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**HUDSON PLANNING BOARD
MEETING MINUTES
March 12, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:04 p.m. on Wednesday, March 12, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

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

Members

Absent: None.

Alternates

Present: Tierney Chadwick and Brion Carroll (arrived at 7:06 p.m.) .

Alternates

Absent: Ken Massey (Selectmen's Representative Alternate) (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury (arrived at 8:14 p.m.).

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes noted that no alternate members needed to be seated for tonight's meeting unless a regular member of the Board later stepped down .

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes said the minutes of the October 5, 2005 ; December 5, 2007 ; and February 13, 2008, Planning Board meetings would be reviewed at the next workshop meeting .

VI. CORRESPONDENCE

Chairman Barnes noted that items of correspondence received in tonight's packet 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.

Chairman Barnes noted that Green Meadows had been deferred at the previous week's meeting to the May 14, 2008, Planning Board meeting , at the request of the applicant.

VII. PERFORMANCE SURETIES

Chairman Barnes noted that there were no **Performance Sureties** items to discuss at tonight's meeting.

VIII. OLD BUSINESS

- A. Specialty Kitchens – Updated Plan Map 169/Lot 70
SP# 11-07 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). Application Acceptance & Hearing.

Town Planner Cashell said he had nothing new to report, adding that the plan was ready for Application Acceptance.

Ms. Quinlan moved to grant Application Acceptance for the Site Plan application to amend the previously approved Specialty Kitchens Site Plan for the project site located at Hudson Park Drive, Map 169/Lot 20. 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 (7 –0).

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said that the parking spaces on the plan had been revised in accordance with

the previously expressed concerns of the Planning Board. He said 54 spaces were required, adding that 19 spaces had previously been waived and that a waiver for 7 more parking spaces was being requested at tonight's meeting. He said the site had 41 percent green space. He said the retail use would result in nine more trips in and out of the site, claiming the trips would not be additional trips. He referenced a CAP fee of \$2,696.00.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Barnes asked the members of the Board for comments or questions.

Selectman Maddox said Mr. Maynard was now calling the project a hockey pro shop, noting that in all the correspondence the Board had received to date the project had been called a skate-sharpening business. Mr. Maynard said he did not know where that came from, adding that it was a hockey pro shop with skate sharpening being the primary business.

Selectman Maddox noted that there were a lot of cars with out-of-state license plates parking in the parking lot. He asked if the business would continue to draw a lot of out-of-state customers. Mr. Maynard said that would likely be the case.

Ms. Stewart asked if the skate shop would be open all hours of the day and night. Mr. Maynard said he did not know; after consulting with the proprietor, he reported that the hours of operation were 11 a.m. to 7 p.m. Monday through Friday, 9 a.m. to 4 p.m. on Saturdays, and closed on Sundays.

Mr. Russo noted that the use was being called an accessory use to the primary use, which was building cabinets; he said the proposed use did not appear to be an accessory use according to the Town's definition of an accessory use. Mr. Maynard said the Zoning Administrator had determined the proposed use was an accessory use.

Ms. McGrath expressed concern about the traffic safety hazard that might be generated at the site. She said she was concerned that at some time in the future a Dunkin Donut type business could open up at the site. Mr. Maynard said if any other use were ever proposed for the site, the plan would have to be brought to the Board.

Selectman Maddox said the Board had tried to do the correct thing with the applicant, noting that "NO RETAIL, NO CASH AND CARRY" had been put on the plan, but that the note had been ignored. Mr. Maynard said it had not been ignored; he said the applicant had spoken to people at Town Hall and had been told it was allowed. Selectman Maddox expressed agreement with Ms. McGrath's concern. Mr. Maynard said the applicant had gone to the Community Development Department's counter in Town Hall and had been told that what they wanted to do was allowed. Selectman Maddox said he could not understand why the applicant's had ever asked the question, given the fact that they knew no retail was allowed. Mr. Maynard said the Board had said it did not want Specialty Kitchens to be retail.

Ms. McGrath asked if Home Depot were retail. Mr. Maynard answered in the affirmative. Ms. McGrath asked if his client were in the room when that was discussed. Mr. Maynard answered in the affirmative. Ms. McGrath said there should not have been

any doubt about what the Board wanted. Mr. Maynard said that [redacted] had only applied to Specialty Kitchens. Ms. McGrath said she had read all the correspondence, referencing the letter from Mr. Coco, adding that he had made his argument well, and that she felt he had not known about the note on the plan regarding retail. So she reiterated her concerns about the safety in the area.

Mr. Russo expressed agreement with Ms. McGrath. He said he had a tough time believing that the building's owner had not planned on splitting the building into stores. He said he felt it was the responsibility of the building's owner to explain any restrictions to potential tenants. He said the "no retail or cash-and-carry" restriction had been for the entire building, not just part of the building. He said the determination the applicant had gotten had been given verbally, adding that any determination had to be in writing. Mr. Russo said he thought the letter was not well written.

Atty. Gerald Prunier, of the firm of Prunier and Prolman in Nashua, the applicant's legal representative, said this situation was unfortunate. He said the owner of the building had not tried to do anything wrong. He said the Board had to look at all site plans for the good of the Town, adding that he wanted to go forward with the building. He said the staff had tried to help the applicant. He expressed a belief that Mr. Russo would not have looked at the site plan before putting his own business in a building at any time prior to his becoming a member of the Planning Board, stating that Mr. Russo had gotten an education by being on the Board. He said it was unfortunate that what the Board did was not understood by all people, commenting on the hard work done by members of the Board and the reasons they had to make difficult decisions. He said the Board had to have a little sympathy for the applicant, reiterating that the applicant had never tried to hide anything from the Board. He said a reasonable solution needed to be found based on the current facts, suggesting that any change of use should come before the Board, and saying he was willing to work with the Board.

Ms. Stewart questioned why the Board was making things so tough for this applicant. She said even the court had said to work with the applicant, adding that she wanted to move forward with the case.

Mr. Russo said he had asked Mr. Maynard about the definition of accessory use, adding that Mr. Maynard had said it had been a zoning determination. He said the note from the Community Development Director said it was a permitted use, not an accessory use. He said he was having a hard time twisting it as an accessory use. He said he did not believe the use was an accessory use, but that it was a permitted use — adding that he felt that Director Sullivan had felt the same way, but that there was a big difference between the two uses. He suggested saying the use was a change of use. Atty. Prunier said he did not care what Mr. Russo called it as long as the plan got approved.

Ms. McGrath asked about the hours of operation. Mr. Dionne, the owner of the building and of Specialty Kitchens, said his hours of operation were from 8 a.m. to 4:30 p.m. Monday through Friday, except on Thursday when the business would be open until 8 p.m. and from 9 a.m. to 4 p.m. on Saturday. Ms. McGrath asked about the hours of operation as stated on the plan. Mr. Dionne said the doors were open from 6 a.m. onward so he could do paperwork and so that the guys could pick up materials. He said

the workers did not come back after a job, as they took the vehicles home. Ms. McGrath said she just wanted to make sure that the hours were clearly spelled out for both businesses. The owner explained how kitchens were designed, saying his stuff was all customized. He said he did not think about other businesses, adding he was a local guy. He said he maintained the site better than most people take care of their houses. He said he would guarantee the Board that he would come to the Board with any future changes. He said he was not looking to put a Duncan Donut shop or anything like that on the site, adding that Town staff had been very helpful and that he took the problems created by his oversight very seriously. He said he was more than willing to work with the Board. He said he held dear those customers that he did business with by way of a handshake. He then reiterated his hours of operation.

Ms. McGrath said two notes regarding hours of operation should be put on the plan: one note for Specialty Kitchens, and the other for the skate shop. Ms. McGrath said she was willing to say that this was an unfortunate misunderstanding, but she needed to be assured that, if the owner ever sold the building, the Town would be protected. Atty. Prunier said that "change of use" was very important to the Town. Ms. McGrath said the plan had to be very specific.

Selectman Maddox said he felt that the applicant's only came to the Board after they got caught, adding that he wanted to make sure applicant's kept their end of the agreement. Atty. Prunier said the language on the plan had to be specific. Selectman Maddox said he was looking for a solution. Atty. Prunier said he would give Selectman Maddox anything that was reasonable; he then suggested using bold type on the plan to highlight the specific uses of the building, as well as stating that any type of change of use must come back to the Board.

Mr. Hall said what the Planning Board approved had to be looked at for the long term. He said he would not be in favor of waiving the additional seven parking spaces, not knowing what would happen to the site in the future, adding that he wanted to see the additional parking spaces built on the northeast side of the building. He also questioned the calculation of the CAP fee being based on the 2006 formula. If those two things were done, he concluded, he would be inclined to vote in favor of the plan.

Ms. McGrath reiterated that she wanted to see the "change of use" note on the plan.

Ms. Quinlan expressed disagreement with the "change of use" note. Atty. Prunier said he did have a problem with putting the note on the plan. Mr. Maynard said the 2006 formula was used because that was when they moved into the building, adding that if the Board wanted to use a different year that would not be a problem. Mr. Hall said he wanted to see the CAP fee figured based on the occupancy of the skate board part of the building. Mr. Maynard said that was in 2006.

Mr. Russo asked Mr. Maynard if he objected to changing the words "accessory use" to "additional use" in Note 1 and changing Note 7 because of a site change. Mr. Maynard said he did not object to those changes.

Chairman Barnes said the changes to the plan would include hours of operation for each use, square footage for each use, the word changes in Notes 1 and 7, not waiving the additional seven spaces, and recalculating the CAP fee. Mr. Hall suggested putting

“retail” on the plan instead of “accessory use.” He said the “change of use” note would be a separate note. Ms. McGrath said the notes should be specific but not contrary.

Selectman Maddox asked what the square footage of the approved building was. Ms. Quinlan said it was 12,900 ft² on the original plan. Selectman Maddox noted that it was now 13,700 ft², so the CAP fee was wrong. Mr. Maynard said the CAP fee was correct. Mr. Cashell said his CAP fee calculations were based on the additional square footage for the additional use minus the square footage before the pro hockey shop was added, explaining that 837 ft² had been added to the building. Mr. Cashell said the applicant had to pay a higher CAP fee because the CAP fee for a retail use was higher and because 837 ft² was added to the building.

Mr. Maynard asked if the additional parking spaces had to be added to the northeast side of the building. Mr. Hall said he did not want the parking spaces to be in the back of the building. Mr. Maynard concurred.

Ms. Stewart moved to defer further review of the Specialty Kitchens Site Plan application, date specific, to the April 9, 2008, 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 (7 -0).

Chairman Barnes noted that Mr. Carroll had arrived during the discussion of this case and seated him at this time in his regular position as a non-voting alternate member of the Board.

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

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

**Purpose of Plan: Construction of an 11,940 ft² +/- pharmacy with single drive-through bay, with associated parking and landscaping. Hearing Deferred
Date Specific from the February 13, 2008, Planning Board Meeting.**

Mr. Cashell said all waivers had been approved at the last meeting except for the front 35-foot pavement set-back waiver. Mr. Cashell said there was a letter from the attorney for the Hudson Mall, dated March 12, 2008, stating that the issues with the mall across the street had been worked out.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, noted that Ms. Brewster and Mr. Duval from T.F. Moran, along with Scott Weymouth and Doug Benoit from Arista Development, were in attendance. Atty. Westgate noted that changes had been made to the plan since the February 13, 2007, Planning Board meeting in accordance with the Planning Board's requests, adding that Ms. Brewster would review those changes. Atty. Westgate reviewed the status of the project and reiterated Mr. Cashell's earlier comments. He said he had met with the attorney for the condominium association,

noting that he felt the attorney was satisfied with his explanation regarding matters that concerned the Abbott Farms association.

Ms. Brewster described what had been done in response to Planning Board suggestions, noting that the landscaping had been removed from the Abbott Farms property, that a speed bump had been added in the back of the building, and that a NO LEFT turn sign had been added to discourage northbound traffic on Route 102 from coming in the right-turn entrance lane accessed from that highway. Ms. Brewster addressed the front yard pavement setback, noting that the setback included the front row of parking spaces. She said the proposed site was consistent with other properties in the area.

Ms. McGrath asked about the landscaping at the rear of the property having been removed at the request of Abbott Farms. Atty. Westgate said the Abbott Farms association had said it did not want to grant an easement to put in the landscaping. He noted that a Planning Board member had suggested that a \$5,000.00 escrow account be set up and remain in force for one year just in case the Abbott Farms association changed its mind about the applicant providing landscaping on its property, saying the developer would be happy to do that. Ms. McGrath asked who would be responsible for maintaining that landscaping. Atty. Westgate said the Abbott Farms association would be responsible for that. Ms. McGrath asked about screening on the applicant's property. Ms. Brewster said an eight-foot wood stockade fence, paneled on both sides, would sit on a four-foot decorative wall in the back of the building.

Selectman Maddox said the applicant was still trying to put too much on the site. He said he did not think the Board should give up the 35-foot setback.

Ms. McGrath asked if the proposed building were similar in size to other local Walgreens, such as the one on Amherst Street in Nashua. Mr. Weymouth said the proposed store would be 3,000 smaller than the typical prototype, noting that the proposed building was 11,700 ft², whereas the prototype was 14,820 ft². Ms. McGrath asked how the proposed store compared with the one on Amherst Street. Mr. Weymouth said he believed that the Amherst Street store was the standard prototype.

Mr. Hall asked if anyone knew the size of the lot on which the Nashua store on Amherst Street sat. Atty. Gerald Prunier noted that he had permitted the Amherst Street store, stating that it was an acre and a half. Mr. Weymouth said the rule of thumb for retail construction was 10,000 ft² per acre, noting that on that basis the proposed building would be comparable with the one on Amherst Street.

Atty. Westgate reviewed the reasons for the waiver request, noting that there would be 22 percent open space on the plan. He said reasons for granting of waivers consisted of a hardship side and a spirit of intent side. He said in this setting, if the dimensional requirements made it impossible for redevelopment, there would be no development unless the economic vitality exceeded what was already there. He said there were a number of characteristics of this site that were particular to the site that justified granting the waiver, adding that improvements would be realized on the site. He said the site plan should not be analyzed as if it were a standalone site, as that was not the setting. He said the proposed use was consistent with other uses in the area, adding that the plan included significant on-site improvements, with one of the

significant improvements associated with the plan being the widening of the access to Abbot Farms, which would relieve Dunkin Donut's traffic issues. He said the proposed use would not be a heavy morning traffic generator, adding that its traffic would be spread out throughout the day. He said a significant amount of landscaping was being provided. He said significant off-site improvements and contributions exceeding \$72,000 would be provided. He said the square footage of this use would be 60 percent less than the square footage of the existing use. He said the waiver was needed for the project to go forward, adding that the Board had seen fit to grant the open space waiver and that the front pavement setback waiver was a corollary to that waiver. Atty. Westgate noted that Denise Duvall, a direct abutter, had said she understood the advantages to the project, and he then concluded by saying he had left the last meeting feeling encouraged about the project.

Ms. Stewart said she felt construction activity should be limited to 7 a.m. to 5 p.m., Monday through Friday, only. Atty. Westgate said that would be fine. He also said that trash pickup would be 7 a.m. to 7 p.m., Monday through Friday, adding that deliveries would be similar but that there would be some daily product deliveries on weekends, such as newspapers.

Ms. McGrath said she would expect that there would be two separate stipulations, one outlining the delivery of supplies and the other being trash pickup.

Ms. McGrath referenced Note 7, saying the reference to Rockingham County should be changed to Hillsborough County. She referenced Note 42, Zoning Board of Adjustment approval of a sign, noting that ZBA approval would be necessary regardless of the Planning Board decision. She referenced Note 50, noting that the word "tenants" should have an apostrophe ahead of the "s" (tenant's) so as to clarify that there were not multiple tenants. She referenced Note 51, saying the standard blasting and/or ramming note needed to be put on the plan. She referenced Note 53, saying that the days of the week needed to be added to the note. She referenced Note 54, saying it should be the standard trash-pickup note. She also referenced Note 60, saying that it needed to be changed to Monday through Friday.

Ms. McGrath referenced the front pavement setback, asking what was actually being proposed. Atty. Westgate said it was four feet at the narrowest and sixteen feet at the widest.

Mr. Carroll asked if the drawings were drawn to scale, saying the car appeared to be four feet long. Atty. Westgate said part of the landscaping was in the Town right-of-way. He discussed the Town having taken title to some little sections adjacent to Route 102 when the Board approved the subdivision that created Abbott Farms, pushing Town ownership further into this lot than in some others in the area. Ms. Brewster discussed how the little section would be managed.

Ms. Quinlan expressed the belief that the plan as it was proposed today was much different than the originally proposed plan. She said the use fit the area. She said she would be willing to grant the front pavement setback waiver, saying she felt this use would be the most compatible with traffic in the area.

Ms. McGrath asked if the driveway going in off of Derry Road could be redesigned so that traffic could not turn left onto Derry Road from the site. Ms. Brewster said that comment had been brought up before, stating that the geometry was changed so that the exit was skewed to deter that type of movement, adding that signage was added. Ms. McGrath asked if it could be designed so traffic could not turn left, noting that signs normally did not work. Ms. Brewster reiterated that signs had been added at the exit. Ms. McGrath said the signs had not worked at the 7-11 store across the street from Town Hall from its first day of operation, reiterating that signs did not work. Ms. McGrath then expressed agreement with Ms. Quinlan regarding the front pavement setback waiver. Atty. Westgate said the 7-11 access was not the same scenario, as the 7-11 site did have an allowed right-turn exit, from which people were turning left, whereas this site would have a sign saying there was no exit via that turn-in lane.

Selectman Maddox said the Planning Board was bending over backwards on this site. He expressed agreement with Ms. McGrath's concern regarding the right-turn in, adding that he was opposed to the front pavement setback waiver. He said all the Planning Board had gotten was a speed bump and a sign.

Mr. Carroll discussed the front parking spaces, revenue, etc. He said he could not figure out the rhyme or reason for the front pavement setback waiver. He said he liked the approach, adding he thought it was a good use for the area, saying he thought it would be good to include the waiver on the list of waivers.

Mr. Cashell said the driveway mirrored the driveway approved for Nottingham Square two years ago. He said he had yet to see anyone take a left out of that driveway. He said the applicant had worked with the Board and all of the neighbors, noting that the applicant had offered a \$50,000 contribution above and beyond the CAP fee.

Ms. Brewster said there was a one-way circulation around the back of the building. She said the island at that entrance could be extended out a little more, deterring the undesired outward movement.

Mr. Russo said 16 feet was extremely wide, asking if that turn-in lane could be narrowed a bit. He said 12 feet would be good, adding that would increase green space a little. He said he would be in favor of that.

Chairman Barnes declared a break at 9:01 p.m., calling the meeting back to order at 9:18 p.m.

Chairman Barnes noted that the front pavement setback waiver was still outstanding.

Mr. Russo moved to approve waiver HTC 275 -8.B.(22) – Front Pavement Setback. Ms. McGrath seconded the motion.

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

abstained. Chairman Barnes declared the motion to have carried (4-2-1).

Ms. McGrath said she would like to see the changes to the front access before voting.

Atty. Westgate asked if Ms. Brewster could explain what changes could be made to the right-in drive and the Board then vote on the motion subject to approval.

Selectman Maddox moved to defer further review of the 90 Derry Street (Pharmacy) Site Plan application, date specific to the April 9, 2008 meeting. Ms. McGrath seconded the motion.

Ms. McGrath said the changes to be made with respect to the right -in drive were critical to how she would vote on the plan.

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

Chairman Barnes noted there was a question from a member of the public. Ms. Denise Duval, 2 Summer Street, asked about notification regarding the signage, stating that she was concerned about lighted signage. Ms. McGrath said the applicant would have to go before the Zoning Board of Adjustment for signage approval. Ms. Duval asked if the no left turn out restriction could be enforced. Ms. Quinlan said the police department had said it was nearly impossible to enforce something like that.

IX. ZBA INPUT ONLY

A. **Sunset Rock LLC**
ZI# 01-08

Map 150/Lot 014
24 Barretts Hill Road

Purpose of Plan: Request for Wetland Special Exception.

Mr. Hall stepped down to avoid a possible perception of conflict of interest, as his employer was an abutter. Chairman Barnes appointed Mr. Carroll to sit in Mr. Hall's place.

Ms. Quinlan said Exhibit 2 was confusing, as the two letters from the Conservation Commission seemed to be saying the same thing, except that one was a recommendation for approval and the other was a recommendation for denial. Chairman Barnes explained that the one that was denied was for parking and the dumpster, while the one that was approved was for intrusion into the district for accessing the building and parking in the existing roadway.

Atty. Gerald Prunier described the parking area. He said nothing new would be done. He posted a copy of **Special Exception Map**, Tax Map 150, Lots 13 & 14, dated

November 19, 2007, on the meeting room wall. Chairman Barnes verified that the posted plan was the one that the Conservation Commission had seen.

Mr. Cashell reiterated what the Conservation Commission had determined.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Barnes asked the members of the Board for questions and comments.

Mr. Carroll asked about parking. Atty. Prunier said they wanted to stay close to the building, noting the Conservation Commission wanted them to take a second route by cutting trees on the other side, but they wanted to stay away from that.

Mr. Russo asked why this case was before the Board. Atty. Prunier said Code Enforcement had said there were two uses on one lot, so the lot had been divided into two lots. He said his client would come back to the Planning Board for the subdivision. He noted that he had advised his client that he believed the site to be grandfathered, but his client was concerned that the Planning Board might have an issue with wetlands, so he had decided to address that before it became an issue. He said the wetlands were created by excavation, suggesting the wetlands in question were at the bottom of the wetlands scale.

Chairman Barnes asked the Planning Board what it wanted to recommend to the Zoning Board of Adjustment.

Ms. Quinlan said she was concerned that there were cars being parked next to the wetlands, saying she would probably support the Conservation Commission's decision. Atty. Prunier said there had been some unregistered cars on the site at the time the Conservation Commission came to inspect it, saying that he would be willing to entertain a stipulation that stated that only registered cars could be stored on the site. Ms. McGrath asked if a stipulation that the vehicles had to be registered and inspected would be acceptable. Atty. Prunier answered in the affirmative. Mr. Carroll expressed agreement with Ms. McGrath.

Selectman Maddox asked about the size of the building. Atty. Prunier said it was 1,809 ft². Selectman Maddox asked what the building was used for. Atty. Prunier said it was used for storage. Selectman Maddox asked how many parking spaces the applicant was looking for. Atty. Prunier said the parking was for registered vehicles of the owner's employees, who would meet there and then go out on a job in the trucks; he said the owner had eight to ten employees. Selectman Maddox said it looked like there was parking for at least 10 vehicles on the left-hand side, adding that he did not see the need for the bottom parking area next to the wetlands. Atty. Prunier said that, if 10 cars could be parked on the left-hand side, that would be sufficient. An unidentified man in the audience said that lower area was occasionally used as outside storage. Selectman Maddox expressed a belief that things could be rearranged so that things would stay out of the wetlands. Chairman Barnes said that still would be in the buffer on the left-hand side. Selectman Maddox said he was just trying to reduce the impact on the buffer.

Mr. Russo asked for clarification of where the 10 parking spaces would be. Atty. Prunier referenced the map and described where the 10 spaces would be. Mr. Russo said the loading area was in the front of the building where Selectman Maddox was putting parking spaces, meaning that a waiver for the loading area would be needed.

Selectman Maddox moved to forward the following correspondence to the Zoning Board of Adjustment, regarding the Sunset Rock LLC, Wetland Special Exception application:

"The Planning Board concurs with the following Conservation Commission's recommendations, i.e.:

- a. *The existing wetland intrusion, located within the borders of the existing driveway, shall be allowed to continue. This is taking into consideration that the driveway's existing route creates the least amount of wetland impact, leading to the buildable area of the lot.*
- b. *The parking spaces located south of the building shall be removed, which will take the parking out of the wetlands buffer."*

Ms. McGrath seconded the motion.

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

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

Map 105/Lot 012
Robinson Road

Purpose of Plan: To depict wetland buffer impact associated with a waterline extension along NH Route 102 for use on Map 105, Lot 12.

Mr. Hall returned to his regular position as a voting member of the Hudson Planning Board, and Mr. Carroll resumed his regular position as a non-voting alternate member of the Hudson Planning Board.

Ms. Chadwick, although not currently seated, stepped down from this matter to avoid a possible perception of conflict of interest, as she lived in the area.

Mr. Cashell said he had nothing new to report beyond what was in his staff report.

Mr. Jeff Merritt, an engineer with Keach-Nordstrom Associates, representing the applicants, noted that the project was a 30,000 ft² medical building. He posted a copy of **Conservation Commission plan for St. Joseph medical Center**, dated January 21, 2008, on the meeting room wall and then discussed details, noting there would be a 9,010 ft² temporary buffer impact.

Selectman Maddox asked if the upgrade in pipe size from eight inches to 12 inches, at the request of the Town, would increase the wetlands impact. Mr. Merritt answered in the negative.

Mr. Russo asked why the pipe did not follow along Derry Road to Robinson Road. Mr. Merritt said it was a cost issue because of the added length. Mr. Merritt referenced the **Presentation Overview Plan, St. Joseph's Medical Center**, dated January 21, 2008. He described the path of the water line to the applicant's site. Mr. Russo asked how many buildings could tie into the line. Mr. Merritt said a least six properties would tie into the line. He said the longer run would be a few thousand feet in length. Mr. Russo expressed concern that the plan did not blend with the Board's long-range plans to avoid water cisterns. Selectman Maddox said the Board of Selectmen had been told the pipe would go 40 feet beyond the driveway. Mr. Merritt said that was not the plan right now.

Chairman Barnes noted the purpose of this hearing was to discuss the wetlands impact and should be limited to that issue.

Ms. McGrath moved to forward correspondence to the Zoning Board of Adjustment, stating that the Planning Board had determined that the proposed Route 102 (Derry Street) waterline installation by St. Joseph's Medical Center proponents should be approved by the Zoning Board of Adjustment for the following reasons:

1. The proposed waterline installation and associated wetland buffer impact is unavoidable. At the same time, the board recognizes that the applicant will employ best management practices for reducing the associated wetland buffer impact, and upon completion of said installation the applicant will fully restore the area of impact to pre-installation conditions.
2. The benefits to the fire safety and economic development elements associated with the subject waterline are far superior than the temporary and minor wetland.

Ms. Quinlan seconded the motion.

Mr. Hall said he would be voting against the motion because he disagreed with the verbiage, adding that he felt the Planning Board was getting involved with the design of the project. He said the purpose of getting input was for planning purposes, stating that it was inappropriate for the Planning Board to tell the Zoning Board of Adjustment that it should approve this thing.

Selectman Maddox said he would also vote against the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. Ms. Stewart, Ms. Quinlan, and Ms. McGrath voted in favor; all other members voted against the motion. Chairman Barnes then declared the motion to have failed (3 -4).

Mr. Hall moved to send correspondence to the Zoning Board of Adjustment that the Planning Board had no planning concerns relative to the requested Wetlands Special Exception by St. Joseph's Medical Center. 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 (7-0).

Ms. Chadwick returned to her regular position as a non-voting alternate member of the Hudson Planning Board.

X. CONCEPTUAL REVIEW ONLY

Chairman Barnes noted that there were no **Conceptual Review Only** items to discuss at tonight's meeting.

XI. NEW BUSINESS/PUBLIC HEARINGS

A. **19 Second Street Subdivision**
SB# 06-07

Map 182/Lot 167
19 Second Street

Purpose of Plan: To subdivide one existing lot into two, with public sewer and water services. Application Acceptance & Hearing.

Mr. Cashell said the plan was ready for Application Acceptance.

Selectman Maddox moved to grant Application Acceptance to the 19 Second Street Subdivision application, showing two lots at 19 Second Street —i.e., Map 182/Lot 167 and Map 182/Lot 167 -001. 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 (7 -0).

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, described the project, noting the existing house had been built in the 1920s. He noted that the site was in the Town -Residential zoning district, stating that each lot would have approximately 11,000 ft². He discussed a memo from Town Engineer Sommers, in which Mr. Sommers asked that the sewer connection be accomplished by extending the sewer line up Second Street and adding a manhole. Mr. Maynard said that would be taken care of during the building permit process.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Barnes asked the members of the Board for questions and comments.

Selectman Maddox asked if both houses would be on Town sewer. Mr. Maynard answered in the affirmative.

Ms. McGrath asked if the new structure would conform to current standards. Mr. Maynard answered in the affirmative.

Mr. Russo asked the depth of the buildable area. Mr. Maynard said it was 25 feet deep. Mr. Russo asked where a deck could be placed. Mr. Maynard said any deck would have to be built on the side of the house.

Mr. Cashell referenced Note 2, stating that CLD's report had addressed all the issues. Mr. Maynard asked if Note 2 could be changed to be a requirement prior to the Building Permit. Mr. Cashell answered in the affirmative.

Mr. Russo moved to approve the subdivision plan entitled **Subdivision Plan, Map 182/Lot 167, 19 Second Street, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC and dated: February 1, 2008 (no revision date), consisting of Sheets 1 through 2 and Notes 1 through 19, shown on Sheet 1, per 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 Plan.
2. Prior to issuance of a Building Permit for lot 167-001, the Town's Consultant Engineer shall favorably recommend to the Planning Board that the applicant has provided to the Town a plan profile for the sewer tie-in and installation of a manhole, relative to new Lot 167-001.
3. Prior to endorsement of the Plan-of-Record, it shall be amended so that Plan Notes 11 & 12 delete reference to "... subject to annual inflation indexing...."
4. A cost allocation procedure (CAP) amount of \$705.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. A public school impact fee in the amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. A public library impact fee in the amount of \$124.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
7. A recreation contribution in the amount of \$400.00 shall be paid prior to the issuance of a Certificate of Occupancy.
8. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
9. Approval of this plan shall be subject to final engineering review.

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 (7-0).

XII. OTHER BUSINESS

A. Letter to Board of Selectmen Regarding Driveways.

Chairman Barnes referenced a letter to the Board of Selectmen , dated March 1, 2008, regarding driveways. Mr. Cashell made copies for those who did not have them from the preceding meeting; while Mr. Cashell was engaged in that process, Chairman Barnes continued to the next items .

B. Heidi Marshall.

Selectman Maddox suggested bringing Heidi Marshall in to express what the Planning Board wanted to see in her reports , stating that final engineering review was essential when approving a plan.

Mr. J. Bradford Seabury , the Recorder, said the words "and approval" needed to be added , saying it was not enough to state that the Town Engineer should review the plan but that it should be a requirement that the plan would be subject to the Town Engineer's approval .

C. Change in Zoning Districts.

Mr. J. Bradford Seabury , a member of the Zoning Board of Adjustment, said he had received two phone calls from residents of the Stoney Lane and Robinson Road area who were very irate about the recent change of zoning district. He noted that both had claimed they had no notice of this change prior to the Town Meeting election, without them ever being told. He said he felt the Planning Board had to take steps to notify residents that would be affected by proposed changes . Noting that the chairman of the Litchfield Planning Board went through the zoning changes on the warrant at the beginning of that community's Deliberative Session, he said he thought it would be a good idea for the Hudson Planning Board chairman or someone to do the same .

Ms. Stewart said she thought the petitioner should have to explain why the change was made to their neighbors.

Mr. Hall questioned how much it would cost to notify everyone in the G1 zone , and he argued that this was the purpose of warrants , saying the cost of mailing notices to all of the inhabitants of the G -1 zoning district would be prohibitive.

Ms. Chadwick said the problem was that things were written in "legaleze." She said the best bet would be for a member of the Planning Board to write an article for the newspaper that explained what the changes were and what impact the changes would have.

Mr. Carroll said this would be a public relations nightmare. He said there had to be a way to dumb it down and get it distributed.

Selectman Maddox said he had been called by a reporter to explain the amendments, adding that he had not been able to remember what they all were. He said he thought Mr. Cashell needed to pull things from minutes and cut and paste them into some kind of narrative that could be made available to the public.

Ms. McGrath said not everyone would pay attention until something affected them.

Mr. Cashell said the petition had been signed by every household member of every lot, adding that there had been a number of televised sessions of the Planning Board's numerous discussions about that change. He said a table had been set up at the Deliberative Session. He said he thought the Board had weighed the entire rezoning process in accordance with the RSAs.

Mr. Carroll said the Planning Board should find ways to be more visible.

Ms. McGrath said the Planning Board should encourage the local weekly newspaper to attend some of the meetings, noting that the publisher had recently run a front-page editorial about a Planning Board case that contained misinformation.

Selectman Maddox said a locus map of the affected area should be included in the notice, stating that people generally did not know what their tax map and lot numbers were but they could identify where they lived.

Mr. Russo said the board had taken a lot of time to make sure the residents were not negatively impacted. He said most people could not read a map, and he expressed a belief that *Hudson Litchfield News* staff would not attend meetings. He said he felt the Planning Board had done as much as it could.

Ms. Quinlan suggested that this discussion be taken up at a future workshop.

Mr. Cashell said that not everyone would agree on what should be done. He noted some towns channeled rezoning to a particular time of the year.

Mr. Carroll said he would like the workshop to be scheduled, adding that he would like *Hudson-Litchfield News* to be included in the process.

D. Conservation Commission/ Planning Board Joint Session.

Ms. Quinlan said the Planning Board wanted to schedule a joint meeting with the Planning Board. Chairman Barnes said he would work with Town Planner Cashell to schedule a date, adding that it would be one of the Board's nominal workshop meetings.

E. Second Driveway Issue.

Mr. Hall said he wanted the new Town Engineer to know what the Town regulations were with respect to second driveways. Mr. Hall said he was concerned about the interim engineer, asking who would be making decisions about driveways during that period. Selectman Maddox said he would have to do some research.

Ms. McGrath asked if the Planning Board should send a letter to the Board of Selectmen regarding second driveways. Mr. Hall said Mr. Seabury had done an excellent job in the existing letter. Selectman Maddox said he would bring this matter up to the Board of Selectmen. Ms. McGrath asked Chairman Barnes to send a letter to the Board of Selectmen; Chairman Barnes concurred.

F. Letter from Atty. Buckley.

Mr. Cashell referenced correspondence from Atty. Buckley and Shawn Jasper regarding Mammoth Green Estates, explaining what was involved.

XIII. ADJOURNMENT

All scheduled items having been addressed, Mr. Hall made a motion to adjourn. Ms. Quinlan seconded the motion.

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

Chairman Barnes then declared the meeting to be adjourned at 10:56 p.m.

Date: March 21, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

Transcribed by:
Joseph F. Hemingway and J. Bradford Seabury

These minutes were accepted as amended following review at the 04-23-08 Planning Board meeting.

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
March 12, 2008**

Page 19

The following changes were made in accordance with the Board's review of these minutes at its April 23, 2008 meeting:

Page 3, 3rd paragraph, 3rd line — the word "no" was changed to "not," so that the phrase now reads "Mr. Maynard said he did not know where that came from."