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

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:00 p.m. on Wednesday, April 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, Vincent Russo, and Richard Maddox (Selectmen's Representative) .

**Members**

**Absent:** Marilyn McGrath (excused), Suellen Qui nlan (excused), and Terry Stewart

**Alternates**

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

**Alternates**

**Absent:** Brion Carroll (excused) .

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes seated Ms. Chadwick in place of the absent Ms. McGrath.

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

Chairman Barnes reminded the Board members that he had asked them to be prepared to review the minutes of March 5, 2008 , and March 12, 2008, at the next Planning Board meeting.

**VI. CORRESPONDENCE**

Chairman Barnes commented that there were items of correspondence received since the mailing of the members' information packets and provided in this evening's handout packets. He noted that these would be taken up as appropriate when the associated cases were heard, with any residue being taken up under **Other Business**.

**VII. PERFORMANCE SURETIES**

No **Performance Surety** items were scheduled to be addressed at tonight's meeting.

**VIII. ZBA INPUT ONLY**

No **ZBA Input Only** items were scheduled to be addressed at tonight's meeting.

**IX. CONCEPTUAL REVIEW ONLY**

No **Conceptual Review Only** items were scheduled to be addressed at tonight's meeting.

**X. OLD BUSINESS**

Chairman Barnes noted that he had received a request to take the 90 Derry Street (Walgreens Pharmacy) case out of order to request a deferral. No objections being raised from members of the Board, he proceeded to that item.

**D. 90 Derry Street (Pharmacy)**  
**SP# 12-07**

**Map 165/Lot 151**  
**90 Derry Street**

**Purpose of plan: Construction of an 11,940 +/- S.F. pharmacy with single drive-thru bay, with associated parking and landscaping. Hearing. Deferred Date Specific from the 03-12-08 Planning Board Meeting**

Atty. J. Bradford Westgate, of the firm of Wiener and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant , said a number of issues

had been addressed during past meetings, and the focus of tonight's meeting would have been to detail changes on the right-in-only turn off Derry Street, which had been primarily requested by Ms. McGrath. He said the engineers had gone into significant analysis and had come up with plan changes to respond to Ms. McGrath's comments, but she was not present, nor were Ms. Quinlan or Ms. Stewart, and there was only a partial Board present this evening. He requested that the plan be deferred until a full 7-member board was present, out of fairness to the application.

Selectman Massey noted that Atty. Westgate had said all the waivers had been granted, but he was under the impression that one remained. Atty. Westgate said all had been granted, at different meetings. Selectman Massey asked about the front setback waiver; Atty. Westgate said that had been granted at the last meeting.

Selectman Maddox questioned what would happen if Ms. McGrath or Ms. Quinlan or Ms. Stewart were absent from the April 23<sup>rd</sup> meeting. Atty. Westgate said he felt it would be fair to wait until there was a seven-member Board, whatever its composition was. Mr. J. Bradford Seabury, the recorder, stated that he was aware that Ms. Quinlan would not be present at the April 23<sup>rd</sup> meeting. Town Planner Cashell added that Mr. Carroll would not be present at the April 23<sup>rd</sup> meeting, either.

Mr. Hall moved to defer to April 23<sup>rd</sup>; Ms. Chadwick seconded the motion. Selectman Maddox said he would vote in opposition. Chairman Barnes said he would vote in favor of deferral for this one time, but would not do so again.

**VOTE:** Chairman Barnes then 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 (4-1).

Chairman Barnes noted for the benefit of any abutters present that this case would be taken up under **Old Business** at the April 23<sup>rd</sup> meeting.

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| <b>A. Ferry &amp; Adelaide Streets LLR &amp; Subdivision<br/>SB# 01-08</b> | <b>Map 175/Lots 154, 155 &amp;<br/>155-3, Ferry &amp; Adelaide<br/>Streets.</b> |
|--|---|

**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 02-27-08 Planning Board Meeting.**

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

Town Planner Cashell noted that tonight's handout folder included an updated test-pit report from LaBOMBA RO Engineering.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, distributed copies of a sheet showing two photographs of the property. He reviewed the discussion of the prior meeting, saying two issues had remained, with one of these being a claim by an abutter that there was asbestos on the property, he said a LaBOMBARDO engineer had tested throughout the site and found no evidence of asbestos. Stating that the other issue was sight distance, he noted that the photographs she had provided tonight showed that trees had been cut on both sides, providing more than adequate sight distance in either direction. He suggested that it would be appropriate to stipulate that the plan not be signed and recorded until PSNH provided the needed easement or amendment to the joint use agreement.

Mr. Hall said he would not be in favor of approval until the easement was provided, since the Board had ruled that way for other applicants. Selectman Maddox said PSNH made government look speedy, saying there would be no harm in approving the plan subject to receipt of that document before the plan would be signed and recorded, in order to let the applicant move forward. Mr. Hall questioned how the applicant could go any further without an approval. Mr. Maynard said there were minor things that could be done, such as financing and marketing, but "so be it"—adding that the whole question was whether the Planning Board wanted to review the document or wanted the Town Attorney to do it. Chairman Barnes said the Board would want the Town Attorney to review the document and then give his recommendations to the Board. Mr. Hall said the Board would grant approval subject to the Town Attorney's review if Mr. Maynard had the easement, but the Board had never granted approval without having the easement in hand before—noting that the Board had made Mr. Maynard and many others jump through all kinds of hoops to get easements on other cases. Mr. Maynard said he did not think it was necessary.

Mr. Hall moved to defer further review of this application, date specific, to the May 14, 2008, Planning Board Meeting. Ms. Chadwick then asked if Mr. Maynard were aware of the need to delete Note 16; Mr. Maynard said his staff was aware.

Town Planner Cashell noted that the Sagamore Crossing application was tentatively scheduled for that night. Mr. Maynard said this matter should take no more than ten minutes.

Ms. Chadwick seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

B. St. Joseph's Medical Center  
SP# 02-08

Map 105/Lot 012  
Robinson Road

**Purpose of plan: To show proposed 30,772 sq. ft. building with accompanying site improvements to be used for medical offices. Hearing. Deferred Date Specific from the 02-27-08 Planning Board Meeting.**

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

Town Planner Cashell noted the second report from CLD (Costello, Lomasney, and deNapoli, Inc., the Planning Board's engineering review consultant) on this project had been provided in the handout packet for tonight's meeting.

Mr. Tony Basso, of the firm of Keach -Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, asked if he could review a copy of that CLD report before he started. Town Planner Cashell provided him with a copy.

Mr. Basso said he had received a Wetlands Special Exception from the Zoning Board of Adjustment for the buffer impacts pertaining to the crossing of the water line, which this development would be extending for more than 2,000 feet northward on Route 102. He noted that there had been a number of comments at the last meeting, noting that he had all the needed permits from the State, had responded to the comments from CLD, had provided an island in the entranceway, had realigned the Hoffman Studios driveway to be 90 degrees, had moved the light pole closer to the intersection, had moved handicapped parking spaces closer to the main entrance, and had added notes for hours of blasting and activities, as well as hours of operation. He said all the waterline easement documents had been submitted to the Town for review by the Town Attorney. He concluded by noting that the waivers had not been granted.

Chairman Barnes asked if the Board members had any questions. None were brought forward.

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 there had been any restrictions on the Wetlands Special Exception. Mr. Basso said just the requirement to do the work in accordance with the Best Practices manual published by the Department of Environmental Services, adding that most of the work involved simply putting in the pipeline in the slope beside the highway and then reseeding the grassed area.

Mr. Hall noted staff comments about the traffic report, but nothing from CLD on that. Town Planner Cashell said it had been provided in the previous packet, on the 27<sup>th</sup>, adding that CLD essentially had no comments on the traffic. Mr. Basso expressed agreement, noting that the traffic consultant was present this evening.

Chairman Barnes said the main question was concerned with the backing up of traffic on Robinson Road from the traffic light at the intersection of Robinson Road and Route 102.

Mr. Jeffrey Santacruce, PE, from GPI (Greenman-Pedersen, Inc., a Nashua traffic engineering firm), asked if there were a specific question. Chairman Barnes said there had been questions about the queuing lane waiting to turn left (south) onto Route 102 from Robinson Road. Jeff described the traffic study, saying there had been a very slight stacking, but not anything significant, saying it was two vehicles in the afternoon peak hour but that there would actually be a slight reduction in the morning peak hour as the result of slight timing changes of the traffic light. He said the timing changes would be worked with NH-DOT, making minor adjustments to allow a little more green time on the Robinson road approach by taking the time away from the Route 102 approach. Chairman Barnes asked what the impact would be if DOT decided not to make those changes. Mr. Santacruce said one car in the morning peak hours, four in the afternoon peak hours (describing this as about 100 feet of stacking), if those adjustments were not made. Mr. Basso said the distance back to the driveway was significantly further than that queuing distance. Mr. Santacruce said the total extent of the backup would be the 95<sup>th</sup> percentile, occurring about four times during the hour, and adding that the average queue was much shorter than that.

Selectman Maddox asked what the peak was. Mr. Santacruce said the morning peak was 7:00 a.m. to 9:00 a.m., which was industry standard, but that they had expanded the afternoon study to the range from 2:30 p.m. to 6:00 p.m. with actual counts. Based on the trip generation data, he said, there would be 58 cars entering the site in the morning, from all directions, and 82 leaving in the evening peak hours. Selectman Maddox said he was surprised by the low numbers, as this site would be generating traffic on Robinson Road. Mr. Santacruce said more green time would be given to Robinson Road to vary the cycles for optimization. Mr. Basso said there were a lot of cycles during those hours, saying a portion of the traffic would be staff, but most of it would be clients, scattered over the course of the full day. He pointed out that staff would come before the clients, and leave after the clients were gone, adding that not all of the medical services would be starting at the same time.

Mr. Santacruce said the proposed cycle was 65 seconds, meaning that there would be some 60 odd cycles per hour during the peak-hour periods, with cars backing up three times, while the normal queue would be less than that.

Selectman Maddox noted that Mr. Santacruce was predicting that the service would not fall below Level C. Mr. Santacruce said that was correct, with the mitigations in place. Selectman Maddox questioned what would happen if NH-DOT would be agreeable to making the changes. Mr. Santacruce said there had been a preliminary agreement, adding that there had been a similar arrangement with NH-DOT concerning a different site in Milford this past year.

Chairman Barnes asked what the current cycle was, and what the impact would be if NH-DOT did not allow the change. Mr. Santacruce said the level currently (no build condition) was B and would drop to a C level in the peak hours—noting that this was considered an acceptable operating level by NH-DOT. He said the current cycle was also 65 seconds in the morning peak, in no-build conditions, explaining that the time would be adjusted within that cycle.

Selectman Maddox moved to approve the waivers of the following requirements :

- (1) HTC 275-9(D) — Fiscal Impact Study
- (2) HTC 275-9(C) — Noise Study
- (3) HTC 275-8 B (11) & 9 (H) — HISS Mapping

Mr. Hall seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

Selectman Maddox said he would like more input from the applicant with respect to the water line. Mr. Basso said all the documentation had been prepared by Atty. Westgate's office and had been brought to the people who had to ultimately sign them. Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, discussed details of the agreement and the easement, noting this agreement essentially was the same as one he had done some years ago for another site. He said there were two parties involved, the Tates and the hospital, adding that the Tates had not yet signed off but that he thought finalization was pretty close, after which a copy would be given to the Town Planner for review by the Town.

Selectman Maddox said the project would not go forward without Town water; he questioned if the plan were not getting ahead of itself. Selectman Massey, the Water Utility liaison, said Pennichuck Water Works was doing a flow study to make sure there would be sufficient water to be delivered and also what size pipe would be required running up Route 102; until that was completed, he added, the Town would not be in a position to make a decision relative to the water supply.

Mr. Basso said he had spoken preliminarily to Pennichuck, who had said there were no issues. He said another option would be to drill a well and have a dry cistern, but the hospital had wanted to have water service. He said former Town Engineer Sommers had just told him to check with Pennichuck, and he had done that. He said these were all the same documents that had been dealt with before for other sites. He suggested conditional approval could be granted, subject to the availability of water—adding that he would come back with an amended site plan showing wells, if necessary.

Town Planner Cashell referenced Stipulation 9 in his draft motion, suggesting it could be reworded to say Planning Board endorsement of the site plan shall be contingent upon the applicant's receiving approval of Town water service. He then suggested that a Stipulation 11 could be added to say that water extension easement and water utility easement could be reviewed and recommended by Town Counsel.

Mr. Hall asked why the Planning Board should care about the easements. Atty. Westgate said it was going to be a public water line to the properties. Selectman Massey said the Board of Selectmen had voted that all of the pipeline on the private

property would be private property, not owned by the Town. Mr. Basso said it had no bearing on the project, but that he had been told before that it would be Town-owned up to a point. Mr. Hall said that, if it were going to be private, the Water Utility would want to think long and hard about where the meter was to be placed, as it would be Town water being lost if there were a leak between the street and the meter. He said he would hope that the Water Utility would not grant approval without first making sure they could fix it. He said Stipulation 9 covered it all, but he did like Mr. Cashell's suggested rewording. He then noted that Southern New Hampshire had not had all its approvals when the Planning Board approved that plan.

Ms. Chadwick asked if Mr. Hall were saying that Stipulation 11, as proposed by Mr. Cashell, was not needed. Mr. Hall answered in the affirmative, saying Stipulation 9 covered it.

Selectman Maddox said he wanted to return to the parking issue; he then asked what criteria had been used to be the basis of the parking determination. Mr. Basso said it was a professional office building, one parking space per 300 ft<sup>2</sup>. Selectman Maddox expressed concern about patient stacking, saying the numbers seemed low. Mr. Basso said this met the requirements of the regulations and what the medical people had felt they needed. He noted that Nashua's requirement was one parking space per 500 ft<sup>2</sup>, saying this was not like retail use—adding that he had previously eliminated some unnecessary parking from the plan.

Selectman Maddox noted that it was sometimes difficult to find a parking spot at the St. Joseph's site in Milford, and he then asked for input from Mr. Robert Demers, the St. Joseph's Hospital representative as to whether that site also had one parking space for every 300 ft<sup>2</sup> and if there were any parking issues. Mr. Demers said the Milford area was also 1 space per 300 ft<sup>2</sup>, noting parking might sometimes be tough there but that there were two complexes, with a medical office located behind the emergency treatment facility. He said some parking would be expanded at that site, and he then discussed other St. Joseph's sites, saying the issue would be addressed in the future if parking turned out to be a problem at this site—adding that the ratio was also one space per 300 ft<sup>2</sup> at the existing St. Joseph's site, a little further south on Route 102.

Ms. Chadwick expressed a belief that the number of eight parking spaces for handicapped people seemed low. Mr. Basso said he had used the ADA requirements for percentage of the whole. Mr. Demers said the hospital's Planning & Building Committee had felt this was adequate, noting that there were only ten or 15 handicapped spaces at the new hospital addition in Nashua. Mr. Basso said there was also a large number of parking spaces at the front, as employees would be parking at the rear, with lots of paved walkways, which should make access convenient.

Town Planner Cashell noted that the plan provided three more spaces than required, so these could be converted to handicapped spaces if needed. Selectman Maddox said he would ask for future spaces to be shown, if this were to



come back. Town Planner Cashell said they could provide 66 more spaces and still meet the open space requirements.

Ms. Chadwick moved to approve the Site Plan entitled ***Non-Residential Site Plan St. Joseph's Medical Center Map 105 Lot 012, Hudson, NH***, prepared by Keach-Nordstrom Associates, Inc., dated: January 21, 2008, revised through March 21, 2008, consisting of Sheets 1 through 20 and Notes 1 through 24, in accordance with the following terms and conditions:

1. The Architectural Plan -of-Record, depicting the proposed building, is entitled *St. Joseph's Medical Center, Hudson, NH*, prepared by Dennis Mires, P.A., dated Feb. 18, 2008, and consisting of Sheets A.01 and A.02.
2. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
3. All improvements shown on the Site Plan -of-Record, including Notes 1 through 24, shown on the Master Site Plan Sheet, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. A cost allocation procedure (CAP) amount of \$99,701.28 shall be paid prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a final certificate of occupancy, a n LLS-certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms to the Planning Board approved site plan.
6. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NH -DES requirements for such systems.
7. This plan shall be subject to final engineering review and approval.
8. The applicant's engineer and/or contractor shall contact the Town to schedule a preconstruction meeting, which will be held with Staff prior to starting construction.
9. The Planning Board endorsement of the Site Plan shall be contingent upon the applicant receiving approval by the Town to install municipal water service to the proposed medical office building.
10. Prior to Planning Board endorsement, Note #25 shall be added to read: "If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m. Monday through Saturday only. Said blasting/ ramming activities shall be prohibited on Sundays."

Mr. Hall seconded the motion.

Selectman Maddox asked if Ms. Chadwick would be agreeable to asking that ten future spaces be shown (not to be constructed at this time). Mr. Hall questioned what good this would do after approval was granted, and he then asked why Selectman Maddox had selected the number of ten spaces. Selectman Maddox said the previous medical facility had been asked to show ten additional parking spaces for future use, so that they could simply add them if needed, without having to come back before the Planning Board. Mr. Hall then asked if Mr. Basso felt he

could get ten more spaces without significant changes to the plan. Mr. Basso said he could get five or six along the roadway, and could get others around the corner, perhaps by shrinking the islands if necessary. Mr. Hall said Mr. Basso had said it could be done, so he would go along with it. Selectman Maddox proposed the following wording, which Ms. C hadwick and Mr. Hall agreed to accept as a friendly amendment:

11. Prior to Planning Board endorsement, the plan shall be revised to include ten potential parking spaces.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

**C. Specialty Kitchens – Updated Plan  
SP# 11-07**

**Map 169/Lot 70  
Hudson Park Drive**

**Purpose of plan: To amend the existing site plan to show an accessory use. The hockey pro shop business is general retail sales (service, skate sharpening, bulk & individual sales, and some cash and carry). Hearing. Deferred Date Specific from the 03-12-08 Planning Board Meeting.**

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

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, distributed copies of larger plans. He noted that Note 1 had been changed to describe the nature of the use as a hockey pro shop, Notes 16 and 17 had been changed to show the operating hours, a waiver for the additional parking was no longer necessary as parking had been added, and the actual square footage of each use had been reinforced.

Ms. Chadwick said she thought the topography had been approved. Town Planner Cashell said it had been discussed but he did not think it had gotten to the voting point.

Selectman Maddox said this site had created a certain amount of angst, saying he was torn, as the Board had not wanted retail on this site and it was coming in through the back door, so he was having a hard time approving it after the fact. He asked Town Planner Cashell about the 1700 ft<sup>2</sup>, size, saying the retail use was just the first floor. Mr. Maynard said both floors were really retail, with bulk items being upstairs. He said the whole space was part of the retail operation. Town Planner Cashell said the CAP was based on the difference between the previously approved use and the added space.

Ms. Chadwick said the key thing was to figure out a way to make this work, suggesting it was time to set aside the differences the Board had with the property owner and let bygones be bygones.

Mr. Russo asked if the second floor were accessible to the public. Mr. Maynard replied in the affirmative. Mr. Russo asked if the Fire Department had approved this. Mr. Maynard said the retail use was sprinklered. Mr. Russo asked if the Fire Department had been there and had no issues with egress from the second floor; Mr. Maynard answered in the affirmative.

Mr. Hall moved to approve waiver of the following requirement :

HTC 275-8 B (18) — Topography and Contours

Ms. Chadwick seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

Ms. Chadwick moved to approve the Site Plan entitled **Amended Site Plan Specialty Kitchens, Map 169/Lot 20 Hudson Park Drive, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC, dated September 6, 2007, last revised March 31, 2008, consisting of Sheet 1 of 1 and Notes 1 through 19, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Amended Site Plan -of-Record.
2. All improvements shown on the Amended Site Plan -of-Record, including Notes 1 through 19, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. A cost allocation procedure (CAP) amount of \$2,696.85 shall be paid by the applicant at the completion of the 30 -day appeal period of this decision.
4. All terms and conditions included in the original Site Plan Approval for Specialty Kitchens (plan dated March 4, 2002, and last revised July 10, 2002), shall remain in effect with this approval.

Mr. Hall seconded the motion for discussion. Mr. Hall then expressed a belief that another stipulation was needed, and he asked when the site work for the additional parking spaces would be completed. Mr. Maynard said it would be done this construction season, or before September. Mr. Hall asked what recourse the Town would have if it were not done. Mr. Maynard said the business could be cited for a violation.

Town Planner Cashell said the applicant would like the three additional spaces in the back parking lot be included as a part of the five. Mr. Maynard said the only work to be done was paving of three parking spaces, amounting to about 600 square feet. Mr. Hall asked what revision of the plan was being used, suggesting this did not match the plan he was looking at; Mr. Maynard said he was referring to Revision 2, dated 02-12-08. Mr. Hall said he wanted to know what existed today. Mr. Maynard pointed to areas on the plan, confirming that he was actually only

adding five spaces in the front. Mr. Hall said he wanted another stipulation to make it clear that the additional parking spaces would be added by or before September 30th. Ms. Chadwick said she had no objection, accepting that as a friendly amendment, as follows:

5. Note #20 to be added as follows: Four parking spaces shall be added to the front parking lot no later than September 30, 2008.

Selectman Massey referenced Stipulation 4, noting it said that all terms and conditions of the original site plan shall remain in effect, but one of the conditions on the original plan was that there would be no retail sales; he expressed a belief that the wording should be changed, as the two plans would be in conflict. Ms. Chadwick said she had assumed that the restriction of Stipulation 4 pertained just to the Specialty Kitchens portion of the site. She then suggested rewording of Stipulation 4 as follows:

4. All terms and conditions included in the original Site Plan Approval for Specialty Kitchens (plan dated March 4, 2002 and last revised July 10, 2002), *except as amended by this approval*, shall remain in effect with this approval.

Selectman Maddox said he could not vote for this as it was now stated, saying he did not think it gave the Town enough protection with respect to how much retail would be in that space, as there was nothing in the motion or the notes that clearly stated this was only for 2,000 ft<sup>2</sup>, of retail use. He then noted that traffic issues had not been addressed.

Mr. Russo said it was his recollection that the Board had been going to put something into the plan such that, once this specific retail use ceased to exist, that type of retail use would be finished. Ms. Chadwick said she thought Note 1 was so specific that the owner would have to come back to the Planning Board in the event that the skate sharpening business did not survive. Mr. Russo said he was concerned that some future Community Development Director would look at the plan ten years or so from now and say the area was approved for general retail, not just for hockey. Mr. Hall said he agreed that there had been conversation on that subject, but he felt that this plan should not be treated any differently from any other plan; he said he could not imagine any other retail use that would create such a problem in so small a space, saying no Dunkin' Donuts or anything similar would go into this location.

**VOTE:** Chairman Barnes then 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 (4 -1).

## OTHER BUSINESS

Chairman Barnes referenced the 04-09-08 handout item from Director Sullivan with respect to the Brothers Grill proposal for a mobile food service. Mr. Hall

questioned what it meant , saying he could not tell whether Director Sullivan had approved it or not . Chairman Barnes said the re was no recommendation , one way or the other, so he was still looking for the proper process. Town Planner Cashell said Director Sullivan was leaving it up to the Planning Board as to whether it should go to the Minor Site Plan Review Committee or to the Board of Selectmen for a Peddlers & Hawkers license. Chairman Barnes said there was nothing in the regulations that let the Planning Board make a decision to send something to the Minor Site Plan Review Committee .

Ms. Chadwick said the Board did not have enough information . Town Planner Cashell said this trailer would stay put all day, not being moved around the industrial park, as a truck would do. Chairman Barnes asked if the re would be cable connections or if it would be self-contained. Mr. Cashell said it would be self-contained.

Selectman Maddox said he felt it should go to the Board of Selectmen for a Hawkers and Peddlers license. Ms. Chadwick expressed agreement. Mr. Hall also agreed, saying he did not see how it could be approved as an amendment to the site plan—adding that in that case it would last forever, whereas the Board of Selectmen could get rid of it the following year if it turned out to be a problem.

Selectman Massey referenced the St. Joseph's item, noting that Stipulation 7 said "This plan shall be subject to final engineering review and approval ." He suggested that the wording should be tightened up to designate when final engineering approval occurred. Town Planner Cashell suggested it should be prior to Planning Board endorsement . Selectman Massey noted that problems had been found on another site, where the slopes had turned out to be steeper than expected, and there had been problems with the detention basin. Mr. Hall said he would hope that staff would not tell the Planning Board chairman that the plan was ready to be signed until all conditions had been met. Selectman Massey asked how staff would know that Engineering had completed its final review. Mr. Hall said that was an internal issue between staff, the Selectmen, Community Development, and Engineering—adding that this was an internal problem with which the Planning Board should not be involved. Town Planner Cashell noted that the Nadeau Farm developer had been given engineering approval in order to start field work for the construction—but the developer had not gotten a plan endorsed because he had not put up a bond. Mr. Hall expressed a belief that there was a problem with staff. Selectman Massey said the issue was being able to determine during the course of construction that a problem had occurred and needed to be addressed before the plan could be finally endorsed. Mr. Hall said this happened all the time; Town Planner Cashell concurred, saying there were a lot of retroactive changes going on.

Mr. Hall asked what the status was with respect to getting a new Town Engineer. Selectman Massey said there were candidates , several of which had been interviewed, adding that it was anticipated that recommendations would be made to the Board of Selectmen by April 22<sup>nd</sup>, after which the Board of Selectmen would interview the candidates, but he did not expect to see a new Town Engineer on board until late May. Town Planner Cashell expressed a belief that an absolute

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requirements should be that the appointed engineer must be computer literate and AutoCAD proficient. Selectman Massey reported that Gary Webster, the Civil Engineer, was now the Acting Town Engineer .

**X. ADJOURNMENT**

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Ms. Chadwick 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 20:44 p.m.

Date: April 12, 2008

\_\_\_\_\_  
James Barnes , Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Vincent Russo, Acting Secretary

These minutes were accepted as submitted following review at the 07-09-08 Planning Board meeting.

**-- FILE COPY --**

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

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The following changes were made in accordance with a late discovery that the Board's review of these minutes at its July 9, 2008, meeting had overlooked a misdating:

Page 1 — The year date 2007 in the heading and opening paragraph was changed to 2008.