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**HUDSON PLANNING BOARD  
MEETING MINUTES  
December 13, 2006**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:06 p.m. on Wednesday, December 13, 2006, in the Town of Hudson Community Development Conference Room.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

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

**Members**

**Present:** James Barnes, George Hall, Marilyn McGrath, Vincent Russo, Richard Maddox (Selectmen's Representative) , and Suellen Quinlan (arrived at 7:24 p.m.) .

**Members**

**Absent:** None.

**Alternates**

**Present:** William Cole, Richard Turcotte, and Ken Massey (Selectman's Alternate Representative).

**Alternates**

**Absent:** None.

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes seated Mr. Turcotte in the open Planning Board member position left by the resignation of Mr. Rider and seated Mr. Cole in place of the tardy Ms. Quinlan.

Chairman Barnes stated that , without objection, he wanted to take **Old Business** items A and B out of order. Hearing no objection, he proceeded with those items.

## IX. OLD BUSINESS

### A. Mary Farm Trust SB# 13-05

Map 243/Lot 032  
17 Richman Road

**Purpose of Plan: To request a deferral for plan review until the applicant acquires variance(s) from the Zoning Board of Adjustment. Applicant proposes a lot line adjustment between Tax Map 243, Lot 32 and Tax Map 243, Lots 24-1 and 24-2. Hearing. Deferred Date Specific from the September 13, 2006, Planning Board Meeting.**

Chairman Barnes read aloud the published notice, as repeated above, noting that the applicant had requested a deferral, pending acquisition of a variance from the Zoning Board of Adjustment. Town Planner Cashell said the applicant had requested a deferral to the last meeting in January or the first meeting in February. Chairman Barnes said there had been a lot of interest from the neighbors regarding the plan , and he suggested that , if the applicant were going to be presenting a new plan, the applicant should be required to re-submit and re-notify before the plan was placed on a Planning Board agenda.

Mr. Hall said the options would be to defer or deny.

Selectman Maddox said it appeared that the plan would be changed significantly , and he then suggested that the original plan be denied.

Attorney Hollis requested that the pending application be withdrawn without prejudice.

Ms. McGrath moved to accept the withdrawal , as requested by Attorney Hollis on behalf of the applicant, without prejudice. 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).

Mr. Timothy Cormay, 9 Richmand Road, said he was an abutter and had not been notified.

Ms. Marth Denault, 23 Richmand Road, said she was an abutter and had not been notified.

Mr. Ray Drevijan, 13 Richmand Road, questioned why the case was on the agenda, saying the case was on the agenda each month , and he questioned the procedure. Chairman Barnes said the last time the case was on the Planning Board agenda was in September, adding that the applicant had requested a deferral to go to the Zoning Board of Adjustment for a variance. He said the abutters should have been notified.

Mr. Devijan asked if the plan would be accessible to the public. Chairman Barnes said it would be available in the Town Planner's office as soon as it had been re-submitted, adding that the abutters would be notified when the plan came back. Town Planner Cashell said the public normally had two weeks notice before a hearing.

Mr. Cormay asked how many times an application could come back to the Planning Board. Chairman Barnes said a plan could keep coming back as many times as the applicant was willing to keep paying the fees.

Ms. McGrath said abutters could get copies of the plan to take home for study, noting there was a charge for those copies.

Mr. Bill Miller, 29 Richmand Road, asked when the applicant would be appealing to the Zoning Board of Adjustment. Attorney Hollis said the request for a re-hearing had been filed but that he did not know when that request would be heard by the Zoning Board of Adjustment. If the request were granted, he continued, a re-hearing date would be scheduled—and if the request were denied, the applicant would have the right to take legal action.

**B. Filton Site Plan (Tracy Lane)  
SP# 13-06**

**Map 101/Lot 16  
3 Tracy Lane**

***Purpose of Plan:* To construct a 50-foot by 62-foot addition onto the rear of the existing building for internal vehicle display (versus existing outside display) as well as a 5-foot by 8-foot covered entrance/storm enclosure. Hearing deferred date specific from the October 11, 2006, Planning Board meeting.**

Chairman Barnes read aloud the published notice, as repeated above, noting that the applicant had requested that the application be withdrawn. Town Planner Cashell concurred.

Ms. McGrath moved to allow the withdrawal of the Filion Site Plan application, 3 Tracy Lane, Map 101/Lot 6, at the applicant's request, without prejudice. 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).

**V. PUBLIC HEARING**

**Proposed Amendments to the Zoning Ordinance Tables of Permitted Principal Uses**

Chairman Barnes opened the Public Hearing at 7:22 p.m.

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Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, stated that there seemed to be a lot of Special Exceptions that had not existed before. He said criteria for Special Exceptions was required by the RSAs and that the Zoning Board of Adjustment would need criteria to judge by. He questioned why housing for the elderly needed to be on Town water and sewer. He noted that there were several new categories and asked if they were defined. Mr. Cashell said they had all been defined.

Ms. Quinlan arrived at 7:24 p.m. during the preceding discussion and took her regular seat at the table, although not yet recognized by the chairman.

Mr. Maynard questioned "heavy" versus "light" manufacturing, stating that the difference in the two had never been defined.

No other input being brought forward, Chairman Barnes declared the Public Hearing closed at 7:29 p.m.

Mr. Russo referenced Item 30 (D). Mr. Cashell said he read that as "driving or parking of two light commercial vehicles."

Selectman Maddox said Mr. Maynard had made a good point regarding the need for criteria for Special Exceptions, and he suggested that this would be a good topic for the joint meeting being planned for the following month.

Selectman Massey expressed agreement with an issue that had been raised by Mr. Maynard regarding the equivalence of assisted living and nursing homes. Mr. Russo noted there were several zones where both uses would be permitted. Mr. Maynard said that listing them in two separate categories meant they would be two different principal uses, which in turn meant that they could not co-exist on one property, as was done at the Fairview.

Ms. Quinlan noted that the changes were local legislation and that was why the changes that were made needed to be put on the record.

Mr. Cashell noted where convalescent homes would be allowed in the existing versus the proposed zones. He contended that assisted-living homes were much different than nursing homes. Chairman Barnes said he thought that Mr. Maynard was saying that they were different but that a variance for dual use on the same property would be required if an applicant proposed a project that incorporated a nursing home and an assisted living facility.

Chairman Barnes asked what the Board's pleasure would be, saying there were a couple of issues to address. Mr. Cashell said he felt the Board should stick with it, saying there would always be arguments and he felt the Board had come a long way with these changes. He said Mr. Maynard had not been specific with his concerns. Ms. Quinlan concurred.

Selectman Massey said Mr. Maynard had been specific regarding the criteria that Special Exceptions were judged by. He suggested developing the criteria from between now and March 2007. Mr. Barnes said the criteria would have to go before a Public Hearing. Mr. Cashell said the Zoning Board of Adjustment had always been impartial and

had made decisions based on common sense , adding that he felt the criteria could be worked on in the coming year.

Mr. Russo asked how much time would be required. Mr. Cashell said it had to be done at the first meeting in January. Mr. Russo suggested that it be done. Mr. Cashell asked that Mr. Maynard list his concerns about the Special Exceptions. Mr. Maynard said he did not care if the changes went through or not. He said he did a lot of work in Town and just wanted it done right, adding that he did not feel that the Zoning Board of Adjustment appreciated hearing requests for Special Exceptions without criteria.

Selectman Maddox noted that a good portion of the Planning Board workshops over the past three years had been devoted to the Table of Permitted Uses. He said the table had been cleaned up a lot. He said it was not perfect but he thought the Board should move forward with it, keeping in mind that adjustments still needed to be made. Mr. Hall expressed agreement with Selectman Maddox but added that he thought the change to Item 30 needed to be made, noting there was plenty of time for a public hearing .

Mr. Russo moved to reschedule the public hearing and to make the proposed change to Section 30 (d) , *Parking/storage of commercial vehicles*. Ms. McGrath seconded the motion .

Mr. Cole expressed concern about bullet -proofing , saying warrants could be overturned if they were not worded properly.

Mr. Russo suggested that the Special Exceptions that were not identified in the Zoning Ordinance be changed to permitted be left out for this go-around and then be changed over the next year. Mr. Hall expressed disagreement, adding that Special Exceptions had always been governed by the Zoning Board of Adjustment.

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

Chairman Barnes suggested that Mr. Cashell give copies to the Zoning Board of Adjustment and the Conservation Commission. Mr. Hall suggested having the criteria for Special Exceptions from other communities available for discussion.

Chairman Barnes at this time recognized Ms. Quinlan as having arrived and seated her in her regular position as a voting member of the Planning Board , with Mr. Cole returning to his alternate position as a non -voting member of the Planning Board.

## VI. MINUTES OF PREVIOUS MEETING (S)

Chairman Barnes deferred the review of the minutes in tonight's packet, noting that those minutes would be reviewed at a workshop meeting.

## VII. 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.

## VIII. PERFORMANCE SURETIES

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

## IX. OLD BUSINESS (CONTINUED)

### C. Whitney Subdivision SB# 12-06

Map 187/Lot 3  
Gibson/Hawkview Road

**Purpose of Plan: To subdivide Tax Map 187, Lot 3, into two buildable lots.  
Hearing. Deferred Date Specific from the 10-25-06 Planning Board Meeting.**

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

Mr. Cashell noted that there was a memo from Mr. Sommers in tonight's packet regarding the plan.

Mr. Craig Bailey, representing Mr. and Mrs. Whitney, the property owners, discussed the major items, including the side lot line between the proposed lot and the existing lot. He said the well would be retained on the existing lot with the existing home, adding that the proposed driveway had been relocated farther south on Gibson Road.

Mr. Russo referenced Item 1 in the outstanding issues. He asked if Town Counsel had any comments regarding the area of dedication. Mr. Cashell answered in the negative.

Mr. Hall expressed confusion about the driveways. Mr. Bailey said he had added Sheet 6 of 7 to the plan set to show sight distances. He said he was certifying the sight distance for the proposed driveway. Mr. Hall said the location of the existing driveway was changed on Sheet 5 of 7, stating that the certification was for the new driveway. Mr. Bailey expressed agreement.

Mr. Russo expressed confusion about this comment and asked Mr. Bailey to explain the driveway configurations. Mr. Bailey said the proposed driveway was shown on Sheet 5 and 6. He said the proposed driveway for the existing home was shifted nearly five feet. He said the best way to see it was on Sheet 6. He then explained the driveway shift, using Sheet 6 as a reference, and Mr. Russo concurred.

Selectman Massey, referencing Sheet 1, Note 6, said the well was shown straddling the lot line, and he asked if that were a scale issue. Mr. Bailey said the symbol he used to show the well was about ten feet in diameter, noting that the well would only be a foot in diameter. He said it was a scale issue and that the well was on the existing home lot.

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Mr. Russo moved to approve the following waivers:

HTC 289-6 (D)	Fiscal Impact
HTC 289-6 (D)	Traffic Study
HTC 289-6 (D)	Drainage Study
HTC 289-26 (B) (10)	HISS Mapping
HTC 193-10 H	To Allow Driveway Within Side Yard Setback on Lot 3

Ms. Quinlan seconded the motion.

Selectman Massey noted that , on the drawings, the first two waivers were labeled HTO, not HTC. Chairman Barnes said that would be noted in the stipulations.

**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 said Sheet 7 showed a conceptual that showed a third lot and that the *Purpose of this Plan* section on the first page said "proposed subdivision of land resulting in single-family lots." He asked if that text should say "two single-family lots." Chairman Barnes concurred.

Mr. Russo moved to approve the two-lot subdivision plan entitled ***Subdivision Plan land of William R. and Susan J. Whitney, located at 33 Gibson Rd., Hudson, NH***, prepared by Bryan L. Bailey Associates, Inc., 217 Cotton Hill Rd., Gilford, NH 03249, dated June 7, 2006 through Nov. 24, 2006 , consisting of Sheets 1 through 7, General Notes 1 through 7 and Special Notes 1 through 4, in accordance with the following terms and conditions:

1. Prior to Planning Board endorsement of the Subdivision Plan -of-Record, the applicant shall add an additional sheet to the plan set, i.e., Sheet 8 of 8, which clearly depicts the boundaries and lot areas for Lots 3 and 3 -1, Map 187.
2. Prior to Planning Board endorsement of the Subdivision Plan -of-Record, the applicant shall submit for Town Counsel review and favorable recommendation the deed for the area of ROW dedication and the well easement document for proposed Lot 3 -1.
3. General Note 2, Sheet 1 of 7, shall be reworded to state "The purpose of this plan is to show a proposed subdivision of land, resulting in **two** single-family **house** lots, each to be serviced by onsite septic and water."
4. The list of waivers shall be amended to cite "HTC", rather than "HTO".
5. Lot 3-1, Map 187, shall have a single driveway only. As such, Sheet 6 of 8 shall be amended accordingly.
6. A cost allocation procedure amount of \$485.65 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.

7. 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.
8. 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.
9. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
10. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan of record
11. 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.
12. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday only. There shall be no construction activities on Sunday.
13. This plan shall be subject to final engineering review and approval.

Ms. Quinlan 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).

**D. Aranco Oil Company**  
**SP# 15-06**

**Map 198/Lot 025**  
**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 November 15, 2006, Planning Board Meeting.**

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

Mr. Cashell said he had nothing new to report other than what was in the staff report, noting the driveway area leading into the car wash had been redesigned and that several parking spaces had been relocated.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, posted the Aranco Oil Company, Map 198/Lot 025, 72 Lowell Road Site Plan, dated August 11, 2006, and revised through Revision 3, dated December 4, 2006, on the meeting room wall. Mr. Maynard said he had redesigned the plan with a drive aisle to the right of the building. He said the green space had been increased to 33.4%. He described



the changes to the drive isle , using the Site Plan as a reference, He said the number of trees had been increased by six , and heated pads had been added.

Mr. Maynard referenced a memo from Town Engineer Tom Sommers, dated November 13, 2006, noting that the sidewalk easement and sidewalk would be valued at \$13,700.00. He said there would be a net value to the Town of \$1,700.00 , based on Mr. Cashell's \$12,500.00 CAP fee estimate.

Mr. Maynard said the car wash hours had been added. He noted that waivers 6, 7, and 8 still needed to be addressed. Stating that the abutters were all in favor of the plan , he said the site would be surrounded by a six -foot white vinyl fence. He concluded by saying that he hoped people were a little more comfortable w ith the reworked plan.

Mr. Russo said he assumed that , even though the plan proposed a car wash and a convenient store, the applicant still intended to sell fuel. Mr. Maynard concurred. Mr. Russo suggested that there would be more fuel deliveries , saying he was concerned about fuel delivery trucks having to back out onto Lowell Road. Mr. Maynard said it was set up so that the trucks did not have to do that , but that he could not guarantee that a driver would not back out, noting that the system had worke d for 40 years.

Selectman Maddox asked if the trees were deciduous. Mr. Maynard answered in the affirmative. Selectman Maddox said the driveway was right up against the fence. He said he thought evergreen trees should be planted there to provide a noise screen for the neighborhood. Mr. Maynard said he would agree to add some arborvitaes.

Ms. Quinlan said she liked the reconfiguration. She said the three residential abutters had been notified and had had ample time to voice concerns. Mr. Maynard said all abutters had approved the plan. Ms. Quinlan said she was ready to approve the project.

Ms. McGrath referenced the car wash on Amherst Street, noting that there were often cars backed up. She said she was still opposed to the car wash on the site.

Mr. Turcotte said the car wash would be a problem. He said there needed to be an egress from the car wash queue , saying there were often times when vehicles needed to get out of the queue. He said he was in agreement with Selectman Maddox regarding the noise created by the electric dryer. He said the dryer was very loud and that the noise carried for a long distance. He said the car wash needed some work. He also said he could not agree with pushing snow over a cape cod berm. Mr. Maynard said if Mr. Turcotte felt that way, then an escape lane should be included as a stipulation for approval. Mr. Maynard and Mr. Turcotte expressed disagreement as to which car washes in Town had an egress from the queue.

Mr. Hall asked about the double line along the side of the car wash. Mr. Maynard said it was a retaining wall, adding that it would be removed. Mr. Hall said he thought the plan was an improvement over what was there now. He said the blower should not be a problem , because the door with the blower on it faced Lowell Road. Mr. Maynard expressed agreement. Mr. Turcotte said he had built four car washes and that the doors were open in the summer and closed on demand in the winter. Mr. Turcotte reiterated his concern about an egress lane. Mr. Maynard said he could put a 12 -foot by 15 -foot egress lane on the plan by eliminating a parking space. Selectman Massey said the console would have to be back farther. Mr. Maynard said it would have to be 30 feet back.

Mr. Maynard said he would add nine 5 - to 6-foot arborvitaes along the rear lot line.

Mr. Hall moved to approve the following waivers:

HTC 275-8.B.25	Allow travel way inside side and rear setback lines.
HTC 275-8B(12C)	100 ft. distance from residential use.
HTC 275-8B(22)	Front green space requirement

Ms. Quinlan seconded the motion.

**VOTE:** Chairman Barnes called for a hand vote on the motion. All members voted in favor except for Mr. Turcotte, Ms. McGrath, and Selectman Maddox, who voted in opposition. Chairman Barnes then declared the motion to have carried (4–3).

Mr. Turcotte expressed a concern about pushing snow over a cape cod berm in the middle of January. Mr. Maynard said it was his opinion that it was done all the time —adding that, if Mr. Turcotte wanted the berm removed, it would be removed.

Ms. Quinlan 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 December 4, 2006, consisting of Sheets 1 – 5 and Notes 1 through 21, 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 21, 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 Friday.
8. Hours of operation shall be between the hours of 5:00 a.m. and 11:59 p.m. Sunday through Saturday. Prior to Planning Board endorsement of the Site Plan, the applicant shall submit a revised plan, showing the correct hours of operation.
9. 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.
10. This plan shall be subject to final engineering review and approval.
11. Nine arborvitae, 10 feet on center, shall be planted along the right rear corner.
12. Curbing at snow storage area to be eliminated.
13. The third parallel parking space shall be removed to provide an escape lane from the car wash queue and the console shall be moved back appropriately.
14. Note 12 shall be removed from the plan.
15. Hours of car wash operation shall be no earlier than 7:00 a.m. and no later than 8:00 p.m. Sunday through Saturday. (Note 13 on the plan to be revised to reflect this.)

Mr. Hall seconded the motion.

Selectman Maddox said he was not in favor of the motion, noting that traffic would be getting worse on Lowell Road and that too much was being squeezed onto a half-acre lot.

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

Ms. Quinlan asked the Board to defer the plan, noting the improvements to the site. Chairman Barnes concurred.

Ms. McGrath said she would approve the plan if the car wash were removed.

Mr. Russo said the size of the convenience store could be reduced or the car wash could be removed, adding that he did not have a preference. He said he did not like the idea of transport trucks backing out onto Lowell Road.

Mr. Maynard said the convenience store was the existing building. He said if it came down to a car wash or no car wash, the applicant would probably do nothing to the site. He said the applicant was proposing a good thing for the Town.

Attorney Welts said there would normally be two fuel deliveries to the site per week. He said there was a traffic light just to the south of the site that would allow the traffic to come out of the site. He said he would request that the plan be deferred, noting that the

improvements would be a good thing for the Town. He said the applicant felt very strongly about the car wash, and he requested more input in hopes that the car wash could be done.

Chairman Barnes asked how long of a deferral would be needed. Mr. Maynard said 30 days.

Selectman Maddox said there was too much being proposed on the site, noting that he thought the car wash would be the issue. Selectman Maddox then moved to defer the Aranco Site Plan application for further consideration, date specific, to the January 24, 2007, Planning Board Meeting. Ms. McGrath seconded the motion.

Ms. Quinlan said the concerns about the Exxon site were not the same as the concerns for this site. She said the proposed plan would be an appealing site. She said she had never had an encounter with a fuel delivery truck. She said the improvements were a real improvement for the Town.

Selectman Maddox said the size of the lot was the issue. He said the Exxon station was going to be on a two-acre lot, not a one-half acre lot. Selectman Massey said the number of pump stations on this site were less than the number proposed on the Exxon site. Mr. Hall expressed agreement with Selectman Massey.

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

Chairman Barnes declared a break at 8:57 p.m., calling the meeting back to order at 9:15 p.m.

## IX. NEW BUSINESS/PUBLIC HEARINGS

**A. 13 Eayers Pond Road  
SB# 11-06**

**Map 247/Lot 80  
13 Eayers Pond Road**

**Purpose of Plan: To subdivide Tax Map 247/Lot 80 into two lots. Application Acceptance & Hearing.**

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

Mr. Cashell stated the application was ready for Application Acceptance.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, posted a plan entitled **Subdivision Plan, 13 Eayers Pond Road, Map 247, Lot 80**, dated April 18, 2006, and last revised on September 26, 2006, on the meeting room wall. Mr. Maynard stated that the plan consisted of several camp lots, occupied by one house in the TR zone, along Eayers Pond Road, running from the former Ireland Street

through to the former Al Street. He said the plan proposed one lot for the existing house and one for a second lot. He said the lot sizes would be substantial, 0.7 and 0.9 acres, with no steep slopes or wetlands. He said the lots would be serviced by wells and septic systems, adding that the lots could be connected to Town water in the future.

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

Ms. Jennette Senko, 11 Eayers Pond Road, said she was opposed to the plan because of a few concerns. She said she was concerned about noise, specifically car stereo noise and construction noise—adding that she and her husband worked nights. She said she was also concerned about the loss of habitat and rural character. She said developing the second lot would result in the loss of the natural habitat for a group of skunks—adding that, if their habitat were destroyed, the skunks would become nuisance skunks in the neighborhood. She claimed it would cost thousands of dollars to have them removed. She said her last concern was the effect the plan would have on her well.

Chairman Barnes solicited the audience a second time for input and comment, in favor or opposition. No one coming forward to provide input, Chairman asked if members of the Board had any comments or questions.

Mr. Maynard said the issues that Ms. Senko had brought up could happen anywhere in town and could not be controlled. He said these lots were in a TR zone, adding that the proposed lots would be over 30,000 ft<sup>2</sup> in size, far exceeding the 10,000 ft<sup>2</sup> requirement. He stated that one new well would not have any effect on any lots in the area.

Selectman Massey noted that the Board of Selectmen had voted the previous night to grant Lot 13 on Eayers Pond Road a waiver to connect to Town water.

Ms. Quinlan said she thought there had been numerous problems with water and septic in the Eayers Pond Road area. Mr. Cashell said that was what he had been told. Selectman Massey said the moratorium was put into place except for new houses, adding that the Town did not want the water pressure to drop to below 35 psi. Mr. Maynard said the water pressures in that area were in the range from 50- to 60-psi.

Mr. Maynard said there were no septic problems in that area, saying the soils were good. He said a 10,000-ft<sup>2</sup> lot would be restricted to having no more than two bedrooms, noting that the 30,000-plus-ft<sup>2</sup> lots being proposed could have up to four bedrooms.

Selectman Maddox asked if the approved water connection were for the new house or the old house. Selectman Massey said it was the new house. Selectman Maddox asked if the new house would use Town water in place of the proposed well. Mr. Maynard answered in the affirmative, adding that he had not been aware the Selectman were approving the water permit.

Ms. McGrath asked about the 100-year flood plan, referring to the problems experienced this past spring. Mr. Maynard said the severe flooding issues she referenced had to do with the Merrimac River, not locally. He said the building areas on the lots were well above the 100-year flood line.

Ms. McGrath asked about a garage. Mr. Maynard said it was shown on Sheet 2.

Ms. McGrath said Note 19 had to be changed to "Monday through Friday only." Mr. Maynard expressed agreement.

Ms. McGrath said she thought it was a shame to subdivide the existing lot. Mr. Maynard said it was bigger than Ms. McGrath's own lot. Mr. Cashell noted that the minimum lot size in the TR zone was 10,000 ft<sup>2</sup>.

Ms. Senko said she did not appreciate her concerns having been trivialized. She said the abutters would have to pay to have the skunks removed.

Selectman Maddox referenced the aerial view, saying the new house would be built at one end of the lot and that there still would be a significant amount of open space for wildlife.

Mr. Cole asked if the existing house were on a well. Mr. Maynard answered in the affirmative. Mr. Cole asked what the Board of Selectmen had approved. Mr. Maynard said the new lot had been approved. Mr. Cole asked if the new lot would have its own address. Mr. Maynard said it would. Mr. Cole asked what would happen to 13 Eayers that had been approved last night. Selectman Maddox said Lot 13 was approved, not an address. He said a stipulation could state that the connection would go to Lot 80 -2. Mr. Maynard said at some point, the moratorium would be lifted.

Mr. Russo asked about the shape of the septic system. Mr. Maynard said it was an unusual shape because the well was in the back. He said a 4,000-ft<sup>2</sup> area had to shown, where a 600 -ft<sup>2</sup> system might go, adding that it was an old rule.

Selectman Maddox moved to grant application acceptance for the 13 Eayers Street Subdivision application. 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 for application acceptance to have carried (7 -0).

Selectman Maddox moved to grant the following waivers:

HTC 289-6(D)	Fiscal Impact Study
HTC 289-6.D.	Drainage Study
HTC 289-6.D.	Traffic Study and others
HTC 289-20	Stormwater Management Report
HTC 289-26(B)(10)	HISS Mapping
HTC 289-42(B)	Underground Utilities

Mr. Hall seconded the motion.

Mr. Russo asked why the board was considering granting the waiver for underground utilities. Mr. Maynard said all the utilities in the area were on poles. Mr. Russo said trees would have to be cut, saying he felt the power should be brought in underground.

Selectman Maddox and Mr. Hall agreed to eliminate HTC 289 -42(B), *Underground Utilities*, from the motion as a friendly amendment.

**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 approve the Subdivision Plan entitled: **Subdivision Plan, Map 247/Lot 80, 13 Eayers Pond Road, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC and dated: April 18, 2006, revised through September 26, 2006, consisting of Sheets 1 through 4 and Notes 1 through 10, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. A cost allocation procedure amount of \$760.64 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.
3. 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.
4. 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.
5. A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
7. 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.
8. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday. No construction shall occur on Saturdays and Sundays.
9. This approval is subject to final engineering review.
10. Pursuant to the Hudson Board of Selectmen's decision of December 12, 2006, the well depicted on Lot 80 -2 shall be eliminated from the plan.

Mr. Turcotte seconded the motion.

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

**B. Wynott Grove (Elderly Housing)  
SP# 11-06**

**Map 175/Lot 155  
Ferry Street/Adelaide Street**

**Purpose of Plan: To construct 14 elderly housing units and an associated clubhouse facility along a proposed 20-foot private drive. Application Acceptance & Hearing.**

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

Chairman Barnes asked Mr. Cashell if the plan were ready for Application Acceptance. Mr. Cashell said he wanted to reserve his answer until after discussion, because he was not sure the application was properly before the Planning Board, noting that the Zoning Board of Adjustment was under the opinion that the Special Exception granted by the Zoning Board of Adjustment on July 27, 2006, was invalid as the result of passage of a Town meeting warrant article.

Ms. McGrath asked Mr. Cashell if he had any conversations with the Town Attorney regarding this application. Mr. Cashell answered in the affirmative, noting that there was no finality yet.

Ms. McGrath moved to defer and to request Legal Counsel's advice regarding the application. Ms. Quinlan seconded the motion.

Mr. Maynard objected, noting that he had not been given the opportunity to speak before the motion had been made. Ms. McGrath expressed disagreement with Mr. Maynard, saying the Planning Board needed legal advice regarding this case.

Mr. Russo suggested that Mr. Maynard be allowed to present a conceptual plan, provided that the presentation did not exceed 10 minutes in length.

Selectman Maddox said he did not feel the Board should get into any discussion regarding this plan. He said legal advice should be solicited as Step 1. Ms. Quinlan concurred.

Chairman Barnes asked Mr. Maynard to make his presentation. Mr. Maynard said the project was granted a Special Exception for elderly housing under the old regulations. He referenced his letter of October 27<sup>th</sup>, adding that there was a new State law that grandfathered this project. He said the plan was well known. He said the plan had gone through staff review, adding that the plan was ready for Application Acceptance.

Mr. Normand G. Martin, identifying himself as an alternate member of the Hudson Zoning Board of Adjustment, said the Zoning Board of Adjustment had granted a Special Exception under the old ordinance. He said the applicant's representative had been given the opportunity not to proceed under that, but the applicant's representative had said the applicant wanted to go forward. He said there was a legal opinion from the Town Attorney referencing what was being discussed. He said the plan was not valid and should not be before the Board.

Mr. Maynard said it was improper for a Zoning Board of Adjustment member to attend a Planning Board meeting. He said it was the record of the Zoning Board of



Adjustment that mattered. If there were some legal opinion, he added, it had to be part of the public record.

Mr. Hall said he would have a problem accepting the plan for Application Acceptance based on the safety issues raised by the fire department.

**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 defer the Wynott Grove (Elderly Housing) plan for further review, date specific, to the January 24, 2007 Planning Board Meeting. Mr. Russo seconded the motion.

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

Chairman Barnes clarified that abutters would not get a formal written notice regarding the January 24, 2007, Planning Board meeting. He said this meeting's deferral to a time certain was the notice.

## **XI. CONCEPTUAL REVIEW ONLY**

Chairman Barnes noted that there were no posted **Conceptual Review Only** items to discuss at tonight's meeting.

## **XII. OTHER BUSINESS**

Chairman Barnes referenced a handout listing permits for what might be required for the RiverPlace development. He asked the members of the Board to take a look at that list.

Mr. Cashell referenced the Town Flood Ordinance amendments. He said Attorney Buckley wanted the Planning Board to hold a Public Hearing and to actually insert the amendments into the Zoning Ordinance rather than in the Town code. He said it would be Article XVI, Section 334-83. He said the amendments were being made as a result of new federally mandated guidelines.

Mr. Maynard said it belonged in its own section. Mr. Hall said it was confusing. He suggested that what was being suggested was adding a definition to the Town code, not in the Zoning Ordinance. Mr. Cashell said that was correct. He said he did not think Town Counsel was clear as to where the amendments were. Mr. Hall said the documentation was not in a form to hold a Public Hearing. Selectman Maddox said Mr. Cashell and Town Counsel should work on this, noting the Planning Board had until January.

Mr. Cashell said he had gotten a call from the State saying not to mess up and not get this on a Town Warrant. He said the Planning Board had to act tonight, because he did not want to miss the deadline. Chairman Barnes said the Planning Board would not have time to make changes. Mr. Cashell said no changes would have to be made. Selectman Massey said he was confused; he said the Town had authorized the Board of Selectmen to change the Hudson Town Code by having two Public Hearings. He then noted that the Planning Board and the Zoning Board of Adjustment were in the Hudson Town Code. Mr. J. Bradford Seabury referenced Chapter 143 of the Hudson Town Code, noting that Chapter 143 was the Zoning Board of Adjustment's bylaws, adding that Chapter 143 stated that the Zoning Board of Adjustment could change it at any time. Mr. Maynard urged that whatever was done be bound within the Zoning Code.

Ms. Quinlan said Attorney Buckley had stated that, if this were not done, the Town's citizens would not be eligible for federal funds if the Merrimac River overflowed. She said time was of the essence. Selectman Maddox said something needed something from the Office of State Planning, explaining how they expected the Town to make this happen, given the very short window. He suggested Mr. Cashell have Director Sullivan call the Office of State Planning to ask for an electronic copy.

Mr. Maynard said the Planning Board could adopt something new. He said he thought there were only two or three people in that department. He said this was more important than the Table of Uses, which the Planning Board had been spending a lot of time on.

Mr. Hall moved to send the proposed changes to a Public Hearing on January 3, 2007. Ms. McGrath seconded the motion.

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

Chairman Barnes referenced the Fiscal Benefit and Service Demand Analysis for RiverPlace. Mr. Cashell said Vanasse Hangen Brustlin (VHB), Inc., had the document and hopefully was analyzing it. He suggested that the Planning Board's consultant give a presentation centered around that document at the first Public Hearing. He said it was not a given that the RiverPlace plans would be submitted by Friday, as he had previously predicted, but that it might be a week or two away.

Selectman Massey said the Planning Board could not count on any dates from this developer. He expressed concern that the Planning Board and the Board of Selectmen not ask the consultant to critique the document but rather that they give the consultant the deliverables that the Planning Board and the Board of Selectmen wanted. He contended that the Planning Board and the Board of Selectmen would not get what they wanted unless they stated what they wanted. He suggested that, before the consultant spent money working on the document, the Planning Board should direct the consultant as to what the Planning Board was looking for. He then referenced Page 9, the second paragraph, saying some of the values were not given. Noting that he had suggested that the Board of

Selectmen have a subset of the Board act as a sounding board, he suggested that the Planning Board might want to do the same thing.

Ms. Quinlan expressed agreement, saying it should be done at a workshop, with all being part of the process. Mr. Cole asked what the next step would be after the Planning Board developed a list of questions. Ms. Quinlan said the Planning Board would need to question the figures and figure out where the numbers were coming from. She said the Planning Board needed to know if the document had integrity or not. Mr. Cole said the Board of Selectmen needed to come up with a list of deliverables. Selectman Massey said it would be on the Board of Selectmen's agenda on December 26, 2006. He said the Boards needed to agree on a list of what the questions would be before submitting them. Mr. Cole said he thought it would be the Board of Selectmen who should be providing input. Selectman Massey said there were aspects that pertained to the Planning Board.

Mr. Barnes noted that the agenda for the January 3, 2006, Planning Board workshop was getting very full. He suggested that each member of the Board read the document over the holidays and compile a list of questions. He said those questions could be combined with the Board of Selectmen's questions and then sent on to VHB.

Selectman Maddox said he felt this was a Planning Board issue. He said the Board of Selectmen would provide input at the January 3, 2007, Planning Board workshop. Chairman Barnes said the combined list of questions would then be forwarded to VHB. Ms. Quinlan expressed agreement.

Mr. Cole asked if the document were on the Town of Hudson's Web site. Selectman Massey said he had requested an electronic copy of the document, adding that the document would be put up on the Town's Web site as soon as the document was received.

Mr. Cole asked what INQUEST was. Selectman Maddox explained that it was a method by which VHB communicated with its sub-contractors, explaining that it was a software program. Mr. Cole asked if the Town had access to INQUEST. Mr. Cashe II said that Director Sullivan had access. Mr. Turcotte said he thought it was on Winer's web site today.

Mr. Cole asked if it had been proper for the Town to get the document at this time. Mr. Cashell said it was.

Selectman Massey said Mr. Cole had brought up a very important question, adding that he thought the Town needed to address the issue quickly. He asked when ancillary documents became record, adding that he felt that submitting fiscal impact documents before the site plan had been submitted was the wrong way to go about it. He said he was reluctant to post the document, because it gave some legitimacy to what the applicant was doing.

Ms. Quinlan said she felt the Planning Board had asked for the documents, as they became available. She said the Board had also asked for a list of permits. She said the citizens of the Town wanted that information, adding that the Board had to be united in its decisions. Mr. Turcotte concurred, saying a disclaimer might be appropriate. Ms. McGrath expressed agreement. Selectman Maddox said this was why he wanted the information on the Town's Web site. He said the Web site would show chronology. He said people should be aware of the items that were provided before the Site Plan was provided. He said he felt

that not much should be done in the way of studies, etc., until there was plan and a check had been submitted.

Mr. Cashell said the reason the Town had hired VHB was to be as prepared as possible. He said the document analyzed what the benefits of the project would be.

Mr. Hall expressed agreement that the Town post all relevant information on its Web site as soon as possible. He asked if the Traffic Study were on the web site. Selectman Massey said it was not yet on the web site, but would be posted as soon as possible.

Mr. Cole asked what the average citizen looked at when he/she looked at the Town Report; he then declared that it was the salaries. He said people would lock in on the numbers, and that rumors would fly. Ms. McGrath said rumors would be worse if the documents were not put up on the Town's Web site.

Mr. Turcotte said sharing the information with the public could work in the Planning Board's favor.

Mr. Cole referenced the list of permits, asking what the source was. Mr. Cashell said it had come from Ed Vydra, the project manager for the RiverPlace project.

Mr. Cole asked Mr. Cashell how he was doing with coming up with the list of contacts that had been requested. Mr. Cashell said Director Sullivan was working on that. Mr. Cole said the Board had requested something for tonight's meeting regarding VHB's contact with other towns and locations; he asked what the status of that request was. Chairman Barnes said he had not seen anything. Mr. Cashell suggested that Chairman Barnes call Director Sullivan about this.

Selectman Massey said he would be meeting with Mr. Kennedy and Director Sullivan next Friday, saying he would be looking for commitment with regard to deliverables and dates from Mr. Kennedy.

Mr. Cole referenced the October 25, 2006 Planning Board meeting, saying that Mr. Kennedy had said he would provide the requested information in a week of two. He then noted that it had been over a month.

Mr. Cole said there was going to be a presentation regarding the proposed Hudson Village Retail Center on December 19, 2006, at 7 p.m. at the New Life Christian Church. Mr. Cashell said he had gotten a call from Mr. Tamboni, the developer on that project. He said the developer was planning on submitting an application later this winter.

Ms. Quinlan commented that, with respect to RiverPlace, she could not recall the Board ever micro-managing projects to the same degree that it was micro-managing RiverPlace. She said she felt that might not be for the betterment of the project. Chairman Barnes expressed agreement but added that information had been requested and had not been delivered.

Selectman Massey said that, when the Board of Selectmen hired VHB, the first thing that firm was asked to do was to interview people involved with other life center projects and to come back with a report. He said VHB had said in October that they would have the report in two weeks, noting that the report was still forthcoming. He said VHB had to meet the deliverable dates. Ms. Quinlan expressed disagreement with Selectman Massey, saying

Mr. Kennedy had verbally provided that type of information. Selectman Massey said the Town was paying VHB to provide professional reports. Selectman Maddox said this was something that had been going on since July , saying he was in agreement with Selectman Massey.

**XIII. ZBA INPUT ONLY**

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

**XIV. ADJOURNMENT**

All scheduled items having been addressed, Selectman Maddox made a motion to adjourn. Mr. Hall seconded the motion.

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

Chairman Barnes then declared the meeting to be adjourned at 11:11 p.m.

Date: January 16, 2007

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

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Suellen Quinlan, Secretary

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

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**HUDSON PLANNING BOARD Meeting Minutes  
December 13, 2006**

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These minutes for the Planning Board meeting of December 13, 2006, were approved as submitted at the March 7, 2007, Planning Board meeting.