overcome any of these issues. Mr. Kennedy replied that something could always be done if enough money were spent, but the DOT had looked at this plan and found these issues, some of which he had previously raised.

Atty. Jay Leonard, the applicant's legal counsel, noted he had been at the meeting, saying that he had left the meeting with the understanding that Chairman Barnes had

asked the DOT if there were fatal flaws, making the plan dead in the water, with the DOT having said it was not. He reminded the Board that this was design review, saying his clients would take responsibility to resolve those questions, to the satisfaction of Mr. Kennedy, the State of New Hampshire, and the Planning Board. He said there were two parts of the plan, with the policy issues of what the Town wanted not having been answered. Unless and until the Town wanted to make the application, he said, there would be no interchange. He then stated for the record that he was accepting the responsibility to meet those requirements and to resolve the questions.

Addressing the policy side of things, Atty. Leonard noted that questions raised had not been answered, and he suggested it would be worthwhile to talk about the decisions that would have to be made. Referring to the DOT letter, he said those technical issues would have to be resolved at a later date, as they were not there, yet.

Referring to Point 3, he said the 300-foot distance to decide whether to get on the bridge or onto the applicant's site would have to be addressed, but this brought up a policy issue, as it was affected by the variable of whether the Town wanted the road to provide access from the north to the applicant's site.

Atty. Leonard said all of the traffic analysis had focused on the connection between Lowell Road and the bridge. He said the concept of access from the north, which was put on the plan at the request of the Planning Board to see if it would gain anything — and also to accommodate the Circumferential Highway if it should come into being. He noted there were environmental problems, and that not much was gained. He said another decision the Planning Board had to make was whether to have an interchange with a traffic light or to have a free-flowing interchange, which Town Planner Cashell had recommended. He said this was a chance for a discussion.

Noting that this was to be a single-point interchange, with only two others in the state, he said that he had asked the State representatives how the other two such intersections worked, stating that both representatives had said those intersections were initially confusing but now were considered very efficient.

He said one option was one access from the northeast, and another was access to the industrial park, adding that this was the item the applicants had received most input from the public about. He discussed details of the industrial park traffic, explaining why they had chosen the ramp approach. He noted that access from the south was to take traffic off Lowell Road, saying the three things had to be taken individually. He said it was important to get the trucks off the road, but the Planning Board would have to decide whether it wanted to get the northbound traffic off the road.

He said the queuing problem was only in the evening, at the worst time of the day — arguing that the ramp, if properly designed, would cause the waits to be on Flagstone drive, rather than the Sagamore Bridge road. He contended that the vehicles using the ramp would still be weaving, so nothing would benefit from taking it away. He said he felt the state had pretty much decided that a signalized ramp would not gain anything, saying people would break into the lane when there was a break.

He said each of the traffic patterns related to the interchange, and the Town would have to make decisions about that before the applicants could proceed with any plan.

He then suggested that there might be an opportunity to construct the road pattern in a phase, first trying Town Planner Cashell's idea of a free access, but leaving it open to construct the balance if there were a need.

Atty. Leonard then concluded his remarks by saying there would not be an interchange unless the Town wanted one, but he could not imagine that it did not make sense to have a second road corridor when there was an opportunity.

Town Planner Cashell noted that the access to the site for the southbound traffic had been proposed because one of the Planning Board members had not wanted vehicles to have to go down Lowell to the furthest access. He noted that he had suggested engineering an input from Walmart Boulevard. He then commented that southbound traffic on Lowell Road was pretty much at failure right now in the evening, just as the traffic access from Wason Road to get onto the Sagamore Bridge in the morning was also at failure. He said he had suggested the developer provide for three lanes of traffic, which would build much more capacity into Lowell Road, adding that he had always felt the slip ramp tying the eastbound traffic into the industrial park was a problem. He suggested that Kevin Slattery was soon going to provide a new access to the industrial park via Hampshire Drive. He then discussed the benefits of a free-flowing system, saying it improved safety and speed.

Ms. McGrath asked if Mr. Cashell were suggesting elimination of the slip ramp from Lowell Road onto the bridge and also the other that went into Flagstone Drive. Mr. Cashell concurred. Ms. McGrath asked if he were suggesting the access road should not connect to Flagstone. Mr. Cashell said he did not see it as necessary, noting that the State had said the volume of traffic from the industrial park entering into the Sagamore Bridge road system was a major concern, as also was the expected increase of traffic from Lowell Road as a result of commercial development of the proposed site. Mr. Cashell said the DOT's concerns about weaving, with a significant increase in traffic, were absolutely legitimate—adding that the 20-year plan might show that the bridge would have to be widened, and the issue was where the money would come from.

Ms. McGrath asked Atty. Leonard if Mr. Cashell had talked to him about these suggestions. Atty. Leonard said the primary suggestion was whether there should be access to the industrial park, and then whether it should be signalized. He said the reason for the access to the park was to take traffic off Lowell Road, particularly in the area off the Wason Road intersection. He said these things, along with elimination of the slip ramp, were on the table for the Planning Board to consider. He said he did not know if access to the intersection from the park was such a problem, but the state would have to be satisfied.

Mr. Carroll suggested there would be free flow if the eastbound ramp to the park disappeared and the other ramp disappeared—but the applicant could still keep the access from the connector road into the industrial park. Atty. Leonard concurred, saying this would be important in the morning commute. Mr. Carroll said a lot of places to which he traveled put in a two-second delay light, which seemed to keep the highways fed very smoothly. He also suggested that keeping the access to the

connector road would be good for people coming to and from Tyngsboro. Atty. Leonard concurred.

Mr. Carroll asked if widening the access roads to the connector would bring up new problems with wetlands. Atty. Leonard said the Walmart Drive road was put in when the Sam's Club was constructed, and it was sized for the current site, 100 feet wide. He cautioned, however, that this would necessitate a signal light at the connector road access.

Ms. Quinlan expressed apprehension concerning the idea of breaking the limited access road, questioning what Mr. Cashell's memo meant. Mr. Cashell said it meant that the break request would have to come from a public entity and must serve a public purpose. He said the public component would be the bypass capacity, but the developer would need the Town to spearhead the request. Ms. Quinlan asked what the burden on the Town would be. Mr. Cashell said the State could not build interchanges through or in communities unless the communities were solidly behind those improvements. He said the break would have to have the absolute and enthusiastic support of the Board of Selectmen in order to happen. Ms. Quinlan questioned whether such enthusiastic support would be setting up the Planning Board, as the Board really did not know what was going to be put on the site and really did not know what the traffic would be. Mr. Cashell said these questions had to be addressed, noting that a certain amount of uses could go on the property, but there were also limitations associated with the traffic capacity and roadway. He said there was a limited amount of money involved and the developer would have to pay for it, as the State did not have the money and the local government did not have any sizeable amount of money to contribute.

Mr. Hall arrived at 8:18 p.m. and took his seat at the table at that time, although not yet recognized by the chairman for the inprocess hearing.

Town Planner Cashell said the Board could not allow the developers to put too much on the site, and could not allow them to create an interchange that would not be safe, reiterating that it would have to be designed so as to be a long-term betterment for the community. Ms. Quinlan asked if there should be joint meetings with the Planning Board and the Board of Selectmen. Mr. Cashell answered in the affirmative, saying the developer would have to bring all the parties together. Pointing out that the property owners could develop the site as a piecemeal effort, without creating a well-planned roadway network, he suggested that what was being brought out tonight was that eliminating a couple elements of the previously proposed roadway would make it better, but the tradeoff was that the property owners would not be able to build as much as they had wanted to. He suggested that the developers needed to do whatever they could to improve the eastbound and westbound traffic situation for the Sagamore Bridge Road, rather than create a mass of spaghetti-like roads.

Atty. Leonard commented that he did not understand the "enthusiastic" process to be as Mr. Cashell had described, but the Town had to make the application. He noted that the W/S Development group had been working through the process without involving the Town. He then concluded by stating that the property owners would do all the work.

Selectman Massey said he was having difficulty with the word “bypass,” which to him was something that allowed limited access. He said there were three stoplights on the connector road, so it was not a free-flowing bypass. Atty. Leonard said the discussion of “free-flowing” was with respect to the interchange, itself. He confirmed that there would be three or four traffic lights, saying it was not limited access, but was a parallel road. Selectman Massey asked if someone coming east across the bridge and wanting to go south would use that road. Atty. Leonard argued that there would be equilibrium—if there were a lot of traffic on the connector road, vehicles would take Lowell Road, and if there were a lot of traffic on Lowell Road, they would take the connector road.

Selectman Maddox, speaking from the lectern as a citizen of the community, said the Board should look at the plan to balance the interests of the citizens. He suggested that the Board was getting bogged down as to how many ramps there would be, when it should be discussing the amount of development on the site. He said retail would beget more retail, and the Board should be looking at road capacities for the full development, deciding how much it wanted to allow, based on how it would affect the community. He said the Town, the developers, and the State perhaps should back up and ask if there were a better use for a 400-acre parcel on the Massachusetts border.

Ms. Stewart said she accepted the fact that this property was going to be developed, saying she would rather see good upscale retail, rather than 300 to 400 houses. She said the Board had to work with the developers and make sure it was done right.

Mr. Carroll suggested that saying they should do something else meant that the Town had to help by investigating. He said everyone had to team up to see what was out there—saying the property owners would develop it otherwise, if the Town did nothing.

Atty. Leonard said he had heard the comments and the property owners were working hard to address them—taking active steps in looking at governmental institutions, etc., but the market was the market, and it would be an issue if retail were the only thing that wanted to come in. He said he was listening, but it was very unlikely that a big company would want to come to Hudson put its headquarters here, as had been suggested as an alternative to retail development.

Town Planner Cashell said the Town would not be adverse to working with the developers, but the developers had to work with the Town, as well. He said the developers needed the Town to enthusiastically support the break in access, and it would require a partnership to develop the property. He cautioned the Board that the Planning Board did not have the authority to sign on with the developers to get the break in access, which ultimately had to be signed off by the Board of Selectmen, but it was a big political process. Atty. Leonard said he had told the Board of Selectmen they would have to sign the application.

Town Planner Cashell noted that the Board was not dealing with a 500-acre parcel out in the desert, but with a 500-acre parcel surrounded by other developments, including residents, and the developers would have to work with those residents.

Ms. McGrath said she would like to hear any discussion about roadway improvement for the Wason Road intersection and southbound traffic on Lowell Road, the next time the applicants came before the Board. Atty. Leonard said he was aware there would be discussion of improvements beyond the local area, saying he would come back with information on three or four lanes providing access onto the bridge.

Selectman Maddox asked Atty. Buckley, the Town Attorney, if the Planning Board could invite the Board of Selectmen to a meeting and still be covered under NH RSA 76:4.2, expressing concern that he might not be able to vote when this matter came back to the Planning Board if he participated in a discussion about the plan when it was before the Board of Selectmen. Town Attorney Buckley said the Planning Board could invite the Board of Selectmen to a Planning Board meeting, having them sit in the audience and give their views, providing they were giving views they had come to a consensus on at a prior meeting—adding that there was no mechanism for a legal meeting of the Planning Board with the Board of Selectmen, as was the case for a meeting of the Planning Board with the Zoning Board of Adjustment. Selectman Massey questioned how he could discuss it on the Board of Selectmen without being disqualified from being seated on the Planning Board. Town Attorney Buckley said the Selectmen had the authority to go to a Planning Board meeting and report on having knowledge of what the Planning Board was doing, but he did not think this meant that the Liaison Selectmen had to recuse himself—adding Selectman Massey could not be forced to recuse himself, as he had to have an opinion. He then clarified that the Selectmen's Representative could report at a Planning Board hearing on the Selectmen's consensus.

Mr. Carroll asked what prevented the Planning Board from presenting a proposal at a Board of Selectmen meeting, as a visitor to that meeting, and then have the Selectmen come back to the Planning Board. Town Attorney Buckley said it would be better to have the Planning Board develop a consensus and then have a member of the Planning Board present it to the Board of Selectmen.

Mr. Carroll then asked if the Planning Board knew what the applicant would be coming back with—and if the board should make suggestions.

Town Planner Cashell said he would like the developers to come back with a much more realistic design for the interchange—noting as an example, that they were still looking at one lane of southbound traffic on Lowell Road, which suggested to him that they had not really viewed the situation. He said the developer had to take into consideration what the NH-DIT was saying with respect to the weaving situation, saying the present proposal was mayhem.

Chairman Barnes noted that the Board had asked the applicant to have the slip ramp to handle traffic coming from the northeast; he asked if the Board were comfortable with taking that out, now. Selectman Maddox said he did not see how the question could be answered until the Board knew what was going to be on the site. Ms. McGrath said she would be comfortable removing the slip ramp, providing the Board heard what the developers were going to propose for roadway improvements with respect to the problems that Town Planner Cashell had identified on Lowell road leading to this site. Town Planner Cashell said the slip ramp would be replaced by the

Walmart Drive access. Ms. McGrath said she would like that idea, at this point, but she was concerned about the wetlands and did not know what the impact would be.

Ms. Quinlan, who also served on the Conservation Committee, said there were significant wetlands, and she noted some of the issues that had been observed by the Conservation Commission members. She then stated that she found this very overwhelming for volunteers with limited hours to devote to studying the background, questioning if the Planning Board could make these decisions effectively. She referenced Craig Green's letter, noting the suggestion of a more comprehensive study, including the Everett Turnpike. If the Board/Town had to be the applicant, she continued, it would have to understand these things. She then asked what would be lost if the Board became the applicant. Chairman Barnes said the Town would be the applicant to break the accessway, but the full design would be the responsibility of the developer, adding that the Board could get input from its own engineers, including Mr. Kennedy, to make sure that what was being presented by the developer was reasonable.

Mr. Carroll noted that a concern last December was that the Board did not know what was going to be built, so the Board had suggested the developer design a roadway system that would handle a specific number of vehicles—adding that the Board could reject any plan that would put more traffic on the road. If the Board established a certain level of traffic that the road would sustain, he argued, that would limit what could be put on the property.

Ms. McGrath said she agreed that the whole concept was overwhelming, but this was what the members of the Board had signed up to deal with. She said the Board had a consultant and had some level of trust in the consulting firm's ability to review the plans and give a knowledgeable recommendation. She said she felt the members of the Board had common sense and could feel comfortable in approving what made sense—adding that she would not vote in favor of anything that did not feel right. She then added that she would hope that any developer would try to succeed better than what the State of New Hampshire had done, as she felt the existing roads were terrible.

Atty. Leonard said he understood the concern, but the process was giving some flexibility. He said the application would be months down the road, and all that was being done now was planning. He said the Board would not be asked to sign something or vote for something until the Board was ready.

Ms. Quinlan said she was nervous about approving a road without knowing what was going to go there, without having any idea as to how many cars would be traveling on that road.

Selectman Maddox said he had never seen an applicant's traffic engineer say their proposed roadway would not work.

Chairman Barnes commented that the Board had some concerns about removing the slip ramp, but it seemed to be something that had to be looked at, as well as the eastbound road into Executive Park from the bridge, as this was causing concern to the NH-DOT. Atty. Leonard said he did not believe the NH-DOT had said that.

Mr. Carroll noted there had been a suggestion for two lanes from Lowell Road for southbound traffic; Atty. Leonard said there were issues with that, as that change would exacerbate the weaving problems .

Mr. Hall said he found it interesting that some members of the Board were talking about taking things out, suggesting that there needed to be more understanding before doing that, and it was way too early in the process to add things or take things out . Mr. Carroll said his concern was the traffic lights, so he was in favor of taking them out. Chairman Barnes said there really was not any clear consensus ; he then stated that the Board wanted to know how to get consensus from the Town that this was what the Town wanted to recommend. Mr. Hall said one way would be to try to determine what the alternative was —adding that Lowell Road was the alternative and everyone agreed it was too full of traffic now. If the property owners were going to develop something he said, the Board needed to ask what the maximum use would be for the way Lowell Road was now, or whether another lane needed to be added to Lowell Road .

Mr. Kennedy said his firm's role up to his point had been just to review something presented and provide options. Another approach would be for him to come in at any time, such as at a workshop, and answer whatever questions the Board members might have. Mr. Carroll said the Board might not have the right questions. Selectman Maddox said this was not how the firm was being funded under the current contract .

Chairman Barnes declared a recess at 9:13 p.m., calling the meeting back to order at 9:29 p.m. He asked if the Board members wanted to have a workshop meeting for discussion of this design with Mr. Kennedy . Mr. Hall said it would be up to the applicant to decide how far down the road he wanted to go to get the support of the Planning Board and the Board of Selectmen. He suggested it would be a waste of time for Mr. Kennedy to give suggestions, as the applicants had to decide how they wanted to proceed. Mr. Carroll expressed agreement.

Atty. Leonard said the applicants were interested in doing whatever helped, but he wanted to know what the Planning Board's interests were. He said Mr. Kennedy could make some suggestions, adding that he would want to hear if Mr. Kennedy thought it should be a signaled intersection, but it was still up to the Planning Board. Chairman Barnes said the Board was in a place where it did not normally go, as there was no application before the board, but people wanted to know what kind of uses would be on the property and what kind of traffic would be involved.

Atty. Leonard said the current focus was on the road system, acknowledging that the road system would have an impact on what could get built.

Selectman Maddox said it was up to the applicant, saying he could talk with the other Selectmen, but it was up to the applicant to decide what they wanted to do.

Mr. Carroll noted that the Board had made some suggestions to the applicants, who had added those things to the plan and then gone to the NH -DOT and now was asking if they could take some of those items out. He said the applicant should have freedom to undo things that the Board had asked for.

Chairman Barnes said he was not sure where the Board was, at this point—saying they could continue working toward a better design for the interchange, but he felt

some sort of workshop discussion might be helpful. Atty. Leonard said he did not need to be guaranteed any results; he then suggested that there be a workshop to discuss the signaling, as Town Planner Cashell seemed to be suggesting a free-flow system but most of the Board seemed to want traffic signals.

Mr. Carroll said the NH -DOT seemed to be opposed to the traffic signal, adding that he would rather work toward what the NH -DOT wanted.

Selectman Maddox said he would be reticent to taking out the access into the industrial park, as it might result in ramifications for another board. Atty. Leonard said he thought that should be the purpose of a workshop discussion, to decide what to do about the traffic going to the bridge. He said he did not think the NH -DOT was against the signal light at this intersection, but that there were some geometrics that had to be resolved, whether the intersection was signalized or not.

Ms. Chadwick said it seemed to her that the traffic with respect to the industrial park and to Lowell Road were opposite. She questioned if the loop road into the industrial park was that much of a benefit with respect to the problems on Lowell Road.

Atty. Leonard said the advantage to eliminating the ramp was that the traffic would have to go through a light which would have to accommodate the left lane from Lowell Road onto the bridge road. He said having the intersection and the signal light would actually improve the situation over at the end of Wason Road.

Chairman Barnes expressed a belief that the discussion needed to be closed off. Mr. Hall said Atty. Leonard had said he felt he could fix the intersection, adding that he felt the Board should let him do that and come back with another version. In the meantime, he continued, he would hope that the two traffic consultants would consult with each other.

Town Planner Cashell said the problem on Lowell Road was morning traffic trying to make its way onto Sagamore, along with traffic from Wason Road. He said the Stop & Shop engineers had not picked up on the fact that there would be a half-mile of commuter traffic backed up in the morning on Wason Road, with no alternative whatsoever. He said the fact was that the massive amount of southbound traffic on Lowell Road for the morning commute was causing the problem.

Atty. Leonard suggested a date-specific deferral for a couple months. Selectman Massey said he felt the Board should go back to the idea of only having this one item on nights they came before the Board, noting it was already 9:45 p.m., with two other items waiting to be heard. Selectman Maddox suggested that a better approach would be to hold the Green Meadow applicant to two hours.

Ms. McGrath moved to defer further review of this item date specific to the July 23rd. Selectman Maddox seconded the motion.

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

Town Planner Cashell said the only other item would be the Adelaide Street project, and it was likely that that item would be deferred.

Chairman Barnes at this time recognized Ms. Stewart and Mr. Hall as having arrived during the preceding discussion, stating that they would be seated as regular members from this point on, with Ms. Chadwick and Mr. Carroll returning to their nominal positions as nonvoting alternates.

B. Mammoth Green Estates (aka Nadeau Farm Qroe Subdivision) SB# 04-06	Old Derry Road Map 115/Lot 3
--	---

Purpose of plan: Review status of this approved 30-lot Mammoth Green Estates OSD Subdivision Plan and establish a surety. Deferred Date Specific from the 09-26-07 Planning Board Meeting.

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

Town Attorney Stephan Buckley suggested a short attorney -client session.

Ms. McGrath moved that the Board go into attorney/client session with the Town Attorney at this time; Ms. Stewart seconded the motion.

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

The Board then went into attorney/client session at 9:51 p.m., with all members of the public leaving the room at that time. The Board resumed the public session at 10:25 p.m. following a motion by Ms. McGrath to exit from the attorney/client session, with that motion having been seconded by Ms. Quinlan and then approved by all sitting members of the Board with a unanimous vote. Chairman Barnes noted that the board had not make any motions or taken any votes during the session, other than to exit from that session.

Mr. Hall stepped down, as his employer was an abutter to the property involved. Chairman Barnes seated Ms. Chadwick in Mr. Hall's place.

Chairman Barnes asked Town Planner Cashell what the status was. Mr. Cashell said the one issue outstanding at this time was the retention basin.

Town Attorney Buckley said he had commented on the matter during the nonpublic session, and he suggested that the resolution would be to seek input from Heidi Marshall, the Board's engineering consultant, to ensure that the bond would be sufficient to resolve all the issues she had raised.

Atty. John Griffin, the applicant's attorney, said the Board had approved the declaration of easements and restrictions, along with the subdivision, and he needed a signed plan in order to get the process rolling with the Attorney General's office. He

said he had not been aware that there might be some discussion about increasing the amount of the bond.

Ms. Quinlan said the Board had received a letter from Heidi Marshall, who was working in place of former Town Engineer Sommers, and the Board could not figure out what Ms. Marshall's concerns meant to the Board with respect to approving the plan. She expressed a belief that the Board was on the verge of signing the plan, but needed to get further input from Ms. Marshall.

Ms. McGrath moved that the Planning Board Chairman be authorized to sign the plan, provided that the Consulting Engineer (Heidi Marshall) for the Town of Hudson confirms that the bond amount of \$237,052.00 is adequate to cover roadway design and development issues, as reflected by the concerns expressed in her letter of 04-09-08, with the further provision that, if the bond amount is deemed inadequate, the plan shall be brought before the Planning Board to amend the bond amount.

Ms. Stewart seconded the motion.

Selectman Maddox said he would vote in opposition, as he felt there still was not a plan to deal with how the original development was planned.

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

Mr. Hall returned to his seat at the table, with Ms. Chadwick returning to her position as a nonvoting alternate.

C. 31 Flying Rock Road Waiver Request for Driveway

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

Mr. John Tompkins, 31 Flying Rock Road, said his wife had submitted a waiver request.

Ms. Stewart asked about the neighbor. Mr. Tompkins said there was no problem with the neighbor, who was a traveling salesman. Ms. Stewart said she would like to see something in writing from the neighbor. Mr. Cashell said there was no infringement on the neighbor.

Ms. McGrath asked if it had been discovered how this had been allowed to happen. Selectman Maddox said he had contacted Director Sullivan, who had said that everything had followed procedure, but there was a difference of opinion as to what was allowed, adding that the Community Development Department had felt the garage would be in the front and that there had been no approval of a driveway inside the setback. Mr. Cashell said the plan had been changed to accommodate a three-car garage, which could not be facing Flying Rock Road.

Mr. Russo said there were two plans in front of the Board and they clearly were different. He asked which was submitted before the foundation was built. Mr. Cashell referenced a plan provided in his staff report. Mr. Russo asked what plan was submitted for a Building Permit. Mr. Cashell said he would have to pull the file from upstairs, and he left to do so.

Mr. Carroll asked if the plan drawn by Maynard and Paquette were accurate. Mr. Russo said that question would best be answered by the licensed land surveyor that submitted the plan.

Town Planner Cashell showed Mr. Russo a copy of the submitted plan from the file, noting it was different from the two plans in the staff report. Mr. Russo said that plan showed a driveway on the front, rather than on the side. Mr. Cashell said the Building Permit was issued on the basis of the other plan. Mr. Russo said his own garage was almost identical in design, but was approached from the front. Mr. Tompkins said he understood.

Mr. Carroll said he saw the driveway as coming up to and over the setback, as if the driveway had been widened around the left side.

Ms. Chadwick asked if Mr. Tompkins had had any discussion with his builder or with the land surveyor about the driveway. Mr. Tompkins said his wife had done all the work.

Mr. Russo moved to waive the driveway requirement and allow the driveway as shown. He then moved to grant the requested waiver of the requirement of HTC Section 193-10, Setback for Driveway, to allow for the driveway at 31 Flying Rock Road, Map 193/Lot 032, to encroach on the side-yard setback, noting that this waiver would be granted in accordance with the provisions set forth in RSA 674:36,II(n) --i.e., without the Planning Board's granting the aforementioned waiver, it would pose an unnecessary hardship upon the applicant and the granting of this waiver was not contrary to the spirit and intent of the Planning Board's Driveway regulations.

Ms. Quinlan seconded the motion.

Selectman Maddox said he would not vote for the motion, as he felt it did conflict with the requirements and the abutters had not been notified.

Mr. Russo withdrew his motion, saying he had not realized that this matter had not been notified to the abutters.

Mr. Tompkins said he needed to move on, and he asked if there were a way he could bring in a notarized letter from his abutter. Ms. Chadwick said other abutters should be notified. Mr. Tompkins said there was only one abutter. Selectman Maddox said the requirement was to notify all owners of property within 200 feet of this property. Ms. McGrath suggested that the Town pick up the tab for notifying the abutters.

Ms. Quinlan objected that this was simply a driveway abutter, not a project of significant proportions.

Mr. Russo said he had a concern in that the draft motion said the driveway was not in conflict with the regulations, but it clearly was. If the board were going to move

forward, he said, he felt due process was only fair, to make sure that all the neighbors knew of this. Mr. Tompkins said only one neighbor was within 200 feet of him, saying the neighbor to the right was a foreclosed house and the neighbor across the street was the person who built his house, so there was actually one person who lived within 200 feet.

Ms. McGrath asked what remained to be done, asking if the garage had not been completed. Mr. Tompkins said he was parking on his front lawn, with the whole \$100,000 addition being mud every time it rained. He said it was an eyesore to the neighborhood and he had been put in an awful position.

Town Planner Cashell displayed the aerial view, noting that the abutter's driveway also appeared to encroach into the setback, as did the one across the street. He expressed a belief that this was an impractical requirement.

Mr. Hall said he did not like the whole situation, saying the Tompkins should never have received a Building Permit, but the Town had done that. He said he did not feel it was necessary to notify all the abutters in this particular case, but it was necessary to notify the affected abutter. He said he would be willing to grant the waiver provided that Mr. Tompkins provide a signed letter from his abutter, with the letter showing that the neighbor had seen the applicable drawing and had no objection to the design as shown on that sketch.

Mr. Russo asked how the Board would know that it did not encroach on the other property, after it was paved. Mr. Hall said the Board would only be approving the plan as shown.

Ms. McGrath said she would second the motion proposed by Mr. Hall, which she then re-read, as follows: to grant the waiver with the provision that the applicant submit a certified letter by the direct abutter stating that he/she has no objection to the granting of the waiver of Map 193, Lot 33, along with a copy of the plan that was attached to the waiver application, signed by the abutter which depicts the driveway.

Mr. Russo asked what would happen if the Board did not get that letter. Chairman Barnes said the approval would not be in effect.

Ms. McGrath said she normally would not approve this, but she felt the Town had conflicted, and the property owner had relied on the permit given by the Town of Hudson. Selectman Maddox said staff had made the decision based on the information given to them.

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

XI. OTHER BUSINESS.

Ms. McGrath referenced the list of Permits and Code Enforcements items, noting that Dr. Ebeed was putting in a fence that did not comply with what had been approved, and the Code Enforcer was going to suggest the plan go to the Minor Site Plan Committee. She then suggested that this should not happen, contending that the property owner should come back to the Planning Board, stating that she had received calls from abutters.

Selectman Massey said it could not come before the Minor Site Plan Committee, as there was a violation of the plan. Ms. McGrath said she was raising the issue because the Code Enforcer had made that suggestion and she did not want that to happen. Selectman Massey, a member of the Minor Site Plan Committee, said he would reject it if it came before that committee.

Town Planner Cashell said there were other issues and the plan would be coming before the Planning Board.

Tax Map Updates – 2008 Tax Year

Chairman Barnes referenced the tax map update proposal. Town Planner Cashell said this was pretty much an annual request from the Assessment Department.

Mr. Hall moved to forward a favorable recommendation to the Board of Selectmen, relative to the Assessing Department's request to expend up to \$2,700.00 in this calendar year from the Tax Map Update Fund. 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 passed out a handout pertaining to the Workforce Housing Bill, saying Atty. Westgate would like to come before the Planning Board to make a presentation on this bill, adding that he would bring Dennis Nesbit, chairman of the United Way for New Hampshire, to make a presentation on this bill, and also to show a one-hour movie.

Chairman Barnes expressed a belief that the movie might be too much. Selectman Maddox asked what the intent would be. Ms. Chadwick said the article suggested it would be to encourage Planning Boards not to discourage this type of housing. Chairman Barnes said there might be some impact on the Zoning Ordinance, as well, noting that the main thing was that the proposed housing would be multifamily housing, which was not allowed in any zoning district except the Business district.

Mr. Carroll suggested it come in for a joint meeting with the Zoning Board of Adjustment. Ms. Quinlan noted that the House of Representatives would be voting on

the issue today, but the Senate would then have to put it through committee, as the Senate had passed a different bill.

Town Planner Cashell said he would say they could come in for a presentation, without the movie.

X. 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 11:14 p.m.

Date: July 8, 2008

James Barnes , Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath , Secretary

These minutes were accepted as amended following review at the 09-24-08 Planning Board meeting.

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
May 14, 2008**

Page 18

The following changes were made in accordance with the Board's review of these minutes at its September 24, 2008 meeting:

Page 3, seventh bullet — The mistyped word “sever” was corrected to “seven” so that the text would read “Point seven concerned ...”

.Page 6, last sentence on page — The mistyped word “sating” was corrected to “stating” so that the text would read “He then concluded by stating that ...”

Page 7, next -to-last paragraph, next -to-last sentence — the word “Board” was expanded to “Board of Selectmen ” to clarify which board was meant, with the phrase now reading “which ultimately had to be signed off by the Board of Selectmen .”