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**HUDSON PLANNING BOARD
MEETING MINUTES
April 11, 2007**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:00 p.m. on Wednesday, April 11, 2007, in the Town of Hudson Community Development Conference Room.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes asked Mr. Turcotte 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, Suellen Quinlan, Marilyn McGrath, George Hall, Vincent Russo, Richard Turcotte, and Richard Maddox (Selectmen's Representative).

Members

Absent: None.

Alternates

Present: William Cole and Ken Massey (Selectman's Alternate Representative).

Alternates

Absent: Brion Carroll (excused) and Robinson Smith (resigned).

Staff

Present: Town Planner John Cashell

Recorder: None. (These minutes were transcribed from the audio tapes, with an untaped portion transcribed from the HCTV DVD.)

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes noted that no alternates needed to be seated since all members were present.

V. MINUTES OF PREVIOUS MEETINGS

Chairman Barnes noted that there was one set of minutes to review in tonight's packet, adding that those minutes would be reviewed at the next Planning Board workshop.

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 to discuss at tonight's meeting.

VIII. OLD BUSINESS

**A. Flagstone Plaza
SP# 18-06**

**Map 222/Lot 14
3 Flagstone Drive**

Purpose of Plan: To construct an 8,576 ft² multi-tenant commercial building with a parking garage under. Hearing. Deferred Date Specific from the February 28, 2007 Planning Board Meeting.

Town Planner Cashell said there were no updates to this case other than what was specified in the staff report.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said the dumpster had been moved. He stated that the loading zone had been moved to the lower end of the site, adding that the dumpster and the loading zone could be accessed from the common drive. He said the trees had been pushed back to get them out of the way of snow removal. He said the restaurant had been reduced in size to 2,000 ft², saying this had substantially reduced the parking requirement for the site. He said the site had 40 spaces, expressing the opinion that these were more than enough spaces. He said the drainage had been changed so that the roof leaders were tied into the existing retention basin. He said there would be less flow coming off the site post-construction versus pre-construction.

Mr. Maynard discussed the location of the columns in the parking garage. He said a turnaround had been added to the garage, noting that the lower entrance was a two-way drive and the upper driveway would continue to be one-way. Mr. Maynard said the pavement would be 50 feet off of Flagstone Drive, adding that this met all criteria for the

site. He said the site was not subject to storm water management requirements. He said sump pumps could be added or he could add grease and oil traps, adding that this should suffice. He said a note could be added to the plan stating that the sewer connection for the restaurant would require a grease trap, and also that a note could be added to the plan stating that each tenant would require an electric meter. He noted that the building would be sprinklered. He then concluded his presentation by saying he estimated traffic at the rate of 42 trips per hour.

Selectman Maddox said he was still having problems with the restaurant. He said that a Quiznos-type restaurant would have twice the amount of sit-down patrons than drive-through patrons, and he expressed a belief that the plan did not have enough parking. Mr. Maynard said not all businesses with a multi-tenant site would be at their peak at the same time. Mr. Maynard said he and his client would be willing to make some modifications to the restaurant. Mr. Maynard argued that the parking requirements for restaurants needed to be tweaked. Selectman Maddox asked about the ITE specs. Mr. Maynard said the specs had not been updated in many years, and he suggested reading Nashua's parking requirements.

Ms. McGrath asked if a note could be added regarding the size of the restaurant. Mr. Maynard expressed agreement. Ms. McGrath asked if Note 20 could be added to the plan. Mr. Maynard concurred.

Selectman Massey asked if the upper drive were one-way only. Mr. Maynard expressed agreement. Selectman Massey said he would appreciate seeing a profile of the entrance into the basement.

Mr. Hall asked how a driver would know which driveway was one-way and which driveway was two-way. Mr. Maynard said he would have to add arrows and signs. Mr. Hall asked about the lighting. Mr. Maynard explained that there would not be much spillover. Mr. Hall asked that the squares in the parking garage be labeled to indicate that they were structural columns.

Ms. McGrath asked about the landscaping plan. Mr. Cashell said Mr. Maynard had made the modifications requested by Ms. May.

Selectman Maddox asked about the elevations of the driveway. Mr. Maynard said there was a rise of five inches, and he explained how the driveway was contoured, saying the ground of the building was in the 179 range. Selectman Maddox said the parking garage was still problematic, noting that there was only one way in. Mr. Maynard said that was common with small parking garages. Selectman Massey said that was true but that there were several isles in those types of garages, which made parking easier. Mr. Maynard said the spaces were 10 feet wide with a 25-foot drive isle. Selectman Maddox asked who would be parking in the garage. Mr. Maynard said it would be used mostly by employees. Selectman Maddox said he still felt it would be more difficult to maneuver in the garage. Mr. Maynard said it was the same as an outside parking lot. Chairman Barnes said drivers would have a choice if the parking lot were a surface type, explaining that the driver would not go into that parking lot if a driver saw that the parking lot were full. With the indoor garage, he said, a driver could not tell if the garage were full until the driver actually entered the garage. Mr. Maynard said that was why he had agreed to the turnaround in the garage. Chairman Barnes

asked about trips with multiple-use situations, questioning how the trip could be determined, given the fact that each business might have different peak hours. Mr. Maynard explained how peak hours were determined with multiple-use situations. Chairman Barnes asked if Mr. Maynard had traffic counts. Mr. Maynard answered in the negative, adding that he had never seen a queue problem at the common driveway.

Mr. Cashell suggested that the parking garage situation would be improved if the building size were reduced. Mr. Maynard said the four-foot bump-out at the top was pretty standard. He said there was plenty of radius to make turns. Mr. Cashell said that the applicant was proposing a substantial landscape area, saying he felt that the plan was appropriate for the site.

Ms. McGrath said she had concerns about the parking, adding that she thought her concerns were justified. Selectman Massey discussed a vision problem in the parking garage, noting one or two parking spots that he felt should be eliminated.

Chairman Barnes noted that the Board wanted to see a list of garages that were similar to the one being proposed by the applicant.

Marilyn McGrath moved to defer further review of this item date specific to the May 9, 2007, Planning Board 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).

**B. Kara's Crossing
SB# 14-06**

**Map 186/Lot 20
75 Speare Road**

Purpose of Plan: To subdivide the existing residential parcel into 10 single-family lots with individual water & septic services. Hearing. Deferred Date Specific from the February 28, 2007 Planning Board Meeting.

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

Town Planner Cashell said that one issue remained outstanding, as noted in the staff report—pertaining to the lot having only 1.985 acres, where 2.0 acres were required. Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, demurred, stating that had been taken care of by correspondence—adding that all of the lots had been adjusted to comply with the acreage requirement. Mr. Cashell acknowledged this to be the case.

Mr. Maynard noted that the Fire Department notes had been added to the plan (Notes 21 & 22), as well as the Conservation Commission notes (Notes 23 & 24). He noted that the driveway for Lot 20-4, previously inadvertently shown at the rear, had been adjusted, so that none of the driveways were in the setback. He noted that Lot 20-6 had been of concern to Chairman Barnes; stating that overflow was highly

unlikely, he said the house area had been raised several feet, so any overflow from the perched wetland would reach the street and go into the storm drain system. He said both the property owner and the builder were present and had heard this concern. He said the house also had been shifted to the front, so that it was 80 feet from the wetland, so the water would have to travel upward 2 or 3 feet and then 80 feet sideways to reach the house, which he said to be very unlikely. He said that CLD had verified that all of the lots had slightly more than the requirement. He then suggested that this plan was ready for approval, as had been suggested by Associate Planner May.

Mr. Maynard noted that Note 11 called for a contribution to the sidewalk improvement fund, saying this had not been discussed. He said there was a sidewalk shown on the right side of the proposed roadway, so he was not sure why Note 11 was there, as he was following the regulations and not asking for a waiver. Town Planner Cashell noted that this roadway led out to Speare Road, which did not have a sidewalk. Mr. Maynard said his client wanted to build the sidewalk, noting that these were 2-acre lots.

Chairman Barnes noted that the map on the cover sheet identified a lot as Map 186/Lot 20, whereas the other sheet identified the same lot as Map 187/Lot 24. Mr. Maynard said the latter identification was correct; Chairman Barnes said the cover sheet needed to be corrected. Mr. Maynard subsequently reversed this belief, saying he would have to double-check which identification was correct.

Chairman Barnes noted that Notes 12 and 13 had the old language for the school and library impact fees, saying they should be corrected by removal of the unnecessary verbiage, as those two impact fees were not subject to annual indexing.

Chairman Barnes asked if there were anyone in the audience who wished to speak on this matter. No one coming forward, he declared the public hearing to be closed.

Marilyn McGrath moved to grant the following waivers:

HTC 289-6 (D)	Traffic Study
HTC 289-26 (B) (10)	HISS Mapping
HTC 289-6 (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 (7-0).

Marilyn McGrath moved to approve the subdivision plan entitled: Kara's Crossing 75 Spear Road Hudson, NH, prepared by Maynard & Paquette, Engineering Associates, LLC, dated: December 1, 2006, last revised February 26, 2007, consisting of Sheets 1 through 10 and Notes 1 through 24, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. Prior to Planning Board endorsement of the subdivision plan-of-record, Town Counsel shall favorably recommend the Development Agreement.
3. Wetland Buffers shall be delineated with Town of Hudson Conservation Commission standard wetland conservation plaques every 50 feet, either on existing mature trees or metal fence posts, on lots 20-1, 20-2, 20-3, 20-4, 20-5, 20-6, 20-7, 20-8, 23 and 24.
4. Notice of wetland buffers and the delineation requirement shall be part of each property deed for lots 20-1, 20-2, 20-3, 20-4, 20-5, 20-6, 20-7, 20-8, 23 and 24.
5. The wetland buffer for Lot 24 shall be clearly marked by a licensed land surveyor prior to any construction or grading for a driveway on that site.
6. Houses shall be sited within the buildable area to provide ample room in the front, side and rear yards outside the wetland buffer.
7. A cost allocation procedure amount of \$705.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy, subject to annual inflation indexing, as permitted by the impact fee methodology.
8. 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.
9. 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.
10. A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
11. All monumentation shall be set or bonded prior to the Planning Board endorsing the plan-of-record.
12. If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m. Monday through Friday only. Said blasting/ramming activities shall be prohibited on Saturdays and Sundays.
13. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Said activities shall be prohibited on Sundays.
14. This project shall be constructed in accordance with the provisions prescribed in Article XIX, *Growth Management*, of the Town of Hudson Zoning Ordinance.
15. This plan shall be subject to final engineering review and approval to determine constructability, prior to plan recording.

Mr. Hall seconded the motion.

Ms. Quinlan said she would not vote in favor of this plan because of road safety issues that she had previously stated.

Selectman Maddox asked Mr. Maynard to clean up Note 11, noting that the CAP fee was shown as \$399.11 and as \$705.00. Mr. Maynard expressed agreement.

Mr. Russo asked that the lot numbers be cleaned up. Mr. Maynard expressed agreement.

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

**C. Power Street Substation
SP# 02-07**

**Map 167/Lot 009
Power Street**

Purpose of Plan: Construction of new power switching substation and access road for modernization of existing facilities. Application Acceptance & Hearing.

Mr. Cashell reported that a lot of work had been done since the last time PSNH had appeared before the Board, with a lot of the outstanding issues having been cleaned up.

Mr. Arnold Weitzman, with AI Engineering, and representing PSNH, said the distance from the new substation to the development in that area was over 400 feet. He said the easements as shown on the plan were verified as being the easements that PSNH still possessed. He noted that the generator information had been put on Sheet 13 of the plan, saying the noise level would be very low at 24 feet from the generator—adding that testing would occur every two weeks between the hours of 10 a.m. and 3 p.m. on weekdays, but not on legal holidays. He said the lighting design was not finished yet, but that it would be similar to the Scobie Pond facility. He said the lighting would only be on at night unless someone were coming to the site to perform maintenance. He explained that the lights would be activated by a switch at the gate, and he described where the lights would be located. He also showed a diagram illustrating what the substation would look like, adding that it would look much like the Scobie Pond substation. Another AI engineer said he estimated that the substation would be visited at night about six times a year. Mr. Weitzman displayed photos of the Scobie Pond substation at 200 feet away, noting that the substation could hardly be seen at that distance, and he reiterated that the Power Street Substation would be very similar. He said the notes had been changed on the plans so that they matched, as previously requested, adding that the plans had been stamped. He then concluded by stating that NHDES was finishing up its review and that he expected its approval.

Mr. Russo asked about the location of the new substation. Mr. Weitzman referenced the plan to show where the location would be. Mr. Russo asked about the lighting plan. Mr. Weitzman said another consultant was doing the lighting plan. Mr. Russo expressed concern about the Planning Board having to assume what the lighting plan would actually look like without actually seeing the lighting plan. Mr. Weitzman referenced the lighting specification, adding he could not present details because he was not doing the lighting plan. The other AI engineer said the lighting plan would be similar to the Scobie Pond lighting plan. Mr. Russo responded that he wanted to see

the lighting plan for the Power Street substation. Mr. Hall expressed agreement with Mr. Russo, saying that was part of the process. Mr. Hall said he wanted a note on the plan stating that the site would not be illuminated every night. Mr. Wietzman referenced Note 14. Mr. Russo stated that PSNH was doing this for a reason. Selectman Massey asked why workers would go into the site at night, as had been predicted. The other AI engineer indicated it would be because customers were without power. Selectman Massey said he would not care in that case how much light there was at the site. Mr. Russo said that Selectman Massey had made the assumption that there was a power outage somewhere, saying it could be miles away, but that the people directly next to the power station would be impacted by the lights. When workers were at the site, he said, it would be very noisy. Mr. Hall asked if there were lights on at night at the existing station. The other AI engineer said the lights would be out. Mr. Hall said it was standard practice to provide a lighting plan. Mr. Weitzman suggested approving the plan with the stipulation that the lighting plan would be provided as soon as it was available.

Selectman Maddox asked if there were any one from Power Street in the audience; no one came forward. Selectman Maddox said he wanted to make sure that things would be done as promised, and he suggested a stipulation that required a \$10,000 bond until the lighting plan was turned in and approved. Mr. Cashell suggested that a requirement instead be that the Town Engineer review and approve the lighting plan. Mr. Russo expressed objection to this approach.

Selectman Maddox moved to grant the following waivers:

HTC 275-9B	Traffic Study
HTC 275-9C	Noise Study
HTC 275-9D	Fiscal Impact Study
HTC 275-9E	Water Service
HTC 275-9E	Sanitary Sewer Service
HTC 275-8.B (12)(c)	100-foot Residential Setback
HTC 275-8.B (28)	Parking Lot Requirement
HTC 275-8.B (30)	Loading
HTC 275-8.B (31)	Parking Lot Landscaping
HTC 275-8.B.(32)	Lot Screening/Landscaping

Ms. Quinlan seconded the motion.

Mr. Russo asked how far it was from the chain-link fence to the closest residential building. Mr. Weitzman said it was over 100 feet. Mr. Weitzman referenced Sheet 5 of the plan and explained why that waiver was being requested, noting that the area of concern was land-locked and would not be a problem. Mr. Hall expressed agreement with Mr. Weitzman.

Ms. Quinlan asked if the CAP fees should be addressed at this time. She suggested adding Note 13, noting that a CAP fee was not required for an unmanned facility.

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).

Selectman Maddox asked if Notes 5 and 13 were the same. Mr. Cashell answered in the affirmative, adding that Note 13 could be removed.

Mr. Hall suggested that Note 14 be changed to read "site lighting."

Selectman Maddox moved to approve the plan entitled **Power Street Substation, 15 Power Street, Map 167/Lot 9, Hudson, NH**, prepared by AI Engineers, Inc., dated September 30, 2006, last revised March 27, 2007, consisting of Sheets 1 through 11 and Notes 1 through 15, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. All improvements shown on the site plan-of-record, including Notes 1 through 15 shown on Sheet 2, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. Prior to the issuance of a framing permit, an LLS-certified "As-Built" site shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
4. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
5. The applicant's engineer and/or contractor shall contact the Town to schedule a preconstruction meeting, which will be held with Staff prior to starting construction.
6. The applicant shall construct a new fire hydrant and an 8-inch water line on Power Street, to be designed and approved by the Town Engineer, prior to the issuance of a building permit for construction at the Power Station.
7. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Saturday.
8. This plan shall be subject to final engineering review and approval to determine constructability, prior to plan recording.
9. The waiver request for a CAP fee shall be removed from the list on plan Note 11, and a Note 15 shall be added to the plan, stating that a CAP fee is not required for an unmanned utility based on the Impact Fee Methodology as adopted by the Planning Board.
10. A waiver to HTC 275-20, Underground Utilities shall be added to plan as Note 11.
11. The Error-of-Closure statement shall be added to the site plan sheets, prior to plan signature.
12. A site lighting plan shall be submitted to the Town Engineer for review and approval prior to the issuance of a building permit.

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 declared a break at 9:00 p.m., calling the meeting back to order at 9:10 p.m.

D. Derry Street Professional Building Map 174/Lot 23
SP# 19-06 26 Derry Street

Purpose of Plan: To show a proposed commercial site development consisting of a professional building for Tax Map 174/Lot 23, 26 Derry Street. Hearing. Deferred Date Specific from the March 14, 2007, Planning Board Meeting.

Chairman Barnes stepped down to avoid a possible perception of conflict of interest, as the applicant was his dentist, and he turned the gavel over to Vice-Chairman Quinlan. Acting Chairman Quinlan seated Mr. Cole in place of Mr. Barnes.

Acting Chairman Quinlan said a petition had been received from the residents expressing concerns regarding the height of the structure and asking the Board to take the height into consideration. Mr. Cashell said the applicant had revised the plan to include only one story, adding that the revised plan also included more green space.

Atty Jeffery Zall, the applicant's attorney, said the remaining issues had hopefully been addressed. He confirmed the building had been revised to show a one-story building. He distributed renderings of the building and showed pictures of the proposed fence. He said the one-story building would eliminate the parking problem. He then stated the applicant felt that, since the revised plan was for a one-story building, it was very important to keep the garage. Atty Zall said the garage would be improved to match the look of the main building.

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

Mr. Tom Donahue, 1 Leslie Street, said he had been concerned about the two-story building. He said he would prefer an 8-foot fence and that he would like it to be a color other than white. He said there was a gasoline tank in the building, adding that he would like to have that tank removed, and he also noted that the applicant had told him that the lights would not be on at night. He looked at the picture of the proposed fence, suggesting still a different color. Dr. Ebeed said he did not mind changing the color of the fence.

Acting Chairman Quinlan asked again for public input or comment, in favor or in opposition. No one coming forward, Acting Chairman Quinlan asked the members of the Board for comments or questions.

Selectman Maddox referenced the Environmental Impact Study waiver, noting he had been to the site and noticed barrels all over the place. Dr. Ebeed said the site was

in the process of being cleaned up and that this would be completed as soon as possible. He also said the tank would be removed as part of the building process.

Ms. McGrath said she had gotten phone calls from abutters who were concerned as to whether Dr. Ebeed was moving to the site or adding another office to his practice. Dr. Ebeed said he was moving his current School Street office to the site. Ms. McGrath said the abutters were also concerned that he had more staff than he had stated. Dr. Ebeed said he was the dentist, and he had an assistant dentist, a dental hygienist, two assistants, and a receptionist. Ms. McGrath asked if his wife would use part of the space under the new plan. Dr. Ebeed answered in the negative.

Mr. Hall asked about site lighting. Dr. Ebeed said the only lighting would be the sign. Atty. Zall said that was indicated on the plan.

Selectman Massey asked about the underground tank. Dr. Ebeed explained where the tank was located.

Selectman Maddox said the applicant had indicated that he had six employees but the site only had ten parking spaces. He asked the applicant if there was enough parking. The applicant said he had been at his current location for seven years, adding that there were eight parking spots there and that he had never had a problem with parking.

Ms. McGrath also asked about the parking. She suggested that there might be six patients waiting at any given time and twelve parking spaces would be needed, given the six employees—not the ten that were shown on the plan. Dr. Ebeed said that normally did not happen at his office. Atty. Zall contended that parking was controlled by the ordinance and was based on the square footage of the building. He reiterated Dr. Ebeed's remarks about not having parking problems at his current location. If parking ever became a problem, he continued, there was room for two more parking spaces. Ms. McGrath asked Atty. Zall to point that out on the plan. Ms. McGrath said she was concerned about patients parking on Derry Street.

Mr. Hall asked if the applicant would mind marking two spaces for employee-only parking. Dr. Ebeed said he would not mind doing that. Atty. Zall said that a waiver for parking in the setback would be needed. Mr. Hall said he would defer to staff as to whether the waiver would be required—but added that the safest thing would be to ask for the waiver.

Mr. Turcotte asked about the dumpster location. Mr. Hamor, who also was representing the applicant, said it was going to be a small dumpster and that he did not think accessing it would be a problem.

Mr. Russo asked if the end space by the garage could be expanded a bit. Mr. Hamor said he did not think that would be a problem.

Marilyn McGrath moved to grant the following waivers:

HTC 275-8 B (17)	NGVD Benchmark
HTC 275-8 B (22)	20-foot Green Area
HTC 275-8 B (30)	Off-Street Loading Space

HTC 275-9 A (3)	Test Pit and Percolation Test Data
HTC 275-9 B	Traffic Study
HTC 275-9 C	Noise Study
HTC 275-9 D	Fiscal and Environmental Impact Studies
HTC 275-9 H	HISS Study
HTC 275-8 B (25)	Parking Within Rear Setback

Mr. Hall seconded the motion.

Mr. Russo asked what the first waiver was for. Mr. Hamor explained that it concerned elevations to a major waterway regarding the 100-year flood plan, saying that did not apply to this site.

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

Acting Chairman Quinlan noted that a member of the public wished to be recognized—adding that, without objection, she would recognize that person. Hearing no objection, she asked that person to please identify himself.

Mr. Tom Donahue, a resident of the area, asked if a NO PARKING sign could be placed on Leslie Street at the end of Dr. Ebeed's building. Atty. Zall said that was a highway safety issue. Mr. Hall suggested that Mr. Donahue wait to see if that became a problem before going to the Highway Safety Committee.

Mr. Hall asked about the CAP fee. Mr. Cashell explained the CAP fee. Mr. Hall said he was having a hard time following the CAP fee calculation. He said he did not believe there would be any additional traffic created, especially since the proposed building was only one-story. Mr. Cashell said the CAP fee had been based on having a two-story building, and he agreed that the CAP fee stipulation should be removed.

Mr. Russo moved to approve the Site Plan entitled: **Commercial Site Development Plan Set "Derry Street Professional Building," Tax Map 174/Lot 023, 26 Derry Street, Hudson, NH**, prepared by Polaris Consultants, LLC PO Box 127, Hampstead, NH, dated: December 7, 2006, revised through April 3, 2007, consisting of Sheets 1 through 6 and Notes 1 through 11, in accordance with the following terms and conditions:

1. 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.
2. All improvements shown on the site plan-of-record, including Notes 1 through 11, shown on Sheet 3 of 6, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. Prior to the issuance of a framing permit, an LLS-certified "As-Built" site shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.

4. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
5. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays.
6. This plan shall be subject to final engineering review and approval to determine constructability, prior to plan recording.
7. The applicant shall schedule a pre-construction meeting with the Town Engineer prior to applying for a building permit.
8. Remove the first waiver listed on Sheet 3 of 6, because it is covered under HTC 275-9H.
9. The applicant shall coordinate construction of the curb cut with the Town Engineer and the NH DOT Federal Aid Project, STP-X-000S (216), N.H. Project No. 12460. N.H. Route 102.
10. The applicant shall add two employee parking spaces to the southern side of the garage.
11. Note 11 'C' on the Site Plan shall be removed.
12. The existing 500-gallon petroleum tank shall be removed when the building has been razed.
13. The Town shall be provided with a report from the applicant stating that the clean-up associated with the 500 gallon petroleum tank has been completed in accordance with the requirements of NH DES prior to the issuance of a building permit.
14. The architectural rendering, as prepared by Farouk F. Yousseff, AIA, showing elevations of the four sides of the building, and the proposed fence, shall be placed on file and shall be included with the site plan set.

Mr. Hall seconded the motion.

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

Mr. Barnes returned to the table and assumed his regular position as Chairman of the Hudson Planning Board. Ms. Quinlan returned to her position as a voting member of the Board and Mr. Cole returned to his position as a non-voting alternate.

IX. NEW BUSINESS/PUBLIC HEARINGS

A. **Nottingham Square**
SP# 05-07

Map 204/Lot 73
Lowell Road

Purpose of Plan: To show a proposed ATM kiosk and accompanying parking and site improvements and to revise the 6-foot vinyl fence between lot 73 & 71 (now a 4-foot fence). Application Acceptance & Hearing.

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

Marilyn McGrath moved to approve application acceptance. 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).

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the applicant, said that Mr. Latulippe had asked the applicant to reduce the height of the fence to four feet from six feet. Mr. Basso said the applicant had been approached by a bank to install an ATM kiosk in the parking lot, adding that the kiosk would be a typical ATM kiosk. He said it would require losing a couple of parking spaces and adding an island. He said no additional lighting would be added.

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.

Mr. Hall asked for a copy of the E-mail from Ms. Latulippe. Mr. Basso said it was included as part of the original application packet.

Ms. McGrath referenced the fence on the berm, asking if it were originally four feet high. Mr. Basso answered in the affirmative. Ms. McGrath asked what the ATM kiosk would look like. Mr. Basso said it was just a machine. Selectman Maddox asked what was there before. Mr. Basso said there were just parking spaces there. He said the ATM plan marginally increased the green space, adding that there was more than enough parking on the site.

Chairman Barnes asked about the two existing landscape islands on the site. Mr. Basso said those islands would still be landscaped.

Selectman Maddox asked about the hours of operation for the kiosk. Mr. Basso said it would be open 24-hours a day.

Vincent Russo moved to approve the ***Amended Nottingham Square Site Plan, Map 204/Lot 73, Lowell Road, Hudson, NH***, prepared by Keach-Nordstrom

Associates, Inc., dated February 7, 2007, consisting of Sheets 1 through 2, and Notes 1 through 17, in accordance with the following terms and conditions, which are in addition to the terms and conditions of the previously approved plan:

1. All improvements shown on the site plan-of-record, including Notes 1 through 17, shown on Sheet 1, shall be completed in their entirety and at the expense of the applicant or his assigns.
2. Amend the plan title to include the word 'Amended'.
3. This amended site plan should not be recorded at the Registry Of Deeds, but placed in the Community Development plan file. Also, the applicant should submit an electronic copy of the plan for the Town's GIS.
4. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Saturday. Construction on Sunday shall be prohibited.
5. Hours for refuse removal shall be no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday only.
6. Written confirmation from the Latulippe's concerning the reduction in the height of the fence shall be provided prior to the Planning Board endorsing the plan of record.

Mr. Turcotte seconded 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).

X. CONCEPTUAL REVIEW ONLY

A. **T.J. Malley Electric Company**
CSP# 03-07

Map 182/Lot 82
4 Derry Street

Purpose of Plan: The relocation of T. J. Malley Electric, Inc's main office and possibly installing a lighting showroom. (Conceptual Review)

Mr. Cashell said the plan was ready for Conceptual Review.

Mr. Timothy J. Malley, 35 Highland Street, said he hoped to move his office to the old Prudential building at 4 Derry Street from his current location at 46 Derry Road. He said he wanted to put in a lighting showroom as well as continue the present electrical business. He said he was not going to change the building or parking in any way.

Selectman Maddox referenced the staff report, noting that there was a concern about box trucks being stored overnight at the gateway to the Town center. Mr. Malley said he was looking forward to getting rid of the box truck, noting that he had been using it for overflow storage. He said he had one service truck that would remain on

the site. Selectman Maddox asked if vans would be on-site—adding that he would prefer the vans were kept off-site.

Ms. McGrath asked what was there now. Ms. Quinlan said there had been a real-estate office there.

Mr. Hall asked if there would be changes to the building. Mr. Malley said the owner of the property was going to paint the trim.

Ms. McGrath said the owner of the building had wanted to make sure the Planning Board knew that she would have been at tonight's meeting if there had not been an illness in the family.

Chairman Barnes asked about the number of vans that would be at the site each morning. Mr. Malley said there would be three vans per day.

Selectman Maddox noted that driving in that the area was one way. Mr. Malley said he understood that.

Selectman Maddox said he did not think a full site plan review was necessary.

Mr. Russo moved to approve the request to waive formal site plan review for T. J. Malley Electric, Inc., to operate an electrical services and installation business office, storage, and showroom, at 4 Derry Street, Hudson, NH, in accordance with the following terms and conditions:

Not more than three (3) company vehicle(s) will be parked overnight on this site.

George Hall seconded the motion.

Ms. Quinlan noted that there were cars in there all the time when the real estate office was there. She asked why the Board wanted to limit the number of cars in the parking lot, questioning who would care. Mr. Russo said the Community Development Director cared about the overnight parking of vehicles on the site.

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).

XI. OTHER BUSINESS

Mr. Russo said he had a question about the Carpet Creations zoning determination. He said the letter given to Director Sullivan had requested a determination regarding warehousing, but what the Board got back was a copy of an entry in the Table of Permitted Uses lists existing category as wholesale trade distribution, which Director Sullivan deemed acceptable as a permitted use. Mr. Russo said that was not what Carpet Creations had come to the Board with. He asked if the Board wanted to let that go. Selectman Maddox said he thought it was up to staff to go back to Director Sullivan to inform him that what he had provided to the Board was not what was asked for. Mr. Russo asked if the decision should be appealed. Mr. Hall expressed a belief that the

decision could not be appealed because the decision was correct. Mr. Russo said some of the Board members might want the warehousing decision. Ms. McGrath said she was always in favor of getting clarification from Director Sullivan. Mr. Cashell said the business was in a business zone. Ms. Quinlan said the exterior was supposed to be the same as the existing building. Selectman Massey protested that the Board was straying from the issue. Mr. Russo asked if the Board wanted to take the request for a warehousing determination back to Director Sullivan.

Marilyn McGrath moved that the Planning Board Chairman re-send the letter to the Community Development Director regarding Carpet Creations, with an additional note to request that he respond to the question as posed, with a copy to be sent to the Board of Selectmen and Town Administrator.

Mr. Russo seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Ms. Quinlan and Mr. Hall, who both voted in opposition, and Chairman Barnes and Selectman Maddox, who both abstained. Chairman Barnes then declared the motion to have carried (3-2-2).

Ms. Quinlan expressed disagreement with getting the Board of Selectmen involved. Ms. McGrath said the Board had had a problem in the past, saying she thought the motion was appropriate.

Mr. Hall asked if the use constituted a dual use. He referenced R&S as an example, noting that there were carpets stored in the back of the building. Mr. Russo said the parking regulations would change if the use were to change.

Mr. Cole said he had been surprised when he saw his name in the local newspaper recently. He said the article said that he should recuse himself from the RiverPlace development. He read a part of the article, quoting the article as saying that various named Town officials, as well as others who were not named, didn't conduct business in the open. He said he had come up with two conclusions from this statement. He said his first conclusion would be that a group of Town employees had been in collusion with W/S Development or Green Meadows personnel to talk about a development and kept it purposely secret from the Town's people. Noting that this issue had been raised by many citizens, he declared that he never would believe that collusion by the named Town officials was a possibility. He then declared that his only conclusion was that the Telegraph had made an unsubstantiated, unwarranted, and undocumented attack on Town officials and/or dedicated outstanding Town employees. He said he hoped the Board of Selectmen would take whatever remedial action was required in coordination with the Town Attorney to remedy this affront on not only the Town of Hudson but on Town employees and Town officials.

Mr. Cashell said he wanted to thank Mr. Cole for his comments. He said he would never believe that any Town official would do anything underhanded or behind closed doors. He said the article was a blatant misrepresentation of what had occurred

regarding RiverPlace. Mr. Hall suggested the design review meetings for RiverPlace were the same as the design review meetings for any other project, adding that the article was a misrepresentation of what had occurred. Mr. Cashell said the article was not based on factual information. Chairman Barnes asked if the Planning Board wanted to take action on this issue.

Mr. Cole reiterated his comments concerning the article.

Ms. Quinlan said an editorial was not news, and she suggested that the Town needed to proceed with caution. Mr. Hall said a letter to the editor requesting a retraction might be in order, adding that he thought the letter would be more effective if it came from the Board of Selectmen.

Mr. Cashell said RiverPlace would be coming in with a conceptual of the roadways. He said all abutters were being notified, as well as the NRPC. He said Chairman Barnes would start the meeting, explaining what the format of the meeting would be. Mr. Hall suggested that the public be allowed to ask questions or make comments after the applicant had completed its presentation, Mr. Kennedy had made his presentation, and the Board had had a chance to ask questions and make comments. He said guidelines concerning the amount of time each person would be allowed to speak might be required. Mr. Cole recalled that an egg-timer was used back in the old town council days. Mr. Hall said that most people speak for three to five minutes. Mr. Cashell said the applicant would probably take about 30 minutes and that Mr. Kennedy would take about 15 minutes. Mr. Russo asked about having an official timer. Mr. Hall said he recommended against that. Ms. McGrath said she was in agreement that the public should have the right to speak. She said she was concerned that things might get lost by the time the site plan was submitted. She suggested that the discussion had to be limited to the topic at hand. Mr. Hall expressed agreement. Selectman Massey said Chairman Barnes was going to have a hard time confining the discussion to the topic at hand. Mr. Cashell noted that the consultant was going to give a verbal report. Selectman Massey responded that he wanted the document vetted—without that, he added, the Board would get a half-baked report.

XII. ZBA INPUT ONLY

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

XIII. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath 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 11:20 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
April 11, 2007**

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Date: May 21, 2007

James Barnes, Chairman

Transcribed from the audio tape and DVD by:
Joseph F. Hemingway and J. Bradford Seabury

Marilyn McGrath, Secretary

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
April 11, 2007**

Page 20

Changes made in accordance with review at Planning Board meeting of August 22, 2007:

Page 3, last paragraph, 5th line from bottom — Changed “an” to “a,” so that the phrase now reads “drivers would have a choice.”

Page 3, 2nd paragraph — Added “and” between “he” and “his,” so that the sentence now reads “Mr. Maynard said he and his client would be willing to make some modifications to the restaurant.”

Page 5, 3rd paragraph, 4th line — Changed “Ram” to “Mr. Maynard.”

Page 16, 2nd line — Removed word “for” after “prefer,” so that the phrase now reads: “he would prefer the vans were kept off-site.”

Page 17, 2nd paragraph from bottom, 8th line — Changed word “for” to “from,” so that the phrase now reads “kept it purposely secret *from* the Town’s people.”