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**HUDSON PLANNING BOARD  
MEETING MINUTES  
February 13, 2008**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:03 p.m. on Wednesday, February 13, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

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

**Members**

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

**Members**

**Absent:** Marilyn McGrath (excused).

**Alternates**

**Present:** Brion Carroll (arrived at 7:16 p.m.) and Ken Massey (Selectmen's Representative Alternate).

**Alternates**

**Absent:** Tierney Chadwick (excused).

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes noted that there were no alternate members to seat in place of the absent member, but that there was a quorum present.

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

Chairman Barnes said the minutes of the November 14, 2007, and December 12, 2007, meetings would be reviewed tonight and the minutes of the October 10, 2007, and January 9, 2008, meetings would be reviewed at the next Planning Board meeting.

**November 14, 2007 Minutes**

No changes being brought forward, Ms. Quinlan moved to approve the minutes for the November 14, 2007, Planning Board meeting as submitted. 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 (6 -0).

**December 12, 2007 Minutes**

No changes being brought forward, Mr. Hall moved to approve the minutes for the December 12, 2007, Planning Board meeting as submitted. 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 (6 -0).

**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.

**VII. PERFORMANCE SURETIES**

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

Chairman Barnes stated that, without objection, he would take **New Business, D**, out of order. Hearing no objection, Chairman Barnes proceeded to that item.

**XI. NEW BUSINESS/PUBLIC HEARINGS** (ITEM TAKEN OUT OF ORDER)

- D. Ferry & Adelaide Streets LLR & Subdiv. Map 175/Lot 155, 154 & 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. Application Acceptance & Hearing.**

Ms. Stewart moved to defer application acceptance and the hearing for the Ferry & Adelaide Streets LLR Subdivision/Lot Line Relocation application, date specific, to the February 27, 2008, Planning Board Meeting, as requested by the applicant. Mr. Hall seconded the motion.

Selectman Maddox requested staff to re-notify abutters by regular (1<sup>st</sup> class) mail, at the applicant's expense.

**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 (6 -0).

**VIII. OLD BUSINESS**

- A. 90 Derry Street (Pharmacy) Map 165/Lot 151  
SP# 12-07 90 Derry Street**

**Purpose of Plan: Construction of an 11,940 +/- ft<sup>2</sup> pharmacy with single drive-through bay, with associated parking and landscaping. Deferred Date Specific from the January 9, 2008, Planning Board Meeting.**

Town Planner Cashell referenced a letter from Atty. Dean Eggert, expressing concerns of the Hudson Mall regarding this project.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, noted that the applicant's project engineers, Ms. Brewster and Ms. Duquette, the applicant's traffic engineer, Mr. Duval, and a representative from Arista Development were in attendance. Atty. Westgate noted that changes had been made to the plan since the January 9, 2007, Planning Board meeting, adding that Ms. Brewster would review those changes. He referenced a letter he had written to Chairman Barnes, dated February 4, 2008, saying his objective had been to put the discussion regarding waiver requests in one document.

Ms. Deb Brewster said the width of the building had been reduced by two feet , noting that this change would accommodate the 12 -foot by 50-foot loading area in addition to the bypass lane.

She said the parking spaces had been flip-flopped as suggested by Mr. Russo.

She said the lighting along the property line to the north had been revised and that the photometrics had been revised.

She said the drive -through intercom system had been revised so that the noise level was less than ambient level at 30 feet from the window.

She said the trucks delivering to this site would be no larger than a WB -40, adding that the company normally would be using a WB -34 at this site.

Ms. Brewster said the driveway had been modified in accordance with the request of the Planning Board. She said the proposed full four -lane geometry improved the blocking problems currently experienced around the site. She explained the proposed improvements to the inbound and outbound geometry, saying that the improvements would significantly improve traffic flow in the area , and she showed photos of the proposed changes.

Mr. Carroll arrived at 7:16 p.m. and took his seat at the table as a non -voting alternate , not being seated for the case already in progress .

Atty. Westgate reviewed the waiver requests, referencing his February 4, 2008 letter. He said the waivers were grouped into two categories : waivers for particular studies, and waivers for particular design parameters.

He said the three study waivers were HISS Mapping, Noise Study, and Fiscal and Environmental Study, noting that those studies were not necessary and that they would result in a hardship from increased costs and increased time to process this application.

He then referenced and reviewed the rationale for the prime design parameter waivers: Front Pavement Setback waiver , Open Space waiver, Side and Rear Pavement waiver, 100 -Foot Setback waiver. He also noted and explained the rationale for the other two waivers being requested —i.e., Second Driveway and Parking Space Conventions.

He said the waivers should be granted , given the site design and characteristics , and noting the significant benefits that the site redevelopment would provide , including:

1. Improved landscaping
2. 60 percent smaller building
3. Material traffic change
4. Improved driveway geometry

He said the requested waivers were as a result of the design characteristics of the site. He reiterated the benefits of the plan, saying the proposed use was more compatible with the nearby uses , with aesthetic enhancements being added. He said the common driveway would be improved significantly. He said the developer would

pay a CAP fee in excess of \$20,000 and also make a \$50,000 contribution to the Derry Street improvements.

Atty. Westgate referenced Abbott Farms, noting that the applicant had proposed extending the sidewalk and adding plantings on the Abbott Farms property, stating that the developer had gotten the sense by way of earlier meetings with Abbott Farms residents that the residents of Abbott Farms understood the benefits of the project. He said that the Abbott Farms board this week had rejected the idea of granting an easement for the plantings or the sidewalk. He noted the benefits that had been proposed for Abbott Farms were primarily for the betterment of Abbott Farms. He then noted that the proposed landscaping, without the Abbott Farms landscaping, would still be 56 percent more trees than would be required and 44 percent more shrubs than would be required.

Selectman Maddox asked about the center island on the common driveway. Ms. Brewster said it would be granite curbing with stamped pavement on top.

Selectman Maddox asked about enforcing the truck size. Atty. Westgate said this was shown in Note 10.

Selectman Maddox said Road Agent Kevin Burns had advised him that there would not be any increase in efficiency if the traffic lights at Elm Street and the proposed site were coordinated.

Selectman Maddox reported that he had just recently seen someone pulling out of the in-only entrance at Nottingham Square; he then stated that he could not vote for the second driveway waiver. Selectman Maddox said the applicant was putting too much on the lot.

Chairman Barnes referenced the landscaping requirements, noting that 10 percent of a parking lot was required to be landscaped. He said he had not seen that yet. Atty. Westgate said it was part of the package.

Mr. Carroll said he would not feel comfortable with the second driveway. He suggested a "NO LEFT TURN" sign be added to the plan. Mr. Carroll also questioned the landscaping plan, expressing concern that shrubs could obscure a driver's view in some areas of the parking lot.

Atty. Westgate posted the landscaping plan and explained where the 10 percent parking lot landscaping would be. Chairman Barnes said there were issues with the size and number of parking spaces. He reiterated Selectman Maddox's concern that there was too much going on the site. Atty. Westgate said he understood the Board's concerns, reiterating the justification for the requested waivers. He said the additional front pavement caused the waiver requirement for the 35-foot setback and the 35 percent open space requirement, adding that the other waiver requests were in keeping with the existing conditions.

Ms. Quinlan said the applicant had listened and responded to the Planning Board's concerns; she expressed a belief that the proposed use would benefit the town, adding that she did not think the use would be a big traffic generator.

Mr. Carroll said the aerial view showed how the project would improve the area. He expressed agreement with Ms. Quinlan.

Chairman Barnes referenced a letter from the Hudson Mall's attorney.

Atty. Dean Eggert, of the firm of Wadleigh, Starr & Peters, PLLC, representing the Hudson Mall, said he questioned the impact of traffic flow for future development. He suggested that an expanded traffic study be done. He said the Hudson Mall owner was not opposed to the use, but relative density was a concern. He suggested that the applicant's responses to the Board's concerns fell into two categories: a different approach or no response. He then suggested that the applicant still needed to do some work regarding the Board's concerns.

Mr. Carroll asked what Atty. Eggert was recommending. Atty. Eggert suggested that the applicant take another look at CLD's recommendations.

Atty. Westgate expressed concern that Hudson Mall's concern were brought forward at such a late date in the process. He contended that it was not possible to analyze theoretical future development at the Hudson Mall.

Mr. Robert Duval, the applicant's traffic engineer, said he had responded to CLD's comments in a letter dated December 20, 2007. He said there would not be a traffic problem with the site. He said the traffic problem was caused by the Dunkin' Donuts store, noting that had been the applicant's response to CLD's concerns. He said the applicant had decided to do a coordination study and the study had concluded that, by coordinating the two lights, some improvement would be accomplished. He said it made more sense to have the second driveway than not to have it. He said he was not aware of any future development at Hudson Mall, adding that he did not see a need to do additional studies.

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

Mr. Roland Cloutier, 225 Abbott Farms, said the traffic in the drive-through could be a problem if someone wanted to park on the side. He said a trailer truck would have to wait for traffic to get out. He said there was room for two cars to go in and two cars to go out. He said there would be a backup on Derry Road. He asked how many cars would go through the drive-through during the day. He said Dunkin' Donuts averaged 800 cars per day and Abbott Farms averaged 175 cars per day. He said Walgreens would add an additional 500 cars per day. He expressed doubt that the expanded driveway would help. He then concluded by saying the building was too big for the lot.

Ms. Joyce Manzi, 16 and 227 Abbott Farms, said she had seen traffic come and go, adding that traffic was often backed up going into Dunkin' Donuts. She said traffic was often blocked in the area. She said she could fit the 10-foot wide school bus in the lane as long as the cars stayed in their lanes. She contended that Walgreens could create havoc with traffic.

Mr. Roland Cloutier asked about the 106 units in Abbott Farms. He said the problem was the window at Dunkin' Donuts, asserting that the drive-through at Walgreens would create a similar problem.

Ms. Denise Duval, 2 Summer Street, said she heard noise at Dunkin Donuts at 4:30 a.m. She said the applicant had listened and responded to the concerns of Abbott Farms residents, adding that she was in favor of the project.

Chairman Barnes asked a second time for public input and comment, in favor or opposition. No one else coming forward to provide input, Chairman Barnes asked the members of the Board for comments and/or questions.

Mr. Russo said he was concerned about the Dunkin Donuts congestion, adding that he did not believe Walgreens would adversely affect morning traffic. He said he thought everything the applicant had done was meant to help the situation, reiterating that he did not feel Walgreens would add to the traffic problem. He said he felt the pharmacy would have sufficient parking, and he thought it was a good plan. Mr. Russo said his only question was about people using the drive-through to get to Dunkin Donuts. He suggested that speed bumps might be appropriate.

Selectman Maddox noted that the traffic engineer had said the site would not have any traffic impact, saying he was shocked by that. He questioned why the Town would amend the regulations and then not enforce them, stating that there was too much on the lot. If the plan were passed, he said, a bond should be put in place so the Abbott Farms improvements could be done at a later date.

Mr. Carroll said he would encourage the developer to keep the Abbott Farms landscaping offer open for at least six months.

Ms. Quinlan said the regulations were changed as things changed, adding that she thought the approach to using the regulations should not be rigid. She said she felt the applicant had worked hard to make improvements on the site. She said she not feel the Board should keep the applicant hostage because of past mistakes made with Dunkin Donuts. She said the residents of Abbott Farms had had the chance to accept the landscaping improvements, saying she did not feel the offer should be left on the table.

Selectman Massey said there was a State statute that prohibited using a shortcut across private property. He suggested that the highway traffic safety commission would be interested in hearing from Ms. Manzi. He suggested that, if the Board were going to approve the plan, a note should be added to the plan stating that a new site plan would be required if the use changed.

Mr. Russo moved to approve the following waivers:

HTC 275-8B(11) & 9(H)	HISS Mapping
HTC 275-9(C)	Noise Study
HTC 275-9(D)	Fiscal & Environmental Impact Study
HTC 275-8.B.(22)	Front Pavement Setback
HTC 275-8.B.(25)	Side & Rear Pavement Setback
HTC 275-8.B.(24)	Impervious Lot Coverage (Open Space)
HTC 275-8.B.(12.c)	100 ft. Residential Setback from Commercial Use
HTC 193-10(G)	Second Driveway

Ms. Stewart seconded the motion.

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**VOTE:** Chairman Barnes called for a verbal vote on the motion. Mr. Russo, Ms. Stewart, and Ms. Quinlan voted in favor; Mr. Hall, Selectman Maddox, and Mr. Barnes voted in opposition. Chairman Barnes then declared the motion to have failed because of the tie vote (3–3).

Selectman Maddox moved to approve the following waivers:

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

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 (6 –0).

Atty. Westgate noted that he had not had a chance to comment on the concerns expressed by the abutters.

Chairman Barnes said he would allow that but that the Board would take a break first; he then declared a break at 9:00 p.m., calling the meeting back to order at 9:15 p.m.

Atty. Westgate said he felt there had been a communication gap on the Abbott Farms side. He said the widening of the driveway had value, adding that it might be worthwhile to present the landscaping to Abbott Farms again. He said TF Moran was willing to speak with the representatives from the Hudson Mall. He then stated that he could not give an answer regarding the right-turn-in or the speed bumps at tonight's meeting, adding that Walgreens would have to be consulted regarding those issues. He suggested deferring the case for two weeks.

Mr. Russo said he would make the motion to defer. Ms. Quinlan suggested that, before doing that, the Board should be polled to see what the Board wanted to do with the waivers. Mr. Hall expressed agreement regarding examining how the Board felt about the various waiver requests.

Ms. Quinlan moved to approve the following waivers:

HTC 275-8.B.(24)	Impervious Lot Coverage
HTC 275-8.B.(12.c)	100-ft Residential Setback from Commercial Use.
HTC 275-8.B.(28)	Parking Space Dimensions

Ms. Stewart 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



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Maddox, who both voted in opposition. Chairman Barnes then declared the motion to have carried (4 -2).

Ms. Stewart moved to approve the following waiver :

HTC 193-10(G)            Second Driveway

Mr. Russo seconded the motion.

Selectman Maddox reiterated his concerns regarding the second driveway.

Ms. Quinlan said the Planning Board had not consistently used the second driveway regulation for commercial properties , saying she was in favor of granting the second driveway.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. Ms. Stewart, Mr. Russo, Ms. Quinlan, and Mr. Hall voted in favor ; Selectman Maddox and Mr. Barnes voted in opposition. Chairman Barnes then declared the motion to have carried (4-2).

Ms. Quinlan moved to approve the following waiver s:

HTC 275-8.B.(22)        Front Pavement Setback  
HTC 275-8.B.(25)        Side & Rear Pavement Setback

Ms. Stewart seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. Ms. Quinlan, Ms. Stewart, and Mr. Russo voted in favor ; Selectman Maddox, Mr. Hall, and Mr. Barnes voted in opposition. Chairman Barnes then declared the motion to have failed because of a tie -vote (3-3).

Mr. Hall explained that he had voted against granting this waiver because he had a problem with the paving in the front of the lot. He said the plan was not even close to meeting the Front Pavement Setback regulation.

Mr. Hall moved to approve the following waiver :

HTC 275-8.B.(25)        Side & Rear Pavement Setback

Ms. Stewart seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Chairman Barnes and Selectman Maddox, who both voted in opposition. Chairman Barnes then declared the motion to have carried (4 -2).

Mr. Hall moved to deny the following waiver :

HTC 275-8.B.(22)                      Front Pavement Setback

Selectman Maddox seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. Mr. Hall, Selectman Maddox, and Mr. Barnes voted in favor ; Mr. Russo, Ms. Quinlan, and Ms. Stewart, voted in opposition. Chairman Barnes then declared the motion to have failed because of the tie vote (3–3).

Mr. Hall moved to defer further review of the 90 Derry Street (Pharmacy) Site Plan application, date specific , to the March 12, 2008 Meeting. 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 (6 –0).

**IX. ZBA INPUT ONLY**

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

**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 (Continued)**

A. **Cingular/AT&T C0-location**                      **Map 221/Lot 008**  
**SP# 15–07**    **24 Flagstone Drive**

**Purpose of Plan: To appeal the Decision of the Special Site Review Committee to deny the construction of an unmanned telecommunication facility, consisting of 12 antennas and a 12-foot by 20-foot shelter at the existing wireless telecommunications facility at 24 Flagstone Drive. Application Acceptance & Hearing.**

Chairman Barnes read aloud the published notice, as repeated above. He then seated Mr. Carroll in place of the absent Ms. McGrath.

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Chairman Barnes noted that the Minor Site Plan Committee (MSPC ) had returned the case to the full Planning Board. He said the applicant was appealing that decision.

Mr. Hall asked what the result of the appeal would be. Town Planner Cashell said the Minor Site Plan Committee did not want to make a decision on this case, so the decision was up to the full Planning Board. Mr. Hall asked what the difference was between items XI.A and XI.B. Mr. Cashell said the applicant was asking for a formal appeal.

Atty. Douglas Wilkins, attorney for the applicant, said the applicant was present for an appeal but had also applied for site plan review —adding that they would be “off to the races” if they got that relief and the waivers . He expressed a hope that the matter would not get bogged down on the appeal.

Selectman Maddox noted that the Planning Board had sent the case to the Minor Site Plan Committee and the Minor Site Plan Committee had sent the case back to the full Planning Board. He said he did not see anywhere an appeal would be warranted.

Mr. Russo asked what would happen if the full Planning Board did not grant the permit.

Chairman Barnes said the applicant was appealing the process.

Selectman Maddox noted that the next item on the agenda was this same item.

Mr. Hall asked what would happen if the appeal were upheld.

Mr. Carroll suggested that, if the applicant were appealing on the basis that the Minor Site Plan Committee did not have a valid reason for sending the case back to the Planning Board, and if the Planning Board upheld the appeal, the case would be sent back to the Minor Site Plan Committee . If the appeal were denied, he continued, the Planning Board would take the case.

Mr. Hall said no one could vote intelligently without knowing what would happen if the appeal were upheld or denied. Mr. Cashell said the applicant would be happy to walk out with approval. If the appeal were denied, adding that he thought the applicant would have grounds to litigate the denial of the appeal.

Mr. Hall said he would not vote if he did not understand what would happen either way. Mr. Cashell contended that Cingular had properly appealed.

Selectman Massey said the Minor Site Plan Committee was an extension of the Planning Board. He said the Minor Site Plan Committee had limited capabilities, noting that any member of that committee could take a look at a case and say the case was not something the Minor Site Plan Committee should be looking at. He said the committee did not have the authority to grant special permits.

Ms. Stewart said she was prepared to defer the case to the Town Attorney.

Mr. Carroll said the Minor Site Plan Committee had the right to kick any case back to the Planning Board. He said he did not understand the basis of the appeal.

Mr. Hall stated that the Planning Board had voted to send the case to the Minor Site Plan Committee. He said he did not understand why the Minor Site Plan Committee had sent it back to the full Planning Board, adding he did not think a permit was required in this case, adding that this was why he had voted to send it to the Minor Site Plan Committee in the first place; he then protested the waste of time.

Mr. Carroll concurred with Mr. Hall, noting that the people who sent it down were not the same people who sent it back.

Selectman Maddox said he had not voted to send the site plan down to the Minor Site Plan Committee. He said he felt it should not have been sent down.

Selectman Maddox moved to deny the appeal. Ms. Quinlan seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Ms. Stewart, who voted in opposition, and Mr. Hall, who abstained. Chairman Barnes then declared the motion to have carried (5 -1-1).

**B. Cingular/AT&T C0-location  
SP# 14-07**

**Map 221/Lot 008  
24 Flagstone Drive**

**Purpose of Plan: To conduct a public hearing on the Site Plan Review application, which calls for the construction of an unmanned telecommunication facility, consisting of 12 antennas and a 12-foot by 20-foot shelter at the existing wireless telecommunications facility at 24 Flagstone Drive. Application Acceptance & Hearing.**

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

Mr. Cashell said the plan was ready for application acceptance.

Selectman Maddox moved to grant application acceptance for the Site Plan Review application for the proposed Cingular Wireless Communication facility, consisting of the construction of a 12-foot by 20-foot unmanned telecommunications shelter and associated antennae mounted on an existing wireless communication mast at 24 Flagstone Drive, Map 221/Lot 008. 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 (7 -0).

Atty. Wilkins asked if he could address items B and C at the same time, in order to save time. Chairman Barnes expressed agreement.

Atty. Wilkins explained the intent was to add an antenna on an existing mast at 24 Flagstone Drive. Mr. Hall interrupted to ask if the applicant had received a conditional use permit. Mr. Cashell said that was granted by the Zoning Board of Adjustment, not

the Planning Board. Atty. Wilkins said the antenna would be at 80 feet. He described the associated shelter as shown on the site plan. Atty. Wilkins referenced the special permit criteria, noting that the plan met all criteria. He said the plan complied with all FCC regulations. Atty. Wilkins said the shelter would be unmanned and met all applicable Town codes. He said all waivers were appropriate.

Chairman Barnes noted that there were no members of the public in attendance to participate in a public hearing ; he then asked the Board members for comments or questions.

Mr. Hall asked why the site plan review was on the agenda before the conditional use permit, questioning how the Board could approve the site plan before having approval of the conditional use permit. Town Planner Cashell said it would be logical to do the conditional use permit first. Chairman Barnes concurred, saying the Board would take up the conditional use permit at this time.

**C. Cingular/AT&T C0-location  
CU# 01-07**

**Map 221/Lot 008  
24 Flagstone Drive**

**Purpose of Plan: To conduct a public hearing on the Conditional Use Permit application, which calls for the construction of an unmanned telecommunication facility, consisting of 12 antennas and a 12-foot by 20-foot shelter at the existing wireless telecommunications facility at 24 Flagstone Drive. Application Acceptance & Hearing.**

Mr. Hall moved to accept the Site Plan Review application for the proposed Cingular Wireless Communication facility, consisting of the construction of a 12-foot by 20-foot unmanned telecommunications shelter and associated antennae mounted on the existing wireless communications mast at 24 Flagstone Drive, Map 221/Lot 008. Mr. Russo 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. Hall said he wanted to hear from the members of the Minor Site Plan Committee as to what the issue had been with this case.

Selectman Massey said his understanding was that one of the members of the Minor Site Plan Committee had felt that the Planning Board was concerned about aesthetics and that the plan would add another antenna to the tower. Selectman Massey said he had been prepared to grant approval that night.

Mr. Hall said the members of the Minor Site Plan Committee must have thought Cingular had no right to put up a tower in the area or to erect another tower in the area. Selectman Massey demurred, saying it all boiled down to aesthetics.

Mr. Carroll said the communication between the Minor Site Plan Committee and the Planning Board had to be interactive, adding that it would be a good topic for a workshop.

Selectman Maddox said he felt the Planning Board should not have sent the case to the Minor Site Plan Committee. He contended that the Minor Site Plan Committee had been created to take care of things such as transformer pads and flag poles, but that cell phone towers were not appropriate for the Minor Site Plan Committee. Selectman Maddox asked the RF engineer, Mr. Scott Pollister, how many more arrays could be put on the tower. Mr. Pollister said there was not a straight answer, as each carrier had its own requirements. He said there could be additional arrays put on the tower, if it were structurally adequate.

Mr. Carroll suggested that Mr. Cashell put the site plan review criteria on the workshop agenda, so that the Board would know what to send to the subcommittee in the future.

Mr. Russo asked how much distance there had to be between arrays. Mr. Pollister said the standard separation distance between arrays was 10 feet. Mr. Russo suggested that there could be more arrays on the tower. Mr. Pollister expressed agreement. Atty. Wilkins noted that the Town had the right to put its own public safety antenna at the 60-foot height.

Mr. Russo moved to approve the Conditional Use Permit application regarding the Cingular Wireless Communication facility at 24 Flagstone Drive, Map 221/Lot 008, in accordance with the provisions set forth in Article XVIII. – Commercial Wireless Telecommunication, Radio Services and Receive -Only Facilities – of the Town Zoning Ordinance, as amended through March 13, 2007, and in accordance with the following terms and conditions:

1. The Site Plan -of-Record for this permit is entitled: Cingular Wireless, Site Name: Hudson, Site Number 1797, 24 Flagstone Drive, Hudson, New Hampshire prepared by Chappell Engineering Associates, LLC, 2352 Main St., Concord, NH, dated: October 4, 2006, and revised thru February 6, 2007, consisting of Sheets T01, C01, C02, A01 through A05, E01 through E04.
2. This approval is exclusive to the construction of a 12-foot x 20-foot unmanned telecommunications shelter and associated antennae mounted on the existing wireless communications mast at the above-cited address.
3. 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 Site Plan -of-Record.
4. All improvements shown on the Site Plan -of-Record, including Notes 1 through 24, shown on Sheet C02, shall be completed in their entirety and at the expense of the Applicant or his assigns.

Ms. Stewart seconded the motion.

Selectman Maddox suggested adding stipulation number 5.



1. This approval is exclusive to the construction of a 12 -foot by 20 -foot unmanned telecommunications shelter and associated antennae mounted on the existing wireless communications mast at the above -cited address.
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 Site Plan -of-Record.
3. All improvements shown on the Site Plan -of-Record, including Notes 1 through 24, shown on Sheet C02, shall be completed in their entirety and at the expense of the Applicant or his assigns.
4. Prior to the issuance of a final certificate of occupancy, a 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.

Ms. Stewart seconded the motion.

Selectman Maddox said he did not see an owner's signature or stamp on the plan. He suggested adding stipulation number 5, as follows:

5. Prior to signing and recording plan at Hillsborough County Registry of Deeds, the plan shall be signed by the owner and stamped by an LLS engineer.

Mr. Russo and Ms. Stewart concurred, agreeing to incorporate this stipulation as part of the motion.

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

## XII. OTHER BUSINESS

Ms. Quinlan noted that she had requested at the preceding meeting to comment on a building permit off camera, adding she had been admonished for doing that by other Board members, who felt this might lead the viewing public to believe that the Board was going to have a nonpublic discussion. She clarified her action by saying the building permit in question concerned a reference to a sign on a piece of residential property, adding her question had been about whether that sign would come before the Planning Board as part of a zoning process, She said the reason she had not wanted to talk about it on camera was because she did not want the property owner to be subjected to any sort of negative attention.

Mr. Cashell referenced a *Business News* article that had been forwarded by Mr. Seabury regarding senior housing. He said it was an interesting read.



Mr. Cashell said the handout packet had also included the two missing notices of decision regarding the other two items for the Minor Site Plan Committee , which had not been included in the regular meeting packets .

Mr. Cashell noted that Mammoth Green Estates , formerly known as Qroe Farm Estates, would soon be known as Senter Farm Estates. He said the plans and the Development Agreement would have to be revised to include the new name, adding that the applicant had agreed. He said a letter also had been received from the developer's engineer addressed outstanding in -the-field issues.

### XIII. ADJOURNMENT

All scheduled items having been addressed, Ms. Stewart made a motion to adjourn . Mr. Carroll 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 10:35 p.m.

Date: February 28, 2008

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

J. Bradford Seabury, Recorder

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Suellen Quinlan , Acting Secretary

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

These minutes were approved as amended following review at the 04-02-08 Planning Board meeting.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
February 13, 2008**

**Page 18**

The following changes were made in accordance with the Board's review of these minutes at its April 2, 2008, meeting:

Page 17, 2<sup>nd</sup> paragraph — The misspelling of "Crowe Farm Estates" was corrected to read "Qroe Farm Estates ."