

-- FILE COPY --

**HUDSON PLANNING BOARD
MEETING MINUTES
February 28, 2007**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:03 p.m. on Wednesday, February 28, 2007, in the Town of Hudson Community Development Conference Room.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes asked Ms. McGrath 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 , Richard Turcotte, and Richard Maddox (Selectmen's Representative).

Members

Absent: Vincent Russo (excused).

Alternates

Present: William Cole and Ken Massey (Selectman's Alternate Representative , arrived at 7:10 p.m.) .

Alternates

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

Staff

Present: Assistant Town Planner Cynthia May

Recorder: J. Bradford Seabury.

Chairman Barnes announced that, since the February 14, 2007, Planning Board meeting had been cancelled because of a storm , the agenda for tonight's meeting was full. He added that a number of deferrals had been requested.

IV. SEATING OF ALTERNATE S AND ANNOUNCEMENTS

Chairman Barnes seated Mr. Cole in place of the absent Mr. Russo .

V. MINUTES OF PREVIOUS MEETINGS

Chairman Barnes noted that the review of the two sets of minutes in tonight's packet would be deferred until the March 7, 2007, Planning Board meeting because of the doubled-up agenda .

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. Acorn Acres – James Way Road Bond Reduction Letter of Credit #69

Reference: memo dated January 23, 2007 , from Town Engineer Tom Sommers to Town Planner John Cashell.

Chairman Barnes stated that , because this performance surety was not a straight forward bond reduction, he wanted to defer it to the March 7, 2007, Planning Board workshop.

Ms. Quinlan moved to defer this item to the March 7, 2007, Planning Board Meeting . Mr. Cole seconded the motion .

Ms. McGrath asked if there were any reason why this item should be addressed at tonight's meeting . Chairman Barnes said he had discussed the case with Town Planner Cashell , who had indicated that deferring the case would not be a problem.

Mr. Cole referenced the Board of Selectmen meeting minutes of January 10, 2006, the Town's letter to Mr. Fauvel, and Atty. Buckley's letter of April 17, 2006, noting that the Planning Board members might want to review that documentation in preparation for discussing the case.

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

Mr. Hall asked if the maker of the motion would make it clear that the motion was for Application Acceptance. Ms. May said that a motion in the staff report specified that the deferral would be for Application Acceptance.

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

IX. NEW BUSINESS/PUBLIC HEARINGS

A. Hudson Library SP# 20–06

Map 138/Lot 89
Derry Road, Rt. 102

Purpose of Plan: To show proposed new library facility with accompanying parking and site improvements. Application Acceptance & Hearing.

Ms. May said this item could be deferred until the March 7, 2007, Planning Board workshop. Selectman Maddox suggested that the item instead be moved to the next available scheduled Planning Board meeting.

Ms. McGrath asked about the workshop meeting agenda. Chairman Barnes said the item could be fit on the agenda.

Mr. Cole expressed agreement with Selectman Maddox, adding that maybe workshops could be used to learn rather than using them as a catch -all.

Chairman Barnes said he wanted to get the item in before the Town Meeting. Ms. McGrath moved to defer this item date specific to the March 7, 2007, Planning Board workshop. Ms. Quinlan seconded the motion.

Ms. McGrath said she felt the Board owed it to the library committee to hear the case as soon as possible. Ms. Quinlan added that it would be sporting of the Planning Board to accommodate their fellow Town volunteers.

Mr. Cole requested a roll call vote.

VOTE: No further discussion being brought forward, Chairman Barnes called for a roll-call vote on the motion. Each sitting member voted as follows:

Jim Barnes	Yes
William Cole	No
George Hall	Yes
Richard Maddox	No
Marilyn McGrath	Yes
Suellen Quinlan	Yes

Richard Turcotte Yes

There having been five votes in favor and two votes in opposition, Chairman Barnes announced that the motion had carried (5 –2).

X. OTHER BUSINESS (FEBRUARY 14, 2007 AGENDA)

A. South Hudson Water Tank Informal Review, Per NH RSA 694:54. Deferred Date Specific From The February 7, 2007, Planning Board Meeting.

Ms. May said that Town Engineer Tom Sommers could not attend tonight's meeting but had asked her to present what was planned for the water tower project. She said the Board of Selectmen had exercised NH RSA 674. She displayed a map showing the proposed tower location off from Groves Farm Road and discussed the details, using an aerial view. She said the tower should be substantially completed by September of 2007. She reported that Green Meadow Golf Club had paid to add extra capacity to the tank, expanding it from 46 feet to 49 feet.

Selectman Massey said the water line would not have to be relocated—adding that it had been determined that it would not be feasible to attach cell-tower antennas on to the structure.

Mr. Hall asked if this were the only plan, expressing a concern that there was no way to get to the lot. Selectman Massey expressed agreement, adding that the tax maps should indicate the lot of record.

Mr. Hall asked why cell towers could not stand alone on the lot. Selectman Massey said there was some concern about the height of cell towers on the lot.

Mr. Cole asked how much money the court had ordered the Town to pay Mr. Monahan. Selectman Massey said he believed the figure to be \$285,000. Mr. Cole asked how much money Green Meadows had added to the project. Selectman Massey said it had added \$45,000.

Mr. Cole asked Selectman Maddox about the RSA 674 vote. Selectman Maddox said the vote had been four in favor and one in opposition.

Mr. Cole asked about the construction schedule for the project. Ms. May said Town Engineer Sommers had indicated that the tower would be up and sealed by September of this year.

Mr. Hall said the deed mentioned the plan. Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, sitting in the audience, said the plan would have to go through formal subdivision approval.

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

Mr. Richard Maynard asked if the tank would be steel or concrete. Selectman Massey said the tank would be concrete.

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

Ms. McGrath asked if the 60-day notification requirement needed to be waived. Selectman Maddox noted that the staff report said so.

Ms. McGrath moved to waive the 60-days prior to construction notification requirement, as prescribed in RSA 674:54. II. 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).

Ms. McGrath moved to forward correspondence to the Board of Selectmen, notifying that body that the Planning Board concurred with its action, which calls for the construction of a municipal water tank on a parcel identified on the Town's Assessor Map 235 as Lot 012, and that this project be constructed in accordance with the provisions set forth in RSA 674:54. Mr. Turcotte seconded the motion.

Ms. Quinlan asked if the lot were 014 or 012. Ms. May confirmed that it was Lot 012.

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

Ms. McGrath moved to have the Board of Selectmen consider designating the following cited plan as the plan of record, relative to the construction of the water tank and the access way leading to said tank: **Town of Hudson, New Hampshire Water Utility South Hudson Concrete Water Storage Tank Project No. 2006-02**, prepared by Weston and Sampson Engineering, Inc., 195 Hanover Street - Suite 28, Portsmouth, NH 03801, dated November 2006, (no revisions), consisting of Sheets 1 through 8 and Construction Notes 1 through 28 on Sheet 2 of 8. Mr. Turcotte 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 about the subdivision question. Selectman Massey said he was going to ask the Town Engineer to prepare a subdivision plan.

XI. OLD BUSINESS (FEBRUARY 28, 2007 AGENDA)

A. Bradley Motors
SP# 16-06

Map 190/Lot 189
42 Lowell Road

Purpose of Plan: To construct a 50-foot by 62-foot addition onto the rear of the existing building for internal vehicle display (vs. existing outside display) as well as a 5-foot by 8-foot covered entrance/storm enclosure. Hearing. Deferred Date Specific from the January 10, 2007, Planning Board Meeting.

Ms. May said there had been changes to the plan since the last time the case was before the Board, notably the pavement on the south side of the property. She said a bond of \$5,000.00 was still in place for the Town. She said she had made recommendations for the landscaping in 1997, adding she was very familiar with the case. She said that Director Sullivan had determined that the total amount needed for improvements would be covered by the bond.

Mr. Hall called a point of order, saying further review of the plan had been established as being contingent on the Community Development Director bringing any site plan profile issues up to compliance or reporting to the Planning Board that no such site plan violations existed. He said he was not aware that either of those things had happened.

Ms. May said she thought that Director Sullivan had suggested that those requirements had been satisfied.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, said Director Sullivan had decided that the plan was in compliance, based on the bond still being in place. Mr. Hall objected that Director Sullivan had not made a zoning determination, as had been requested. Selectman Maddox questioned where the guarantee was, since the work had not been done since 1997. Mr. Hall said he did not think the bond guaranteed anything would happen, saying the Town would not go on a private site to do the work. He expressed his belief that the Planning Board should require the applicant to come before Board and explain why the plan should not be revoked.

Ms. McGrath asked if a letter had been sent to Director Sullivan requesting a zoning determination. Chairman Barnes said he had not done that. Ms. McGrath suggested that Chairman Barnes send a letter to Director Sullivan, with copies sent to the Board of Selectmen and to Steve Malizia.

Mr. Hall expressed concern that the same type of motion had been made two times, but that the Board had still not received any comments from Director Sullivan or the Code Enforcement Officer. He also expressed concern about the easement. If the applicant had good faith, he said, the easement would be ready to be recorded. Mr. Maynard said the Town had done the easement and that it was ready to be recorded. Mr. Hall said the applicant was responsible for preparing the deed and signing it.

Mr. Maynard said the easement was part of the Town's sidewalk improvement project. He said there was an easement in place, prepared by CLD and Atty. Buckley, adding that the easement had not been executed. He noted that there was a memo from Town Engineer Sommers in tonight's packet regarding the easement. He said he had spoken to Director Sullivan and had been told that there were no outstanding violations. He suggested the Board move forward with the plan. Chairman Barnes said the Board had requested information regarding outstanding violations in writing from Director Sullivan and had not received that document from Director Sullivan. Mr. Maynard said the Planning Board could not push Director Sullivan. He contended that, if there were no violation orders, the site had to be assumed to be in compliance.

Chairman Barnes asked for the Planning Board's decision.

Mr. Hall moved to schedule a hearing to have the applicant present reasons why the Site Plan should not be revoked. Mr. Cole seconded the motion.

Selectman Maddox said this motion would not get the Planning Board anywhere. He said it would be better to have the applicant present a plan to fix the problem.

Ms. McGrath said she would vote for the motion, adding that she would hope there would be a separate motion to request that Director Sullivan provide a zoning determination in writing.

VOTE: Chairman Barnes called for a hand vote on the motion. All members voted in favor except for Selectman Maddox and Chairman Barnes, who both voted in opposition. Chairman Barnes then declared the motion to have carried (5 -2).

Mr. Bradley said he did not want to waste the Planning Board's time. He said he would give his word that, if it were spring, he would have the job completed. He said there were many reasons why he needed the addition, adding that he would do whatever the Board wanted him to do in order to move the project forward.

Mr. Hall said the easement was an issue. He asked Mr. Bradley if he felt the easement was offered to the Town in 1997. Mr. Bradley said he had seen a note on the original documents but did not know what it meant. He said he had done a lot of things for the Town and had tried to be proactive.

Mr. Hall said the easement was discussed at the first meeting, adding that Mr. Maynard's response had been that the Town did not want the easement. He said the pavement and the grass strip had been discussed, noting that Mr. Maynard's response was that it was the Town's fault. He said the bond was in place to recognize that work needed to be done. If the attitude had been "let's get this done" from the beginning, he added, the Planning Board would have been done with the case before now. Mr. Hall asked why he should believe the work was going to be done now, since it had not been done in 10 years, adding that it would be a big step forward if the easement were signed. Mr. Maynard said the previous easement and the present easement did not match.

Mr. Bradley said he would have to wait until summer before he could continue. Selectman Maddox said Mr. Bradley needed a signed contract from a landscaping company and a signed copy of the deed. Mr. Bradley suggested increasing the surety bond. Mr. Hall said he wanted the signed deed and would entertain the idea of increasing the surety bond.

Selectman Maddox said the building permit would not be issued until the outstanding issues had been resolved. Mr. Hall said that he would reconsider the revocation hearing if the applicant were willing to do the landscaping before the building permit was issued and to provide a signed deed for the easement. Mr. Bradley expressed agreement with Mr. Hall's suggestion. Ms. McGrath expressed agreement with Mr. Hall but said she still wanted to request a written determination from Director Sullivan.

Mr. Hall moved to reconsider motion for revocation. Mr. Turcotte seconded the motion.

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

Mr. Hall moved to reverse the decision of the revocation hearing. Selectman Maddox seconded the motion.

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

Ms. McGrath made a motion that the Planning Board Chairman send a written request to the Community Development Director requesting that he provide a written zoning determination on whether site plan violations exist on this site, with copies of this request to be sent to the Board of Selectmen and Steve Malizia. Mr. Cole seconded the motion.

Mr. Hall asked if Ms. McGrath would still allow the public hearing to go forward. Ms. McGrath said the public hearing could go on but that she felt the Planning Board deserved a response from Director Sullivan.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Selectman Maddox and Chairman Barnes, who abstained. Chairman Barnes then declared the motion to have carried (5-0-2).

Mr. Maynard suggested three additional stipulations to the plan, as follows:

1. Doubling the landscaping bond.
2. No signature on the plan.
3. No building permit until the landscaping was in place.

Mr. Hall said there would not be a need to increase the bond if the building permits were not going to be issued until the landscaping was completed.

Mr. Maynard asked the Planning Board to discuss the CAP fee. He said there was 5,000 ft² less of retail space, offset by 3,000 ft² of building. He discussed the extra trips created by the extra bay, claiming that would only increase the CAP fee by \$800.

Mr. Bradley said the additional bay would be occupied by an alignment machine. He said he currently had to take cars to another business for alignment, and that number of trips would be reduced if he had his own alignment machine. Mr. Hall said he was sticking to his \$4,085.00 CAP fee. He also pointed out that the bar scale needed to be corrected.

Ms. McGrath said Note 14 needed to be corrected to include "Monday through Friday only."

Mr. Hall said he was the only one now on the Planning Board who had also been on the Board when the plan was originally approved, noting that parking had been a sticky issue at that time. He said the pavement was allowed to stay in the front setback in exchange for removing the pavement from the side setback, adding it was disturbing that this had never happened.

Selectman Maddox moved to set the CAP fee at \$1,598.00. Mr. Turcotte seconded the motion.

VOTE: Chairman Barnes called for a hand vote on the motion. All members voted in favor except for Mr. Hall and Mr. Cole, who both voted in opposition, and Chairman Barnes, who abstained. Chairman Barnes then declared the motion to have carried (4 -2-1).

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

Mr. J. Bradford Seabury, the recorder, said the Board had heard repeatedly that the applicant's parents were unaware of the issues of parking in the setback. He said they had not been unaware; adding that they had been told repeatedly by the previous Planning Board and by himself that there was a serious problem with the parking in the green space.

Selectman Maddox moved to approve the following waivers:

HTC 275-9B	Traffic Study
HTC 275-9C	Noise Study
HTC 275-9D	Fiscal Impact Study
HTC 275-9H	HISS Study

Mr. Turcotte 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).

Selectman Maddox moved to defer further review of this item date specific to the March 14, 2007, Planning Board Meeting. Ms. McGrath seconded the motion.

Mr. Hall said that the stipulations were that the landscaping had to be done before the building permit would be issued, that the deed had to be signed, and that the CAP fee had to be designated on the plan.

Selectman Maddox said there were a number of issues to be cleared up. Ms. Quinlan asked what the applicant needed to do. Selectman Maddox referenced Mr. Hall's just-stated stipulations.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Mr. Turcotte and Ms. Quinlan, who both voted in opposition. Chairman Barnes then declared the motion to have carried (5-2).

**B. 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. Application Acceptance & Hearing. Deferred Date Specific from the January 10, 2007, Planning Board Meeting.

Chairman Barnes asked if the plan were ready for Application Acceptance. Ms. May said Mr. Maynard had discussed the plan with staff about a month ago. She said the size of the building had been reduced. She said a second review of the drainage had been requested, adding that CLD's response was in the packet. She noted CLD had commented that the drainage was not sufficient as designed. She said CLD also had commented that the plan was only acceptable for passenger vehicles. She said the landscaping plan had been revised. She discussed the Burger King access. She said the plan was ready for Application Acceptance, but she suggested that the plan still needed engineering work. Ms. McGrath asked if the plan met all Town criteria. Ms. May answered in the affirmative.

Ms. McGrath moved to approve application acceptance. 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).

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the

applicant, posted *Site Plan, Map 222, Lot 14, Flagstone Plaza, 3 Flagstone Drive*, dated November 10, 2006, and last revised on February 20, 2007, on the meeting room wall. Mr. Maynard said the proposal was to build on an existing vacant lot with shared access. He said the proposal was for an 8,303-ft² mixed use building. He said the CAP fees would have to be anticipated, adding that the most likely scenario would be for a restaurant and a retail business to share the space equally. He said the CAP fee calculation, based on the 2007 CAP fee figures, would total \$26,114.36. He said the plan showed \$25,052.00, adding that the 2006 CAP fee numbers were used for that calculation, as the 2007 numbers were not yet available when the plan was submitted. Mr. Maynard said there was a parking lot in the front that met all criteria. He said there would be a parking garage below the building, adding that the parking garage would have its own driveway, and that a waiver would probably be needed for that. He said the majority of the drainage was handled by the detention basin, adding that the drainage system had been designed as part of the entire corner complex. He said he had not had a chance to respond to CLD's concerns regarding the drainage, adding that leaching catch basins could be added or that the roof leaders could be directed to the detention basin if need be. He noted that in 1999 the site was approved for an automotive facility. He said he would have the answers for the drainage by the next time the case came before the Board. He noted that the loading zone would need a waiver as well as a parking lot landscaping waiver. He said the plan showed enough trees but needed more shrubs. He discussed what the building would look like, adding that Ms. May had requested a second window on the Flagstone Drive side. He showed the traffic pattern on the Site Plan, saying the plan encouraged traffic to flow in one direction. He said the entrance turning radius could be increased if the Board insisted on the increase, adding that he did not think it was necessary. He said the same thing would apply to the exit.

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 if members of the Board had comments or questions.

Chairman Barnes declared a break at 8:45 p.m., calling the meeting back to order at 9:10 p.m.

Selectman Maddox questioned how Mr. Maynard determined the parking configuration. Mr. Maynard said he had taken the worst case scenario when doing the parking configuration. Selectman Maddox suggested that the Town needed to redo its parking requirements for restaurants, noting that a new pizza restaurant recently approved by this Board had opened the previous week, with people parking on the grass. Mr. Maynard said that might be a temporary condition, adding that Hudson's regulations were similar to the regulations in other towns. Selectman Maddox said he was concerned about overflow parking for the proposed development. Mr. Maynard said the overflow people would park at the Burger King. Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, pointed out that Hudson's Zoning Ordinance did not allow off-lot parking.

Selectman Maddox questioned having only one loading zone for an 8,000-ft² retail building.

Mr. Hall asked what would hold the building up . Mr. Maynard said it would be held up by beams and girders . Mr. Hall said he wanted to see a cross -section plan of the building.

Ms. McGrath noted that Note 19 needed to be corrected to read “construction hours shall be no earlier than 7 a.m. nor later than 5 p.m., Monday through Saturday.” She said Note 20 needed to be corrected to read “trash pickup shall be no earlier than 7 a.m. nor later than 7 p.m. Monday through Friday.”

Selectman Maddox asked if the dumpster would be facing the shared driveway . Mr. Maynard said the drainage went towards Dunkin Donut. Selectman Maddox questioned having only one dumpster for multiple tenants, with one being a restaurant. Mr. Maynard said it would be a small restaurant , serving snacks and subs. If a second dumpster were required, he continued, it could be placed in a parking space.

Chairman Barnes referenced Sheet 1 , noting that a dumpster was shown on that sheet, but that on Sheets 2 and 3, the dumpster location was shown as a parking space. Chairman Barnes asked about the landscaping plan, particularly with respect to the back side of the building . Mr. Maynard said the back was a steep slope but he would see what he could do.

Selectman Massey asked Mr. Maynard to repeat the dimensions of the slope . Mr. Maynard said the slope was at 5% , saying that would not be a problem.

Selectman Massey referenced Sheet 3, saying that snow storage was located between two trees —adding that he felt the snow storage should be shown somewhere else on the plan. He also stated that there would have to be NO PARKING signs on both sides of the shared driveway.

Mr. Maynard said he was in agreement with Selectman Massey regarding the snow storage and that he did not disagree with the NO PARKING signs.

Ms. McGrath suggested checking with the Police Department regarding enforcement of NO PARKING signs. Mr. Maynard said it would be enforceable if the tenants called the police to enforce the NO PARKING signs.

Ms. May asked if the Planning Board wanted to discuss trailers . Mr. Maynard said trailers would be short-bed trailers . He said the turning radius would be up to the Board. Selectman Maddox responded that Mr. Maynard should increase the radius in accordance with CLD’s recommendations , saying he had observed trailers at restaurants in town all the time . Selectman Maddox then gave Mr. Maynard CLD’s turning radius diagram, dated February 26, 2007. Mr. Maynard said he had not received this, adding that he would address it at the next meeting.

Mr. Maynard asked the Board to deal with the waivers.

Selectman Maddox moved to deny the request for a waiver of HTC 275-9B, *Traffic Study*. Mr. Cole seconded the motion.

Selectman Maddox said the site would be busy . He said he wanted to know definitively what the traffic would be like . Mr. Maynard asked what Selectman Maddox

wanted. Selectman Maddox repeated that he wanted to know what the traffic would be like.

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

Ms. Quinlan moved to deny the request for a waiver of the requirements of HTC 275-8 (30), *Loading Zone*. Ms. McGrath seconded the motion.

Ms. Quinlan said the regulations required one loading zone for every 5,000 ft² of space.

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. Maynard if he still needed a landscaping waiver. Mr. Maynard said technically he did. Ms. May said she had recommended that Mr. Maynard ask for the waiver.

Selectman Maddox asked about Fire Department concerns. Mr. Maynard said it would be sprinklered and that the Fire Department was satisfied.

Selectman Massey suggested not waiving the noise study. Selectman Maddox pointed out that the area was zoned Industrial.

Mr. Hall moved to approve the request for a waiver of HTC 193-10 (G), *2nd Driveway*. Ms. Quinlan seconded the motion.

Mr. Hall said access was being added to the underground garage.

Selectman Massey questioned whether patrons would have to back out of the garage if all the spaces were full.

Mr. Maynard said a single access to a small garage was pretty universal for small garages, saying it was not that bad a thing. He referenced Selectman Maddox's concerns, saying an alternate method would be ugly. Mr. Hall asked where another single-entrance garage was located. Mr. Maynard said there was one at CVS in Nashua, next to Best Buy. Mr. Hall responded that the referenced garage in fact was Best Buy's garage, adding that one could turn around inside that garage, which had multiple lanes. Mr. Maynard said he was talking about single-entrance garages. Ms. McGrath asked if the Planning Board should ask for turning specifications in a garage. Mr. Maynard said the cross-hatched spaces could be adjusted to create a turn-around area.

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 (6 –1).

Ms. Quinlan moved to grant the following waiver request s:

HTC 275-9C	Noise Study
HTC 275-9D	Fiscal Impact Study
HTC 275-9H	HISS
HTC 275-8 (31)	Landscape Requirements

Ms. McGrath seconded the motion.

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

Mr. Maynard asked to continue to the second meeting in March . Ms. May said that meeting would be for RiverPlace .

Ms. McGrath moved to defer further review of this item date specific to the April 11, 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).

**C. Aranco Oil Company
SP# 15–06**

**Map 198/Lot 25
72 Lowell Road**

Purpose of Plan: To modernize the existing property and site with a renovated building, converted from repair garage to convenience store with car wash and new canopy. Hearing. Deferred Date Specific from the January 24, 2007, Planning Board Meeting.

Ms. May noted that Aranco had eliminated the previously proposed car wash.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant , posted on the wall a drawing entitled **Site Plan, Aranco Oil**, dated August 11, 2006, and last revised February 7, 2007 . He said the car wash facility had been removed from the plan and the green space had been increased to 35 percent . He said four light standards had been added to the site and the sign detail had been corrected . He stated that the sidewalk easement would be donated and the sidewalk would be constructed in lieu of the CAP fee . He noted that all waivers had been granted . He said he was in agreement with the staff report stipulations except for Number 8, saying he felt 11:59 p.m. was sufficient.

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 if members of the Board had any comments or questions.

Selectman Massey said Note 14 needed the word "only" after the word "Friday." He said Note 18 needed to be changed to read "permitted" instead of "proposed." Mr. Maynard said he had the right to come back to the Planning Board at a future date to ask for a drive-through window. Ms. McGrath expressed agreement with Selectman Massey.

Selectman Maddox referenced Note 2, asking about proposed uses —specifically asking if cars would be repaired at the site. Mr. Maynard said it would be retail sales of fuel, wipers, etc. Mr. Maynard stated that he would remove the AUTOMOTIVE SERVICES use designation.

Selectman Maddox asked how this plan rectified the concern the Board had with tanker trucks backing into or out of the site. Mr. Maynard said the southerly driveway was 65 feet wide. He said there was enough room for trucks to maneuver, saying it used to be 40 feet wide. Mr. Maynard said backing out onto Lowell Road would not be necessary.

Ms. McGrath asked about the sign. Mr. Maynard said the lettering would be hand-placed, not electronic.

Chairman Barnes asked about snow storage. Mr. Maynard said there was plenty of space in the back.

Ms. McGrath moved to approve the Aranco Site Plan application, Site Plan of Record entitled **Aranco Oil Company, Lowell Road, Map 198/Lot 25, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC, and dated: August 11, 2006, revised through February 7, 2007, consisting of Sheets 1 through 5 and Notes 1 through 19, shown on Sheet 1 of 5, 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 Site Plan of Record, the sidewalk easement and terms for its construction shall be favorably recommended on by Town Counsel.
3. All improvements shown on the Site Plan of Record, including Notes 1 through 19, shown on Sheet 1, shall be completed in their entirety and at the expense of the applicant or his assigns.
4. In accordance with the applicant's agreement to grant said sidewalk easement, and to construct it at his expense, the associated CAP fee is hereby waived. (NOTE: This action also takes into consideration the existing site uses versus the

proposed results in a net CAP -related infrastructure improvement [i.e., sidewalk and easement] for the Town.)

5. Prior to the issuance of a final certificate of occupancy, a n LLS-certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
6. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NHDES requirements for such systems.
7. 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.
8. Hours of operation shall be between the hours of 5:00 a.m. and 11:59 p.m ., Sunday through Saturday.
9. Hours for refuse removal s hall be no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Friday only.
10. This plan shall be subject to final engineering review and approval.

Notes 11 through 14 were then discussed and crafted by the Board members , as follows:

11. Note 2 shall be corrected to eliminate Automotive Services from the proposed uses.
12. The southerly driveway is designated as 64 feet wide to allow tanker trucks to access the site so that they shall not back into Lowell Road to exit the site.
13. Revise Note 19 to state "in lieu of any Impact/Cap fees. "
14. No drive-up window or drive -through services shall be permitted.

Selectman Maddox seconded the motion.

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

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

**Map 186/Lot 020
72 Speare Road**

Purpose of Plan: To subdivide the existing residential parcel into ten single-family lots with individual water & septic services Application Acceptance & Hearing.

Chairman Barnes noted that the plan had been previously granted Application Acceptance.

Ms. May referenced the January 24, 2007, Planning Board meeting, noting that there were a number of things the Planning Board had requested, including verification of the letter from the Fire Department, that input be requested from the Conservation Commission, and that safety information be obtained regarding the area of Speare Road in proximity to the proposed subdivision. She said the plans had not been resubmitted since the last meeting and the list of waivers remained. She said the Conservation Commission had requested that conservation plaques be placed every 50 feet on Lots 20-1, 20-2, 20-3, 20-4, 20-5, 20-6, 20-7, 20-8, 23, and 24. She said the Conservation Commission also had requested that the wetlands buffer on Lot 24 should be clearly marked by a licensed land surveyor prior to any construction on that lot. She said the Conservation Commission also had requested that no activity be allowed inside the wetlands buffer on any of the lots. She said a copy signed by a certified wetlands scientist was included in the packet, as well as accident data. She said there were two building permits pulled for Lot 24. Mr. Maynard interjected that only one permit had been pulled. Ms. May said CLD had reviewed Lot 20-6 and had determined that the lot was 1/100 smaller than needed.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, noted that the applicant, his attorney, and the property owner were present at tonight's meeting. He said the Highway Traffic Safety Committee did not see a problem with safety in the area, noting that there were only two accidents in the past five years. He talked about the lot sizes, noting that CLD had concluded that Lot 20-6 was 1/100 smaller than needed; he said he would tinker with that lot. If the Board wanted conservation signs every 50 feet, he continued, he would do that. He said there would be residential sprinklers. He stated that the driveway sight-distance line from Speare Road to Kara's crossing would be fine but that lines for the individual lots would be a problem, in that the driveways could be flipped. He referenced Lot 20, noting the Conservation Commission had requested that the wetlands buffers be staked out and fenced before construction began.

Selectman Massey said it looked like the buildings were already under construction. Mr. Maynard said that was true, adding that the driveway was not in yet.

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 if members of the Board had any comments or questions.

Selectman Maddox asked for the radius of the cul-de-sac. Mr. Maynard said the typical radius was 70 feet and the actual radius was 75 feet.

Ms. Quinlan said the Conservation Commission had requested input if the homes would impact the wetlands or the wetlands buffer.

Ms. Quinlan said she had to accept the Police Department's report, but that she had noticed problems on that curve.

Mr. J. Bradford Seabury asked for clarification as to where the accidents had occurred. Mr. Hall said the two accidents had occurred on the curve in question, adjacent to the proposed roadway.

Mr. Maynard said the lots were in 2-acre zoning and there was no reason to be concerned about the wetlands or wetlands buffers.

Chairman Barnes referenced the letter from the Conservation Commission regarding Lots 23 and 24. He said the plans did not show those lots. Mr. Maynard said the assessor's office had changed the lot designations, adding that it would be cleared up for the next meeting.

Chairman Barnes asked about the turn-around requested by the Fire Department for one of the driveways. Mr. Maynard explained how a fire truck could turn around.

Chairman Barnes said he thought one of the driveways was within the 15-foot side setback. Mr. Maynard concurred, saying that he would correct that.

Selectman Maddox said the plans were hard to follow. Mr. Maynard expressed agreement.

Chairman Barnes expressed concern with Lot 20-6, noting that the lot was shown as exactly 2.0 acres, adding that the wetlands were in the middle of the lot. Mr. Maynard said there were 35 feet, adding he would move the house forward. Mr. Barnes said the base elevation looked like it was below the wetlands. Mr. Maynard said he would look into that, saying that he had not forgotten that concern.

Ms. McGrath asked if the Planning Board had specified that CLD review the lots that were close to 2 acres in size. Chairman Barnes said CLD had done that and that the report was in tonight's packet.

Ms. McGrath said she would like to see the driveway placement for Lots 20-4 and 20-3. Mr. Maynard referenced Sheet 3 and then described the details on the plan.

Mr. Hall asked if the owner's house would be on Lot 24. Mr. Maynard answered in the affirmative. Mr. Hall asked about the plans for Lot 23. Mr. Maynard said the developer was going to build on that lot. Mr. Hall said he was concerned about the wetlands buffer on the property, specifically access to the back via ATV, etc. Mr. Maynard said the area was loaded with ATV trails—adding that a house might discourage ATV travel through a private property.

Selectman Maddox moved to defer further review of the Kara's Crossing Subdivision application, date specific, to the April 11, 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).

XII. OTHER BUSINESS (FEBRUARY 28, 2007 AGENDA)

Chairman Barnes said there had been some discussion about the need for a wetlands special exception permit for RiverPlace, adding that there had been some discussion about having a joint meeting with the Conservation Commission to review and make recommendations regarding the special exception. Mr. Hall expressed opposition to this idea.

Selectman Maddox asked for clarification. Chairman Barnes said the applicant had requested a permit for a special exception. Mr. Hall said he had requested the applicant to come in to discuss the process. Chairman Barnes said he was looking for a way for the Planning Board and the Conservation Commission to share information.

Mr. Cole expressed an opinion that a joint meeting on March 28, 2007, would be very appropriate. He then stated that he found it very inappropriate for the Planning Board to meet with the RiverPlace people to discuss procedure until a plan was submitted.

Mr. Hall said the plan had been submitted to the Conservation Commission and that it would come before the Planning Board next.

Selectman Maddox said it would be okay with him if RiverPlace wanted to come in to discuss options at the March 28, 2007, meeting. He questioned having RiverPlace and the Conservation Commission in at the same time, however, asking if the wetlands would be discussed, or the process.

Mr. Hall said the developer should be required to submit a preliminary subdivision plan. He contended that one normally does not talk about wetlands impact until there is agreement on the road layout. He said the regulations required a preliminary subdivision plan, adding that the RiverPlace developer's did not think they needed to do that, noting that the developers went directly to filing a subdivision plan. When the developer's came before the Board; he continued, he would be looking for that. He expressed great concern about the road layout.

Mr. Cole expressed agreement with Mr. Hall, asking why the developer was going before the Conservation Commission on March 12, 2007. Mr. Hall said it was because the developer's thought they were going to dictate the process. He said the developer's were busy designing buildings and deciding where they would go and then deciding where the roads would fit. He then expressed a belief that this was not the way to go.

Ms. Quinlan noted that Mr. Kennedy had seen raw traffic data, adding that this was not an accurate count. She said she would like to ask the applicant what the traffic count would be once the project was built out—adding that Mr. Kennedy needed an accurate traffic count.

Mr. Hall said there had been zero public input regarding the location of the roads. Ms. Quinlan said she would bring that back to the Conservation Commission.

Mr. Barnes said the Planning Board would meet with the applicant to discuss process on March 28, 2007, and then meet with the Conservation Commission at a later date to discuss wetlands.

Mr. Cole asked if the applicant were still going to the Conservation Commission on March 12, 2007, to talk about wetlands special exceptions, which would probably not be valid. He said the Planning Board would look at the entire project —not Phase 1, 2, etc. Mr. Cole then asked what Ms. Quinlan would take back to the Conservation Commission. She said she would say good things.

Selectman Massey said he would hate for the developers to come in thinking they were going to go full-blown, only to be told that what they were saying might not be relevant. Ms. McGrath and Mr. Hall said that was part of a motion that was made at the last meeting. Selectman Massey said the Planning Board did not have jurisdiction over the Conservation Commission but did have jurisdiction over subdivision plans.

Mr. Hall said the applicant was mandating where the roads would go without discussing it with the Town's committees. He expressed his great concern over the applicant's process.

Chairman Barnes referenced the CIP Committee, saying he was looking for volunteers to serve on that committee. Mr. Hall said he would agree to be on the committee if Mr. Russo, who was not present, would be the chairman. Chairman Barnes said one more person was needed.

XIII. ZBA INPUT ONLY

Chairman Barnes noted that there were no **ZBA Input Only** items to discuss.

XIV. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox made a motion to adjourn. Ms. McGrath 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 11:10 p.m.

Date: March 22, 2007

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

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

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
February 28, 2007**

Page 22

Corrections/changes made on 05 -10-07 in accordance with Planning Board review at its 05-09-07 meeting:

Page 8, 2nd paragraph after Vote paragraph, 2nd line; the text “the easement was proposed fro the Town in 1997” was changed to “the easement was offered to the Town in 1997.”

Page 10, 5th paragraph, last sentence; The sentence was changed from “He said the pavement was allowed to stay in the setback in exchange for moving it into the side lines, adding it was disturbing that this had never happened.” to “He said the pavement was allowed to stay in the front setback in exchange for removing the pavement from the side setback, adding it was disturbing that this had never happened.”

Page 20, 6th paragraph; The opening phrase was changed from “ Mr. Hall said the developer would be required ... ” to “Mr. Hall said the developer should be required”