

**HUDSON PLANNING BOARD
MEETING MINUTES
August 22, 2007**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:00 p.m. on Wednesday, August 22, 2007, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Barnes asked Mr. Russo to 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, George Hall, Vincent Russo, Terry Stewart, Richard Maddox (Selectmen's Representative), and Marilyn McGrath (arrived at 7:10 p.m.).

Members

Absent: Suellen Quinlan (excused).

Alternates

Present: William Cole, 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 Mr. Cole in place of the absent Ms. Quinlan, noting that there was no alternate to seat in place of Ms. McGrath, who had not yet arrived.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes noted that the minutes of the March 14th, April 4th, April 11th, and April 25th meetings would be reviewed at tonight's meeting.

March 14, 2007 Minutes

Chairman Barnes addressed the minutes for the meeting of March 14, 2007, asking Mr. Seabury, the Recorder, if those minutes had been amended as previously requested and as Mr. Seabury had outlined in his E-mail. Mr. Seabury answered in the affirmative.

No further changes being brought forward, Mr. Hall moved to approve the March 14, 2007, Planning Board minutes as amended. Mr. Cole 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).

April 4, 2007 Minutes

Chairman Barnes addressed the minutes for the meeting of April 4, 2007, asking if there were any changes or corrections

Mr. Hall referenced Page 5, 1st **Vote** paragraph, noting that the vote tally did not agree with the text; Recorder Seabury said he would change the text so as to list those who voted in favor first, clarifying the vote tally.

No further changes or corrections being brought forward, Mr. Hall moved to accept the minutes as amended; Mr. Russo seconded the motion.

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

Ms. McGrath arrived at 7:09 p.m. and took her regular seat at the time, being recognized by Chairman Barnes as being seated.

April 11, 2007 Minutes

Chairman Barnes addressed the minutes for the meeting of April 11, 2007, asking if there were any changes or corrections

Mr. Hall referenced Page 3, 2nd paragraph, requesting that the word "and" be inserted between "he" and "his," so that the sentence would read "Mr. Maynard said he and his client would be willing to make some modifications to the restaurant."

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Mr. Hall referenced Page 16, 2nd line, requesting that the word "for" after "prefer" be removed, so that the phrase would read: "he would prefer the vans were kept off-site."

Mr. Hall referenced Page 17, 2nd paragraph from bottom, 8th line, requesting that the word "for" be changed to "from," so that the phrase would read "kept it purposely secret *from* the Town's people."

Mr. Barnes referenced Page 5, 3rd paragraph, 4th line, requesting that the "Ram" text string be changed to "Mr. Maynard."

Mr. Russo referenced Page 3, last paragraph, 5th line from bottom, requesting that the participle "an" be changed to "a," so that the phrase would read "drivers would have a choice."

No further changes or corrections being brought forward, Mr. Hall moved to accept the minutes as amended; Mr. Russo seconded the motion.

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

April 25, 2007 Minutes

Chairman Barnes addressed the minutes for the meeting of April 25, 2007, asking if there were any changes or corrections

Mr. Hall referenced Page 6, 1st line, requesting that text string "ram" be changed to "ramp," so that the phrase would read "an ON ramp and an OFF ramp."

Mr. Hall referenced Page 6, 3rd line, requesting that misspelling of "requirements" be corrected.

Mr. Hall referenced Page 8, 2nd paragraph, 5th line, requesting that mistyped word "go" be changed to "to," so that the phrase would read "would be extremely expensive *to* build."

Mr. Hall referenced Page 8, 2nd paragraph, 14th line, requesting that the mistyped word "down" be changed to "done," so that the phrase would read "best way to get it *done* quicker."

Mr. Hall referenced Page 11, 5th paragraph, requesting that mistyped "Me." at the start of sentence be changed to "Mr."

Mr. Russo referenced Page 6, 1st paragraph, 8th line, requesting that mistyped comma in acreage measurement be changed to a period, so that the phrase would read "1.55 acres."

Mr. Russo referenced Page 6, 3rd paragraph, 5th line, requesting that misspelling of "New Hampshire" be corrected.

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Mr. Russo referenced Page 8, 2nd paragraph, 3rd line, requesting that misspelling of "Merrimack" be corrected.

Mr. Russo referenced Page 11, 4th paragraph, 1st line, requesting that mistyped "Hill" be changed to "Hill," so that Mr. Thompson's address would be shown as "22 Burns Hill Road."

No further changes or corrections being brought forward, Mr. Hall moved to accept the minutes as amended; Mr. Cole seconded the motion.

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

Chairman Barnes noted that four sets of minutes (May 9, 2007; May 23, 2007; June 13, 2007; and June 27, 2007) would be addressed at the next Planning Board workshop meeting, and he asked the members to review those minutes for that 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.

VII. PERFORMANCE SURETIES

A. Leaor Subdivision Performance Guarantee Map 183/Lot 12

Reference memo dated August 8, 2007 from Mr. Sommers to Mr. Cashell.

Ms. McGrath moved to reduce the surety for the Leaor OSD Subdivision from \$400,000.00 to \$31,150.00 in accordance with the written recommendation of Town Engineer Tom Sommers, dated August 8, 2007. 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 (7-0).

VIII. OLD BUSINESS

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

Purpose of Plan: Review status and proposed changes to the approved 30-lot Mammoth Green Estates OSD Subdivision Plan.

Chairman Barnes stated that the Town Attorney had requested that this item be deferred to the next Planning Board meeting.

Town Planner Cashell explained that the attorneys were still working out the details of the agreement.

Ms. McGrath moved to defer further review of the Mammoth Green Estates OSD Subdivision, date specific, to the September 12, 2007, meeting. Selectman Maddox seconded the motion.

Mr. Cole asked Mr. Cashell if VHB's report on the Green Meadow plan were still on the agenda for September 12, 2007. Mr. Cashell said that it looked like it would be on the agenda. Chairman Barnes stated that the question was whether there would be room on that agenda for the Mammoth Green Estates case if VHB and the Green Meadow plan were also on the agenda. Mr. Cole suggested another date for this case if VHB (Green Meadow) were on the agenda. Mr. Cashell said he did not have a problem with that, suggesting the September 26, 2007, Planning Board meeting.

Ms. McGrath moved to amend her motion, date specific, to the September 26, 2007, Planning Board meeting. Mr. Cole seconded the motion.

Selectman Maddox contended that this case should be left on the September 12, 2007, Planning Board agenda, since the Green Meadow plan was conceptual and should not take as much time as it had in the past; he expressed a belief that the Green Meadow presenters probably would cancel at the last minute. Mr. Cole said he thought Green Meadow and VHB would take up a great deal of time. Chairman Barnes asked what else would be taken up that evening; Mr. Cashell then listed all items currently scheduled on the agenda for the September 12, 2007, Planning Board meeting.

Mr. Hall stepped down to avoid a possible perception of conflict of interest, as his employer was an abutter to the Mammoth Green Estates site.

VOTE: Chairman Barnes called for a verbal vote on the amendment motion. All members voted in favor except for Selectman Maddox, who voted in opposition. Chairman Barnes then declared the motion to have carried (5-1).

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

Maddox, who voted in opposition. Chairman Barnes then declared the motion to have carried (5-1).

Chairman Barnes said there were a number of people in the audience tonight for Krystal Estates, noting that Krystal Estates was not on tonight's agenda. Chairman Barnes said he would agree to let Mr. Cashell present an update to the case. Mr. Cashell said the Planning Board had received correspondence from the owner's attorney, informing the Board that the swing set would be installed to replace the swing set that had been removed. He then stated that a wooden loveseat swing set had been put in, instead. He said the Board had voted to send correspondence to Bea Francoeur, the property owner, stating that two child-friendly swing sets had to be put in, adding that he had not yet heard back from Ms. Francoeur.

Mr. George Cronin, 9 Krystal Drive, stated that there were 28 violations on the property, questioning why those violations had been overlooked. Mr. Cashell said it had been many years since that site had been developed, adding that it looked like there had not been any follow through.

Mr. Mike McGiver said the swing set the owner had installed cost \$100 more than a comparable children's swing set.

Selectman Massey complimented the residents on their research; he then noted that there currently was an opening for an alternate on the Planning Board.

IX. ZBA UNPUT ONLY

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

X. CONCEPTUAL REVIEW ONLY

A. BAE Systems CSP# 07-07

Map 251/Lot 001
River Road

Purpose of Plan: To show a minor modification to an existing industrial site: moving the emergency generator from inside the building to outside.

Chairman Barnes noted that there was a letter in tonight's handouts from a BAE abutter in opposition to the proposed change to the site plan.

Ms. McGrath and Mr. Hall both stepped down to avoid a possible perception of conflict of interest, as Ms. McGrath was an employee of BAE and Mr. Hall was an abutter.

Mr. Jeff Rider, of Cuoco & Cormier Engineering, posted **Map 251, Lot 1, Overall Site Plan, Sheet 1**, dated July 16, 2007, no revisions, and **Map 251, Lot 1, Site Plan, Sheet 2**, same date, on the meeting room wall.

Mr. Rider said the intent of the project was to move the standby generator from a location inside the building to a location outside the building. He said the noise level 50 feet from the generator would be 65 decibels, which he described as being just a little louder than white car traffic. He noted that the closest house was 700 feet from the proposed location of the generator. He said he wanted to discuss a few waiver requests with the Board.

Mr. Cashell said the only waiver request that really mattered was the request to waive the full site plan review.

Mr. Russo asked where the exhaust from the existing generator exited the building. Mr. Rider said it exited through the wall.

Mr. Russo asked if the new generator would be larger than the existing generator. Mr. Mike Ufnal, from BAE Systems, said the new generator would be slightly larger.

Mr. Russo asked if Mr. Rider were aware of the abutter's letter; Mr. Rider said he had not seen the letter. Chairman Barnes said the letter was from Bernie and Loretta Choiniere, adding that their concern was about noise levels from the BAE facility. Mr. Rider said there would be a parking lot and some woods between the nearest home and the proposed generator location, stating there would be minimal noise impact from the generator.

Mr. Russo suggested an alternative location for the exhaust. Mr. Ufnal said the exhaust on the new generator was vertical. Mr. Rider said the existing generator was old and was probably a lot noisier than the new generator would be.

Selectman Maddox suggested getting by the formal review by getting a decibel reading at the edge of the property now, installing the generator, and then getting a post-installation decibel reading at the edge of the property. He suggested that shrubs and/or fencing would be required if the second reading were higher than the first reading, adding that he would want that condition to be made a stipulation of approval. Mr. Rider said that would be acceptable.

Chairman Barnes asked if the generator would be used for emergency purposes. Mr. Rider answered in the affirmative. Chairman Barnes asked how long the generator normally ran for. Mr. Rider said that would depend on how long a power outage lasted. He said it also would be run during normal maintenance procedures, adding that those procedures would occur during the day.

Mr. Cole asked if there were an emergency generator in Building Number 2—and, if so, was it inside or outside. Mr. Rider said Building Number 2 had an emergency generator but that he did not know if it were located inside or outside the building.

Mr. Cole asked about the location of the proposed generator for Building Number 1. Mr. Rider referenced the drawings. Mr. Cole referenced the GIS map. Mr. Ufnal said the location was chosen because it was near the majority of the building's switches.

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 for a motion.

Selectman Maddox moved to grant the following waiver:

HTC 275-8.B Engineered Site Plan

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 (5-0).

Selectman Maddox moved to approve the request to waive formal site plan review for BAE Systems, Inc., located at 65 River Road, relative to relocating an interior generator to the outside of the building, as shown on the Conceptual Plan entitled **Map 251/Lot 1, Overall Site Plan Proposed Generator Pad, 65 River Road, Hudson, NH**, prepared by Cuoco and Cormier Engineering Consultants, Inc., 74 Northeastern Blvd., Unit 10A, Nashua, NH, dated July 16, 2007 (no revisions), and consisting of Sheets C-1 and C-2 and Notes 1 through 4 on Sheet C-1, with the following stipulation

Mr. Russo interrupted to ask if approval would be granted as long as the applicant complied with the proposed stipulation. Chairman Barnes answered in the affirmative.

Selectman Maddox crafted the noise stipulation as follows:

A noise reading (decibels) to be taken at three points, to be determined by Town Staff, with the existing generator, and to be retaken upon installation of new generator. If the second reading is higher, a sound mitigation plan to be brought back to the Planning Board.

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 (5-0).

Mr. Rider asked if the Planning Board wanted the readings with or without cooling towers running. Selectman Maddox said to do it both ways.

Mr. Hall and Ms. McGrath returned to their regular positions as voting members of the Hudson Planning Board.

XI. NEW BUSINESS/PUBLIC HEARINGS

A. Proposed Amendments to Section 334 – 22 – Table of Permitted Accessory Uses – of the Zoning Ordinance

Chairman Barnes read the proposed amendments.

Chairman Barnes opened the public hearing at 8:01 p.m.

Mr. William Tate, noting that he was a resident of Londonderry but owned properties in Hudson, expressed concern with respect to the proposed amendments. Chairman Barnes pointed out that the changes were with regard to permitted accessory uses, not permitted primary uses.

No other comment being brought forward, Chairman Barnes closed the public hearing at 8:05 p.m.

Selectman Maddox asked Mr. Cashell for clarification of the proposed amendments. Mr. Cashell said the purpose was to tighten up the regulations for mixed uses.

Mr. Hall expressed agreement but questioned the proposed change with respect to banquet halls/function halls, asking if a lot would have to be subdivided if a restaurant wanted to add a banquet hall. He said he was having a hard time envisioning a banquet hall as a primary use. Mr. Cashell said a banquet hall/function hall was really a primary use and should not be considered as a secondary use. Selectman Maddox said this example was similar to a gas station/convenience store/car wash use. Mr. Cashell said he thought the banquet hall/function hall created a lot of spillover parking, saying he felt the use should be considered a primary use.

Mr. Tate said a banquet hall was not a seven-day operation and that he considered it a secondary use.

Mr. J. Bradford Seabury, 4 Meadow Drive, referenced the function hall in the basement of the former Stevie P's restaurant, questioning how a use such as that could be approved if the ordinance were changed as was being suggested.

Mr. Russo said a banquet hall in a restaurant constituted two uses in one facility and should be considered during the site plan review. He said he had personal experience of banquet/function halls being run as stand-alone facilities, adding that his opinion was that a banquet hall should be considered a primary use.

Ms. McGrath said she thought the Planning Board was concerned with large function/banquet halls.

Mr. Hall said he thought the dual-use scenario would require double the frontage, and he asked what purpose that would serve. He said the problem was a homeowner adding a banquet hall, adding that he felt a restaurant/banquet hall in a G and G-1 zone should be allowed. Mr. Russo said that sort of case would have to go before the Zoning Board of Adjustment for a variance. He questioned how adequate parking could be achieved. Mr. Hall said that depended on the size of the facility.

Selectman Massey said he thought that a banquet hall accessory use should only be allowed in conjunction with a restaurant. He asked if a restaurant would need site plan approval to add a banquet hall as a secondary use within the existing facility. Mr. Cashell said the owner of the restaurant would have to come in for that change.

If the Board wanted to allow this use as a secondary use in a business zone or in industrial zone, or in the G or G-1 districts, Mr. Cashell said, so be it.

Mr. Hall suggested allowing a banquet hall if it were an accessory to a restaurant, adding that he would allow the use in any of the currently permitted zones. Ms. McGrath confirmed that a restaurant was a permitted use in an industrial zone.

Mr. Russo suggested using "rooms" instead of "halls." Mr. Hall said he did not see a problem with that.

Mr. Russo said he did not feel that banquet or function halls were on the Table of Permitted Uses.

Mr. Hall moved to change the proposed ***Table of Permitted Accessory Uses*** to put back in Banquet and Function Halls as accessory uses to a restaurant in the "B", "I", "G" and "G-1" Zoning districts. 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).

Chairman Barnes asked Mr. Cashell to rewrite the formal motion and then schedule another public hearing for September 26, 2007.

Mr. Hall moved to send the re-written amendments back to public hearing on September 26, 2007. 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).

B. Amend the Planning Board's Site Plan Review Regulations, Article II, Section 275-8.B.(12), Sub-Sections (a), (b), and (c), by adding the General-One (G-1) zoning district to each Sub-Section, together with other language.

Chairman Barnes read aloud the proposed amendments.

Chairman Barnes opened the public hearing at 8:34 p.m.

Mr. Robert Lambert, 287 Derry Road, expressed objection to (b), saying he did not want his house to be like the only house left on Amherst Street. He said he was surrounded by commercial uses, stating that his property would be worthless if (b) were to be approved. Chairman Barnes noted that he thought Mr. Lambert's property was in the G zone. He said (b) would add the same requirement to the G-1 zone. Mr. Hall referenced the Hudson Zoning Map, stating that Mr. Lambert's property was in the G-1 zone.

Mr. William Tate, 271 Nashua Road, Londonderry, said the NRPC showed that there had been only 57 acres for commercial development left in 2005, adding that the number was now only 32-acres. He said some of the remaining lots were small, and he suggested that the regulation be modeled around the intensity of the use on a lot. He said he thought the Planning Board should take a longer look at the proposed

amendments, noting that Londonderry had 50-foot buffers. He said he thought there were other ways to accomplish the intent of the proposed amendments.

No other comment being brought forward, Chairman Barnes closed the public hearing at 8:42 p.m.

Mr. Hall said this was a Planning Board regulation and that the regulation could be waived by the Board. He said the regulation was put into place to mitigate incompatible uses.

Selectman Maddox said the Planning Board had to be concerned about residential areas as well as the commercial areas. He expressed agreement with Mr. Hall, saying there had to be some balance. He asked if the Planning Board had defined "non-residential." Mr. Hall said the regulation had worked for years.

Selectman Massey said he concurred with Selectman Maddox. He said "non-residential structure" would be more suitable terminology.

Ms. Stewart said her concern was for the current residents.

Ms. McGrath referenced Selectman Massey's suggestion, saying she thought the regulation should apply to the entire site, not just the building.

Mr. Cashell said it was a buffer (no use) zone in many communities. He referenced Mr. Tate's concerns regarding the loss of commercial space, pointing out that two-thirds of the town was zoned G or G-1, with pretty much any use allowed by the zoning ordinance in those zones. Mr. Tate said he felt there were G and G-1 zones all over the place, saying there needed to be more planning for commercial zones.

Mr. Russo moved to amend Article II, Section 275-8.B.(12), Sub-Sections (a), (b) and (c), by adding the General-One (G-1) zoning district to each sub-section, together with other language changes, so that the sub-sections shall read as follows:

- (a) In the General (G) and the General-One (G-1) zoning districts, where a proposed industrial use abuts or is across a highway from a residential use, there shall be a two-hundred-foot distance from the residential property line to any part of the industrial development.
- (b) In the General (G) and the General-One (G-1) zoning districts, where a proposed commercial use abuts or is across a highway from a residential use, there shall be a one-hundred-foot distance from the residential property line to any part of the commercial development.
- (c) In all zoning districts other than the General (G) and the General-One (G-1) zoning districts, where a commercial or industrial use or zoning district abuts a residential use or zoning district, there shall be a one-hundred-foot distance between the residential use or zoning district and the nonresidential development.

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 (7-0).

Chairman Barnes declared a break at 8:55 p.m., calling the meeting back to order at 9:11 p.m.

C. Planning Board review and vote on FY'2009 Capital Improvements Program.

Whereby the Town of Hudson Capital Improvements Committee (appointed and authorized by the Planning Board) prepared the FY'2009 Capital Improvements Program, in accordance with RSA 674:5 – 674:8.

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

Mr. Cashell asked for questions regarding the CIP.

Ms. Stewart asked if a School Board representative ever came to the meetings. Selectman Maddox said "No." Chairman Barnes noted that a representative from the Budget Committee was also supposed to attend the meetings.

Ms. Stewart asked Mr. Russo, the chairman of the CIP committee, if he had contacted the School Board to inform them that their representative was not attending the meetings. Mr. Russo said he not done so, saying he had done that the previous year with no result.

Mr. Hall said the School Board and the Budget committee had to be made aware of the importance of this process, noting that impact fees could not be collected without a CIP.

Selectman Massey said he had had a conversation with a member of the School Board, saying that the feeling was that if the School Board were not going to get any more impact fees because of changing enrollments, they could not see getting involved with the CIP process.

Selectman Massey said Items 3, 5, and 6 on the CIP list were not tax-paid items, adding that they were supported by the rate payers of the Water Utility and as such should be a separate category. Mr. Hall said the CIP Committee had no way to tell the department heads not to put something on the CIP, noting that was up to the Board of Selectmen. Mr. Hall said the town could not have two CIPs. Selectman Massey said Items 3, 5, and 6 had been identified in 1998 as critical needs.

Ms. Stewart said the Union Leader had said that the Circumferential Highway was not going anywhere fast.

Mr. Hall noted that Item 1 was put on by the Board of Selectmen as a Town project. He said the CIP was the opinion of five people in Town. He said the problem was that department heads were just putting things down for the next year, not the next six years, as was needed. He said the Fire Department was the only department that

thought beyond next year. He then declared that the Board of Selectmen had to get behind the process.

Mr. Cashell suggested the possibility of amending the process so that the CIP process took place every three years instead of every year. He said he thought doing it every year was overkill. Selectman Maddox said it was just one of those things that had to be done so the Town could see where it was heading. He referenced Page 13, saying the spreadsheet was incorrect. Mr. Cashell concurred, saying the document was not done yet.

Selectman Maddox referenced Pages 105, 106, and 107, saying that the math did not add up. Mr. Cashell said these were the numbers given by the department heads, noting they were just estimates. Mr. Cashell said the numbers would be fixed.

Ms. Stewart referenced Page 36, questioning the Melendy Bridge and the County Road Bridge projects. Mr. Cashell said he thought the money was still available. Ms. Stewart said she would like to see updates for those two projects.

Mr. Cole suggested trying to find a way to minimize the effort required for this process. He said the process was a worthless process and was wasting a lot of time on a document just so that the Town could collect impact fees, adding that there must be another way to do that.

Chairman Barnes referenced the library project, noting it was voted down last spring. Mr. Russo confirmed that this entry had been given by the Library Trustees.

Mr. Hall moved to forward the FY'2009 Capital Improvements Program to the Board of Selectmen and Budget Committee for their consideration as part of the annual budget. Ms. McGrath seconded the motion.

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

XII. OTHER BUSINESS

Mr. Cashell referenced Town Engineer Sommers' memo, dated June 20, 2007, saying the developer had said it would contribute \$25,000 to complete the Constitution Drive subdivision. He explained that the developer in return wanted to make sure the Planning Board would provide a favorable recommendation to the Board of Selectmen.

Mr. Hall said the Planning Board had never done that before. He said the Planning Board would vote when the subdivision was done. He suggested that Mr. Sommers should provide his recommendation to the Board at that time, adding that he would not vote ahead of time.

Ms. Stewart said she could not give a favorable report until the work was done.

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Selectman Maddox said this was a waste of time and that the applicant should come in when the work was completed.

Chairman Barnes noted that the annual Law Lecture series was coming up.

Selectman Massey reported that the Board of Selectmen had appointed Selectman Massey to the Minor Site Plan Committee.

Mr. Cole said he thought there something missing from the agenda, noting that people had asked him how they could get their thoughts to the Planning Board. Mr. Cole then moved that the Hudson Planning Board agenda, effective August 24, 2007, for all regularly scheduled meetings, include an item for Public Input, to occur after the seating of alternates during regularly scheduled meetings. Ms. Stewart seconded the motion.

Speaking on his motion, Mr. Cole said he thought this was the right thing to do.

Selectman Maddox suggested adopting the Board of Selectmen's criteria for that type of situation, establishing a three-minute time limit for each speaker.

Mr. Hall said he was opposed to the motion, saying the public could write letters to the Board. He said people should not be allowed to talk to the Planning Board about a case without the applicant being present at the meeting.

VOTE: Chairman Barnes called for a verbal vote on the motion. Mr. Cole and Ms. Stewart voted in favor; all other members voted in opposition except for Chairman Barnes, who abstained. Chairman Barnes then declared the motion to have failed (2-4-1).

Selectman Maddox moved to have Staff put together copies of the Planning Board's rules and regulations and to include Board of Selectmen's policy on public input, for possible inclusion of Board of Selectmen public input guidelines, for review by the Planning Board at the October Planning Board workshop. Ms. Stewart seconded the motion.

Mr. Cole asked whether, if the Board accepted the Board of Selectmen's public input criteria, that item would be put on the Planning Board agenda. Selectman Maddox said that was exactly correct. Chairman Barnes said that was on next month's agenda.

Ms. McGrath said she would vote against the motion for the reasons expressed by Mr. Hall. Ms. McGrath suggested that the Planning Board get the Town Attorney's opinion. Mr. Hall said he thought it might be illegal, stating that he was strongly opposed.

VOTE: Chairman Barnes called for a hand vote on the motion. Selectman Maddox, Ms. Stewart, and Mr. Cole voted in favor; all other members voted in opposition. Chairman Barnes then declared the motion to have failed (3-4).

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XIII. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath made a motion to adjourn. Mr. Hall 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 9:56 p.m.

Date: September 19, 2007

James Barnes, Chairman

J. Bradford Seabury, Recorder

Vincent Russo, Acting Secretary

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

These minutes were approved as submitted following review at the 10-10-07 meeting of the Hudson Planning Board.