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**HUDSON PLANNING BOARD
MEETING MINUTES
April 4, 2007**

I. CALL TO ORDER

Acting Chairman Suellen Quinlan called this Planning Board meeting to order at 7:13 p.m. on Wednesday, April 4, 2007, in the Town of Hudson Community Development Conference Room.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: Suellen Quinlan, Marilyn McGrath, George Hall, Vincent Russo, Richard Maddox (Selectmen's Representative), and James Barnes (arrived at 7:23 p.m.).

Members

Absent: Richard Turcotte.

Alternates

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

Alternates

Absent: William Cole, Robinson Smith, and Brion Carroll (excused).

Staff

Present: Town Planner John Cashell.

Recorder: None. (Minutes were transcribed from tapes.)

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Quinlan noted that no alternates would be seated, since there were no alternates present at tonight's meeting except the Selectmen's Representative alternate.

V. PUBLIC HEARINGS

Acting Chairman Quinlan noted that there were no Public Hearings scheduled for tonight's meeting.

VI. CORRESPONDENCE

A. Zoning Amendment Request from General-One (G-1) to Residential-One (R-1)

Acting Chairman Quinlan read a letter, dated March 19, 2007, from Linda Walsh, 5 Stoney Lane, Hudson, to Sean Sullivan, Community Development Director, regarding a re-zoning proposal.

Town Planner Cashell suggested that the Board do a comprehensive review of the area, and he then discussed the subject areas. He said the Board might want to discuss the G-1 zoning district at length, noting there were a lot of uses allowed in a G-1 zoning district.

Ms. Walsh said she had been under the impression that she lived in a residential area but had found out that that was not the case and that the area was zoned G-1. She said her neighbors were also surprised that the area was not designated as an R-1 zone. She concluded by saying that she would appreciate any help the Board could provide in changing the zoning in her area to R-1.

Selectman Maddox asked if any of the area was on Town water or sewer. Selectman Massey said he would have to do research on that but he did not think there was Town water or sewers in that area. Ms. Walsh expressed agreement with Selectman Massey.

Ms. McGrath noted that Ms. Walsh had said that she had spoken with her neighbors. Ms. McGrath commented that Mr. Cashell had mentioned a large life-style center next to a residential area, adding that she hoped Mr. Cashell was not going to suggest that the Board consider re-zoning the south end of town to residential in order to prohibit that development. Mr. Cashell said he was not considering that. Ms. McGrath said she did not think such a move would get very far, even if the Town decided to do something like that. Acting Chairman Quinlan said Ms. McGrath's point was well taken.

Acting Chairman Quinlan said the Board could not vote on the requested change at tonight's meeting. Mr. Cashell explained that a petitioned zoning change would have to be presented to the voters as a Warrant Article at the next Town Meeting. Selectman Maddox said he did not think the Town should get into spot zoning. He said the Board should be looking at the process. Mr. Hall asked who would do all the work. Mr. Hall then pointed out that the area was contiguous with an existing R-1 area, noting that the request would just be an extension of that current R-1 area. He said the only thing that was really needed was a list of the lots that would be involved. He said Mr. Cashell could take the list of lots and then go back through past Warrants and copy the wording, substituting what was different—adding that this was a relatively simple thing

to do. Mr. Cashell pointed out the area of interest on the display screen, adding that he thought the request made sense. Acting Chairman Quinlan concurred.

Acting Chairman Quinlan asked Ms. Walsh if she had concerns about particular uses in the area. Ms. Walsh said she was concerned that the area would lose its residential feel if G-1 uses were to be developed in the area. Mr. Hall said he would suggest that the expansion go all the way to Robinson Pond. Ms. Walsh said she wanted to keep it simple. Selectman Massey explained how Ms. Walsh could get the tax maps online to get the lot numbers.

Mr. Russo asked Mr. Cashell if it would make sense to protect the water shed in that area—adding that he wanted to be proactive, and also noting he did not want to give up on the Circumferential Highway. Mr. Hall said that, based on past experience, the larger things get, the less likely anything would get done. He said the Board should vote on a priority list. He said what Ms. Walsh was proposing was a no-brainer—adding that the only problem would be that one or more of the involved lots might be inadvertently given a wrong number or left out, in which case the article would be invalid and the Board would have to wait and fix it the following year. Mr. Russo reiterated his suggestion about protecting the water shed area.

Ms. McGrath commented that this request would not constitute spot zoning, adding that she thought the request made sense.

Mr. Cashell brought the Town Map up on the display screen and pointed out the area of the proposal. He suggested extending the R-1 zoning district into other nearby residentially developed areas. Mr. Russo asked if the area should be R-1 or R-2. Several members of the Board expressed a preference for R-1.

Selectman Maddox objected that the Board was trying to re-zone, saying he would be looking for a process. Mr. Russo noted that the Board was not going to spot zone, as it was considering a large area comprised of many lots.

Chairman Barnes arrived at 7:23 p.m. and took his place as Chairman of the Planning Board at that time, with Ms. Quinlan resuming her regular position as a voting member of the Board.

VII. WORKSHOP

A. Discussion on Municipal Planning, as same relates to the Town's Master Plan.

Chairman Barnes said the Board should take a look at other areas in Town that might need to be rezoned. Mr. Cashell said he was in agreement with Mr. Hall concerning getting too encumbered with zoning changes.

Chairman Barnes noted that the Board had some actions to take with respect to the Master Plan, such as evaluating the cost of services. Mr. Cashell said he would look into that. Chairman Barnes said he thought the Conservation Commission was doing

some things on prime wetlands. Ms. Quinlan, who also served on the Conservation Commission, concurred.

B. Special Site Review Committee (Minor Site Plans)

Mr. Cashell said that, as the result of the last meeting, he had reviewed the proposed ordinance with Selectman Massey. He said that the Board had suggested that Section 3.2 be changed to take out the Town Engineer and replace the Town Engineer with another member of the Planning Board, noting that an odd number was needed. Ms. McGrath suggested that the Town Engineer stay and the Community Development Director be removed from the committee. Selectman Massey said that, if the Community Development Director were removed, there would be an odd number of committee members. Ms. Quinlan asked why the Community Development Director should be removed. Ms. McGrath said plans came before the Zoning Board of Adjustment that had zoning issues that were never brought before the Zoning Board of Adjustment, adding that she had voiced that concern at Zoning Board of Adjustment meetings. Mr. Russo suggested that the Building Inspector be removed from the committee, adding that the Building Inspector did not normally get involved with planning issues. Mr. Cashell expressed disagreement with both Ms. McGrath and Mr. Russo.

Mr. Russo asked why a Board of Selectmen member was on the committee. Chairman Barnes said the Board had decided that it wanted at least two citizen members on the committee. Mr. Hall expressed a belief that the Building Inspector was needed on the committee. Mr. Cashell said the only member to remove from the committee, in his opinion, would be the Town Engineer.

Ms. McGrath said she was not in favor of the Special Site Review Committee, expressing a belief it was the wrong way to go. Selectman Maddox said the Board had already gone through this exercise. Ms. Quinlan expressed agreement with Ms. McGrath. She said the Planning Board was required to look at every plan that came before it. She noted that term limits were not discussed in the proposal, and she asked what would happen if a committee member had to be disqualified for some reason.

Selectman Massey said the Board of Selectmen did not view the committee as a way to lighten the Planning Board's load. He said it was seen as a mechanism to make it easier for businesses to do business with the Town, adding that NH RSA 674:43 III enabled the Town to form such a committee. He said he was not concerned with the committee makeup other than having an odd number of members, adding that the safeguard would be that any member of the committee could request review of the plan by the Planning Board.

Selectman Maddox moved to defer this item to the next Planning Board workshop in order to provide staff with enough time to incorporate the notes that had previously been discussed. Ms. McGrath seconded the motion for purposes of discussion.

Ms. McGrath said she would prefer to kill the Special Site Review Committee proposal now. Selectman Maddox said he would withdraw his motion, if Ms. McGrath wanted to make that motion.

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Ms. McGrath moved to not proceed with the Special Site Review Committee. Ms. Quinlan seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. Ms. McGrath and Ms. Quinlan, who both voted in favor; all others present voted in opposition except for Chairman Barnes, who abstained. Chairman Barnes then declared the motion to have failed (2–3–1).

Selectman Maddox moved to defer this item to the next workshop. Mr. Hall seconded the motion.

VOTE: Chairman Barnes called for a verbal 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 (5–1).

Selectman Massey said he believed the Planning Board needed to revisit the number of parking spots designated for restaurants. Ms. Quinlan asked how that could be done. Selectman Massey said the Board did not take parking needs for employees into consideration and also did not take the type of restaurant into consideration. Mr. Hall suggested looking at the parking requirements that other cities used. Selectman Maddox said he did not think the Town was keeping up with what was really out there. Mr. Russo asked Mr. Cashell where the professionals got this type of information. Mr. Cashell said the information was obtained from parking manuals, noting that in his opinion the information in those manuals was not realistic—adding as an example that the regulations required one parking space for every three patrons, and one parking space per three employees. He said every employee would most likely have a car, and that in many cases, there was only one patron per car.

Mr. Cashell said the real problem with restaurants was that they were normally located on smaller lots. Mr. Russo said he had always said that a restaurant would eventually balance itself out. Mr. Cashell suggested that the Planning Board not waiver any parking spaces for restaurants, adding that the Planning Board could require whatever number of parking spaces that it wanted to require. Ms. McGrath said a lot of it was common sense. Chairman Barnes asked where the Board wanted to go with this. Mr. Russo said he wanted more information. Ms. Quinlan said a recently approved pizza shop was exhibiting a typical example of inadequate parking, saying there were at least nine parking spaces on that property being used by employees. Selectman Maddox said he thought the Board needed to find a formula that could be used for restaurants. He suggested basing parking on the type of restaurant and the square-footage of the restaurant. Ms. Quinlan suggested some kind of shared parking. Ms. McGrath said parking was often a safety issue. Chairman Barnes asked how the Board would get the information, suggesting that CLD (Costello, Lomasney, and deNapoli, Inc.) might be consulted. Selectman Massey suggested that, instead of having CLD come in for a free-form discussion, the Board should find out if CLD could provide the kind of information the Board was looking for, in which case CLD could be

asked to put together a draft talking paper, and the Board could then have CLD come to a meeting after the Board members had had a chance to read that material, so that the questions could be focused and to the point.

Town Planner Cashell said the Board could be a lot more progressive and have CLD look at the overall requirements, adding that he felt this section of the Site Plan Regulations needed to be worked on. Ms. Quinlan questioned whether, if the Board went through this process and made decisions changing the parking requirements, that might affect certain large projects known to be coming before the Board in the future. Mr. Cashell expressed a belief that the anticipated projects would already be well into the process before the Board could come to conclusions and change things.

Selectman Massey said changing the parking requirements would not be a silver bullet, and he expressed a belief that fast-food restaurant demographics were changing, noting that he had been in one such shop at 6:00 p.m. on a recent evening and found that he was the only person there. Mr. Cashell said having a drive-through element in a fast-food restaurant reduced the amount of parking needed.

C. Review Zoning Ordinance Article VII – Dimensional Requirements.

Mr. Cashell said he wanted to change the table to reflect the zoning districts. Chairman Barnes and Mr. Cashell discussed multi-family units. Mr. Cashell suggested it could be handled with a note. Mr. Russo asked if the only change was that the multi-family use was being removed; Mr. Cashell concurred. Mr. Hall moved to schedule a public hearing on June 6, 2007. Ms. Quinlan seconded the motion. Ms. McGrath suggested that the motion needed to be stated. Mr. Hall reiterated his motion to schedule a public hearing for the proposed change of Zoning Ordinance Article VII on June 6, 2007. 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 (6-0).

D. Review Zoning Ordinance Article VII – Table of Permitted Accessory Uses.

Mr. Cashell said he had kept the uses as they currently existed and had reorganized the districts to match up with the Table of Principal Uses. Selectman Maddox noted that things that were blank on the old chart were not permitted; Mr. Cashell concurred. Selectman Maddox then stated that all those things in the TR zone that were not permitted before would now be permitted. Mr. Cashell concurred, saying he did not get back to the table to resolve that. Mr. Cashell said in the TR zone column of the draft copy, the first accessory use would be a "P" and the second, third, and fourth accessory uses would be "S." He said all other accessory uses would be blank. Selectman Maddox suggested using an "N" for no. Selectman Maddox noted that the same thing was true in the R1 and R2 columns. Selectman Maddox said that S1 was missing. Ms. Quinlan concurred.

Selectman Massey suggested that a group day care center in a TR zone should not be permitted on a 10,000 ft² lot.

Several members of the Board suggested putting a letter in each column to prevent ambiguity. Ms. McGrath noted that there never was any ambiguity because of a note elsewhere in the Zoning Ordinance specifying that non-specified items were not permitted.

Selectman Massey noted that in-ground swimming pools were denoted with a superscript of 1, adding that he did not know what that referred to. Mr. Cashell said that referred to §334-12(f) in the Zoning Ordinance.

Selectman Maddox asked how one could have a "Home Occupation" use. Mr. Cashell said that would be an accessory use. Mr. Russo expressed a belief it should be permitted in a business district.

Selectman Maddox moved to defer this item to the June 6, 2007 workshop. Ms. Quinlan seconded the motion.

Mr. Russo expressed concern about "Wholesale Trade and Distribution" in a Business District. Noting that Carpet Creations was going to build a storage addition that was larger than the original retail building, he argued that warehousing should be in an industrial zone. Mr. Hall said he felt the Carpet Creations case was unique and he questioned how that could be regulated. He said he did not think that addition fell under the title of "Wholesale Trade and Distribution."

VOTE: Chairman Barnes called for a verbal vote on the motion to defer further discussion to the 06-06-07 workshop. All members voted in favor and Chairman Barnes declared the motion to have carried (6-0).

E. Review Landscaping Requirement Included in the Site Plan Review.

Mr. Cashell said that Ms. May had been working on this issue. Chairman Barnes noted that Ms. May wanted to know if the Board felt this was something that the Board wanted her to pursue. Ms. McGrath suggested Ms. May look at each landscaping plan to determine its appropriateness. Mr. Cashell added that Ms. May wanted to update the landscaping regulations. Selectman Massey said the Board needed to be aware that Ms. May was a contract employee. Mr. Cashell noted that, if Ms. May became no longer employed by the Town, the applicant would be required to hire a professional landscape architect to review landscaping plans.

Ms. McGrath moved to continue the review of the proposed amendments to Site Plan Review Landscaping Requirements, date specific, to the May 2, 2007 Workshop. Ms. Quinlan seconded the motion.

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

abstained. Chairman Barnes then declared the motion to have carried (5-0-1).

VIII. OTHER BUSINESS

A. Funding Annual Tax Map Update – 2007 Tax Year.

Reference memo dated March 21, 2007, from Jim Michaud, Assistant Assessor, Office of Assessor.

Mr. Cashell noted that Jim Michaud was requesting funds to update the Town's Tax Maps.

Ms. McGrath moved to approve the expenditure of up to \$2,500 from the Town's Tax Map Updating Account, for the purposes of updating the Town's assessing maps and digital data for 2007. 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 (6-0).

B. Holding Up Building Permits.

Selectman Massey said he had researched the issue of holding up a building permit until the binder coat was in place, noting that the Town Attorney said that could not be done once a bond was in place. Mr. Hall suggested that the Town find some other way to deal with the problem.

C. ZBA Input and Conceptual Reviews.

Selectman Maddox suggested that **Zoning Board of Adjustment Input and Conceptual Reviews** (limited to 15 minutes) agenda items should be heard after Old Business. Ms. Quinlan said she would second the motion.

Ms. McGrath noted that most members had to work the next day, adding that 11 p.m. should be the meeting ending time. Ms. Quinlan suggested taking the temperature of the meeting at 10:30 p.m. just to see where the Board was on the agenda. Mr. Russo suggested 10:00 p.m. would be a better time to take the temperature of the meeting. Selectman Massey suggested that, if a case had not started by 10:00 p.m., it should be held over to the next meeting, but that if the item had started by 10:00 p.m., discussion of the item would have to end at 11:00 p.m. Mr. Russo expressed strong support. Mr. Cashell suggested that the agenda should not include more than six items. Chairman Barnes expressed agreement with Selectman

Massey's suggestion. Chairman Barnes then referenced the Planning Board's by-laws, adding that any changes needed to be included in those by-laws.

Selectman Maddox moved that **ZBA Input Only** and **Conceptual Reviews** (limited to 15 minutes) shall be heard after **Old Business**. 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 (6-0).

D. Additional Items.

Chairman Barnes said that Mr. Smith would be resigning from the Planning Board because of time conflicts. Mr. Hall noted that, since Mr. Smith would no longer a member of the Planning Board, another member of the Board would have to be appointed to the CIP Committee.

Ms. McGrath asked about a letter that the chairman had been asked to send to Director Sullivan, which asked Director Sullivan to write a letter regarding site violations at Bradley Motors. The consensus of the Board was that that letter had been sent. Ms. McGrath said she not seen it.

Mr. Hall said there had been a meeting of the Highway Safety Committee today, adding that someone had been going to send a letter to the committee about the guard rail and NO PARKING sign on Greeley Street, and he asked if that were correct. Ms. McGrath expressed agreement.

Mr. Russo noted that, after the Board had made changes to the Table of Permitted Uses, some entries no longer lined up with the district descriptions in the Zoning Regulations. Mr. Cashell noted Mr. Russo's concern.

Mr. Cashell said that Tony Marcotte had asked if the Board would consider a one year extension to the Qroe Farm Site Plan approval. No comment was brought forward.

Selectman Massey expressed agreement with Selectman Maddox regarding only having RiverPlace on an agenda or else having any other items on the agenda be heard before RiverPlace.

Mr. Cashell noted that staff had met with CLD (Costello, Lomasney, and deNapoli, Inc.) this past week to go over the application review process. He said he wanted the Board's input. Mr. Cashell said the first order of business would be Application Acceptance. He said the second order of business would be to schedule the Public Hearing. He said abutters would be notified about the Application Acceptance meeting. Selectman Maddox asked why the Board would do that, asking what the benefit would

be. Mr. Hall said it would eliminate a deferral, since CLD's comments usually were not ready for the first meeting. Mr. Hall said the proposed process was used by many other towns. Ms. Quinlan expressed concern about the public not understanding the process; she suggested making it clear that Application Acceptance was just the initial step in the process. Selectman Massey said that Ms. Quinlan had said what he was going to say; he then suggested that the Board publish two notices—one for Application Acceptance and one for the Public Hearing.

Mr. Russo asked if the Board would get a copy of all the information leading up to Application Acceptance, adding that he also agreed with Selectman Massey regarding two notices. Mr. Hall said that in most communities the applicant was allowed to make a brief presentation and that some questions from the Board or the public would be permitted. He stressed that that was not a Public Hearing. He said the Public Hearing would not be scheduled until staff had determined that the case was ready for a Public Hearing. Mr. Cashell said once the kinks were worked out of the proposed process, the process would be an improvement over the existing process. Chairman Barnes asked what the next step would be. Mr. Cashell said staff wanted him to present the proposed process to the Board. He asked if the Board were in favor of the process. Ms. McGrath said she was willing to give Mr. Cashell's proposed process a chance.

Ms. Quinlan commented on the recent CTAP meeting, outlining the items being discussed and the proposed actions, and adding that it had been very interesting.

IX. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath made a motion to adjourn. Selectman Maddox 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 9:40 p.m.

Date: May 15, 2007

James Barnes, Chairman

Marilyn McGrath, Secretary

Transcribed from tapes of the meeting by:
Joseph F. Hemingway and J. Bradford Seabury

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**HUDSON PLANNING BOARD Meeting Minutes
April 4, 2007**

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The following changes were made in accordance with the review by the Planning Board at its 08-22-07 meeting:

Page 5, first **Vote** paragraph — revised text to list first those who voted in favor so as to clarify the failing tally of 2–3–1.