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**HUDSON PLANNING BOARD  
MEETING MINUTES  
October 25, 2006**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:03 p.m. on Wednesday, October 25, 2006, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

Chairman Barnes asked Mr. Hall 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, Jeff Rider, Vincent Russo, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:12 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 for the tardy Ms. Quinlan.



## VIII. PROJECT REVIEW

- A. River Place (aka Green meadow Golf Club) Map 239, Lot 001  
CSP# 03-06 43 Steele Road

**Purpose of Item: Planning Board to review and discuss with Town's Consultant, Vanasse Hangen Brustlin, Inc., Bedford, NH, the scope of services for the River Place project.**

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

Town Planner Cashell stated that Mr. Kennedy, from VHB (Vanasse Hangen Brustlin, Inc.) was present at tonight's meeting to present the scope of services and to answer any questions from the Planning Board.

Mr. Marty Kennedy, of VHB, said he would be serving as the Board's technical review consultant for the River Place project. Mr. Kennedy reviewed what VHB would be doing for the Town—i.e., doing technical reviews and answering the Board's questions regarding the project. He reviewed the Agreement for Professional Services in tonight's packet, noting that the agreement was broken down into three parts, *Direction*, *Technical Review*, and *Our Evaluation*.

Mr. Kennedy said he had contacted other towns where the applicant had built projects, adding that he would be providing information from those contacts to the Board. He said the town planner in Middlebury, Connecticut, had told him that the residents had complained about traffic in some areas around the project developed there.

Mr. Kennedy asked the Board for specific questions. Mr. Rider asked how VHB's review would differ from CLD's review. Mr. Kennedy said that had to be worked out. He said he understood CLD would do the site plan reviews. Mr. Cashell said he had talked with Director Sullivan, noting that Director Sullivan had stated that he wanted CLD to do the civil engineering review, while having VHB do the traffic review.

Ms. Quinlan said she wanted VHB to look at all the access roadways and intersections and make improvement recommendations for those roadways and intersections. Mr. Kennedy pointed out that "improvements" to a road might not mean widening the road, explaining that sometimes widening a road encouraged more traffic. Ms. Quinlan said she was unsure as to how the traffic calculations could be done so that they would be fairly accurate. She said she was also concerned that she was not aware of the traffic study terminology—e.g., drive-by traffic, diverted-link trip, pass-by trip, etc. Mr. Kennedy said there were several ways to do that. He said he could put a report together that addressed those terms, or he could attend a Planning Board workshop and discuss the terms. Chairman Barnes said the workshop approach would be appropriate.

Selectman Maddox said he would be interested in hearing from towns where the applicant had built projects, regarding traffic and services concerns. Mr. Kennedy said he had that information.

Mr. Cole referenced the September 27<sup>th</sup> Planning Board meeting, stating that there seemed to be a feeling on the Board that it did not have, as a Board or as individuals, much of an idea of what was going on with VHB and its relationship with the Town. He asked if that were a fair statement. Chairman Barnes said that was a good summary. Mr. Cole said VHB was a Town resource versus a Board of Selectmen centric resource, asking if that were fair statement. (No response was detected.) He then asked if Mr. Kennedy had been involved in the scoping meetings. Mr. Kennedy answered in the affirmative. Mr. Cole asked Mr. Kennedy to give the Board a tutorial on what the scoping process was, what initiated the process, what was involved, who was in charge, what the goals were, what the expected goals would be, and where Hudson stood in that process. Mr. Kennedy said the scoping meetings were in preparation of the traffic impact study. He said the applicant would present what would be included in the traffic study and how the analysis would be done. He said the purpose of the scoping meetings was to define what would be included in the traffic study. He said NHDOT would also be involved, noting that VHB was working with NHDOT. He said there had been five scoping meetings to date, stating that there had been a lot of give and take, and he then provided a few examples of the type of give and take that took part at the meetings. He said he could put a report together regarding what was coming out of the scoping meetings. Chairman Barnes said that would be helpful.

Mr. Cole asked if there were any deliverables from the Board of Selectmen regarding the scoping process. Mr. Kennedy asked what Mr. Cole meant by "deliverables," adding that nothing had been done formally. He said he needed direction in that regard, and he then suggested a summary report. Selectman Maddox said he thought the Board of Selectmen was looking for a report at some point. Mr. Kennedy said he could provide a report summarizing what happened at the meetings.

Mr. Cole asked what would happen at the end of the scoping process. Mr. Kennedy said that the applicant should be aware at the end of the scoping process of what should be included in the traffic study. Mr. Cole asked who would approve the methodology. Mr. Kennedy said he would not put it that way; if the applicant wanted to put things in the traffic study that had not been agreed upon during the scoping meetings, he continued, that was the applicant's right—adding that he would not do it that way.

Mr. Kennedy referenced VHB's Scope and Services contract, noting that Selectman Massey had signed it on March 13<sup>th</sup>. Noting that it was just an informal proposal at the time, he asked what VHB had contracted with the Town thus far and who was paying for the contracted services. Mr. Kennedy said the applicant normally paid for the technical reviews for the first two phases, but the third phase was something the Town might want to take care of the funding for. He said he did not know where that ended up. He said VHB was authorized to bill the Town for up to \$25,000.00. Mr. Cole asked what VHB was billing the Town for. Mr. Kennedy stated VHB was billing the Town for the "*Direction*" part of the Professional Services Agreement.

Mr. Cole said some of the services seemed to be key to a time line. He addressed the "Advisory Committee" suggestion and asked if that were something that the Board of Selectmen had been made aware of four or five months ago. Mr. Kennedy said he

would not have suggested it four or five months ago, but that it should be done now, or maybe a month ago. Mr. Kennedy said he had talked with Director Sullivan and was under the impression that Director Sullivan was going to talk with the Board of Selectmen, adding that there needed to be a decision at the Town level as to how the Town wanted to handle the Advisory Committee. Mr. Cole asked if Mr. Kennedy would be adamant about the need for the committee before an actual plan was submitted to the Town. Mr. Kennedy said that was his suggestion. Mr. Cole asked Selectman Maddox and/or Selectman Massey if discussion of the Advisory Committee had come up at Selectmen's meetings. Selectman Maddox stated that to his knowledge that issue had not come up yet.

Mr. Cole said he put contacts with other municipalities into two categories: lessons learned and warning order. In warning order category, he said, he would include towns such as Dracut, asking if that town had been warned about what was being proposed. Mr. Kennedy said he did not think other towns had been involved in the meetings. Mr. Cashell said the abutting communities had been invited to attend the concept meetings. Mr. Cole asked if they had been invited to the scoping meetings. Mr. Cashell said he had not invited them to the scoping meetings. Mr. Cole asked if Mr. Kennedy had any kind of lessons learned from communities where the applicant had built projects. Mr. Kennedy reiterated that he could put a summary report together that would include that type of information. Mr. Cole asked when the report would be done. Mr. Kennedy said in a week or two.

Mr. Cole referenced the "Direction" part of the agreement—specifically, communications with the NHDOT, NRPC, and other municipalities. He read aloud the section regarding a "Project of Regional Significance" and asked what that meant. Mr. Kennedy said regional impact significance was about a planning board of any town making that declaration, which would alert neighboring towns of the impact a project would generate and make them aware of when meetings regarding the project would take place. He said he would suggest that the Hudson Planning Board make that declaration. Chairman Barnes said the RSA required the Planning Board to take that into consideration once the Board had an application in hand. He said those communities would be given the standing of abutters. Ms. Quinlan said the statute did not say the Board had to wait until a plan had been submitted. She said the Planning Board would have to notify NRPC if it declared the project as one of regional significance, adding that the NRPC would notify the other regional planning commissions and they in turn would notify the individual towns.

Mr. Cole referenced the different types of permits that were mentioned in the Scope Of Services document. He asked if W/S Development had put out a phased approach to the project. Mr. Kennedy concurred. Mr. Cole said that some of the phases were quantifiable, and he asked if there were a model. Mr. Kennedy said that there was a model at this point. Mr. Cole asked if VHB could supply the Town with a laundry list of potential permits and permitting issues that might be involved in the development as described by W/S Development in the phased approach. Mr. Kennedy said that could be done, adding that he wanted to make sure that what VHB was doing did not duplicate what CLD was doing. Mr. Cole said he had no idea what permits would be required. He said as an example that he had no idea as to what permits would be needed to build along a river. He said he would like to see a laundry list of permits and

be given the knowledge to understand the permit process. Mr. Kennedy said that could be done.

Mr. Hall asked who the main Town of Hudson contact was. Mr. Kennedy said it was Director Sullivan. Mr. Hall asked if the Town had asked the applicant to contribute for VHB's services. Selectman Maddox said the applicant had submitted a check for \$14,000 to be used towards the traffic portion and the scoping meetings to date. Mr. Hall asked if the funds had been expended, adding that the applicant had made a good-faith contribution for something that might not happen. He also asked if Director Sullivan would track how the funds were being spent. Mr. Cashell said that was his understanding. Selectman Maddox said he did not think the \$14,000.00 level had been reached yet, adding that he could ask Director Sullivan about that. Mr. Hall asked what the process would be if additional funds were required, questioning if the applicant would be willing to pay for additional VHB services. Selectman Maddox suggested that the Board make a list of the things it wanted VHB to do, get a price for those things from Mr. Kennedy, and then see if W/S Development would be willing to pay for those things. He said he felt W/S Development should continue to fund the Town's request for VHB services.

Ms. Quinlan suggested that a concerted effort was needed by everyone on this project. She suggested that joint meetings between the Planning Board, Board of Selectmen, Zoning Board of Adjustment, and Conservation Commission might be in order. She said she wanted to make sure that the Town got the most out of VHB. Mr. Hall expressed agreement with Ms. Quinlan. He said he thought the Board of Selectmen needed to control how much money was spent on VHB's services. Chairman Barnes suggested to Selectman Maddox that they get together to schedule a meeting. Selectman Maddox said at the very least to see where the fund was. He said it would be good idea to see how much those things that the Board was asking for would cost and to take a vote on them.

Mr. Cole suggested having representatives from the different boards and agencies become the Advisory Committee. He said they could start the work that was recommended early on. He said he agreed that control had to be maintained, adding that the Board of Selectmen should be the ones to maintain that control. He said the Planning Board should vote on things it wanted to send to the Board of Selectmen. He then asserted that there would be things that the Town wanted that the developer would not pay for. He said there was a \$25,000 retainer from the Board of Selectmen and another \$100,000 sitting in the account for this fiscal year. Selectman Massey confirmed that the \$100,000.00 was still there. Mr. Cole asked if there were money in the 2008 budget for consultants. Selectman Massey answered in the negative.

Mr. Hall said he disagreed with Mr. Cole on one point, saying he felt the developer should pay for anything the Town asked for in the way of requested or needed information. Selectman Massey said he did not believe that W/S Development would be willing to pay for the entire economic impact study—notably, the add-on development portion. Ms. Quinlan asked if what Selectman Massey meant by "add on development." were the other parcels in the area that were subject to development. Selectman Massey answered in the affirmative.

Chairman Barnes said he thought there had been a good exchange of information. He said he would work with the Board of Selectmen to get specific requests from the Planning Board to VHB. Selectman Maddox said the Board of Selectmen was working with NRPC to get all available information concerning this project onto a web site.

Ms. Quinlan asked what the Board was going to do about an Advisory Committee, noting that the Board was a month behind, based on Mr. Kennedy's professional opinion. Selectman Maddox said the Board of Selectmen would put that idea on its agenda. Mr. Kennedy said the Town had to play the Advisory Committee meeting by ear, adding that the idea of the meetings would be to keep track of what was going on.

Mr. Kennedy asked what the Board was asking him to do. Chairman Barnes said the Board would like the summary that Mr. Kennedy had talked about earlier in the meeting. Selectman Maddox suggested that, before the applicant presented a plan, all the Boards should let the Board of Selectmen know what they would be looking for and then get a price for those things from VHB. Mr. Kennedy said that Director Sullivan was his main contact, suggesting that he would submit things to Director Sullivan, who in turn could distribute the information to the various Boards. Chairman Barnes said that sounded appropriate. Selectman Massey said the other deliverable was the current traffic analysis document, which suggested where all the different choke points would be. Mr. Kennedy said that would be in the summary report.

Mr. Cole said he had heard several times that the Town did not want to spend time or money because W/S Development might go away. He said that was possible, but that even if that happened another developer would come in and develop the land. He said it would be prudent to do those things suggested at tonight's meeting—e.g., the list of permits, etc. He said those types of things were generic and would apply no matter what was developed on the property.

## IX. OLD BUSINESS (CONTINUED)

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

Map 187/Lot 3  
Gibson/Hawkview Road

**Purpose of Plan: Subdivide Tax Map 187, Lot 3 into two buildable lots.  
Application Acceptance & Hearing. Deferred Date Specific from the  
September 13, 2006, Planning Board Meeting.**

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

Chairman Barnes asked if Mr. Cashell had any updates. Mr. Cashell said he did not.

Chairman Barnes at this time seated Ms. Quinlan in her regular position as a voting member of the Planning Board and returned Mr. Turcotte to his normal position as a non-voting alternate member.

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Selectman Maddox moved to accept the Whitney subdivision application, calling for the subdivision of 33 Gibson Rd., Map 187/Lot 003, into two single-family dwelling lots only. 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. Craig Bailey, the Whitney's engineer of record, posted the **Whitney Subdivision Plan, Tax Map 187, Lot 003, 33 Gibson Road, Hudson, NH**, dated June 7, 2006, and last revised on September 21, 2006, on the meeting room wall. He said the proposal was to subdivide Map 187/Lot 003 into two parcels of land, Map 187/Lot 003, the lot with the farm house, and Map 187/Lot 003-1, the remainder lot. He said the proposal met all zoning regulations. He said there was one challenge, as the well that serviced the existing house was shown on the remainder lot. He said he had looked into configuring the lots so that the farmhouse lot would contain the well but that the geometry did not make good planning sense. He said he had drafted an easement and had shown the easement on the plan.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, Chairman Barnes asked if the members of the Board had any comments or questions.

Mr. Russo said he was uncomfortable with the well easement, adding that the Planning Board had seen lots of odd-shaped lots and he did not think the irregular shaped lot would be a problem. Mr. Bailey said the well would go away when Town water was put in, at which point the easement would go away. Ms. McGrath expressed agreement with Mr. Russo. Ms. McGrath noted that the shed was right on the new property line and that the house was in the front setback. She said she could not vote to approve the plan as it was currently shown.

Mr. Rider expressed agreement with the applicant's engineer regarding the well, saying the well probably would not be in existence 20 years from now.

Mr. Hall said he did not have a problem with the well but that the shed would have to be razed or moved as a condition of approval. Susan Whitney said she was not intending to sell the parcel of land anytime in the foreseeable future. She said she and her husband wanted to build a new house. She said the shed was used to store lawnmowers and those types of items, and that it could be moved if need be. She also informed the Board that there was an alternate well in the basement. Mr. William Whitney asked if there were such a thing as a variance for the well frontage. Chairman Barnes said Mr. Whitney could go to the Zoning Board of Adjustment to request that variance. Mr. Rider asked what the required frontage was. Mr. Cashell said it was 150 feet. Mr. Rider said there was 175 feet, so the lot line could be moved. Selectman Maddox said the drawing said the minimum frontage was 200 feet.

Selectman Maddox moved to approve the following waivers:

HTC 289-6(D)

Fiscal Impact

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HTC 289-6(D)	Traffic Study
HTC 289-6(D)	Drainage Study
HTC 289-26(B)(10)	HISS Mapping

Mr. Hall seconded the motion.

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

Chairman Barnes asked Mr. Cashell if Town Engineer Sommers had reviewed the plans. Mr. Cashell said Mr. Sommers was still working on it. Ms. McGrath said she thought the Board should not take any action on the plan until Mr. Sommers had reviewed it. Mr. Bailey said Mr. Sommers was only reviewing the proposed driveway. Mr. Hall asked if the 400-foot sight distance requirement for the new driveway was being met. Mr. Bailey said it was not on the plan. Mr. Hall said the bar scale needed a little work, adding that the shed would have to be moved as a condition of approval. Selectman Maddox said the driveway was into the existing house but was crossing the other parcel. Mr. Bailey said the easement included verbiage for a driveway and well access.

Ms. McGrath asked if the driveway would be shared. Chairman Barnes said there would be two separate driveways. Mr. Hall said the way the driveway was drawn; a waiver would be needed for two driveways on the same lot. Mr. Bailey said the plan could show the driveway being relocated from the lot side-line.

Ms. Quinlan stated that there was a problem in that the little plans were the correct plans but that the large sets were incorrect; she then asked what the Board would be voting on. Mr. Bailey said the plan on the wall was for illustrative purposes only.

Selectman Maddox moved to defer further review of this application, date specific, to the December 13, 2006 meeting. Ms. McGrath seconded the motion.

Ms. McGrath said that it was not unusual for the Board to request a deferral. Mr. Bailey became agitated and shouted that if the Board wanted a 400-foot site distance it should be in the checklist. He said he had never seen a simple project like this go so badly in his 10 years of practice. Ms. McGrath said the Board would expect to see the engineering report from any engineering firm before it voted to approve the plan, adding that she expected the same from this engineering firm. Selectman Maddox said there was some stuff that needed to be cleaned up. Mr. Bailey apologized for his outburst, saying he had met with Mr. Cashell in early July to go over the project, and there had been no items that seemed to be issues. He said Mr. Sommers had had since July to review the plan. Chairman Barnes said the Board might have picked up things that might have been missed. Mr. Hall pointed out that the plan had changed since July. Mr. Cashell said Mr. Sommers had requested an in-house consulting fee and that fee had just been paid, adding that the review had been held up until the money had been received. He said Mr. Sommers had 10 days to get his report to the Planning Board once payment had been made, noting that Mr. Sommers was well within the 10 days.



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**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 **Subdivision Plan, Map 147, Lot 1-14, 16 Scenic Lane**, dated September 20, 2006, with no revisions, on the meeting room wall. Mr. Maynard said the plan proposed to subdivide a 74,000-ft<sup>2</sup> lot on town water and sewer. He said the lot was vacant and that the plan was a simple subdivision of one lot into two lots in accordance with the requirements of 30,000 ft<sup>2</sup> and 120 feet of frontage in an R2 zone. He said all the conditions and stipulations under which the overall subdivision was approved would remain in effect, noting that Mr. Cashell had included that as a stipulation of approval. Mr. Maynard said he was in agreement with all the stipulations that Mr. Cashell had suggested.

Chairman Barnes asked if Mr. Maynard had seen the memo about the sewer location. Mr. Maynard said he had not seen it, and a copy was given to him.

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

Mr. Derrick Deblois, 10 Scenic Lane, said his concern was with regard to drainage of the water. He said there was a significant amount of ground water in his back yard and he did not want the problem to get worse.

Chairman Barnes asked if any other members of the public wished to comment. No one coming forward, Chairman Barnes asked if members of the Board had any comments or questions.

Ms. Quinlan asked if this were the first of many lots the Board would be getting from this development. Mr. Cashell said this lot was a large lot that was subdividable. Ms. Quinlan asked how many more there were. Mr. Cashell said he could not pick out any that could be subdivided that had not already been subdivided. Mr. Cashell said he went out to the site, reporting that the house locations were well away from the stormwater catch area. He said he went out to the site during a heavy rain storm and observed that the stormwater was running off properly. He said the proposed drainage easement was the outflow pipe leading onto the other side of the road, running parallel to Shoreline Drive. He said these lots would not add to the drainage problem that Mr. Deblois spoke of.

Mr. Hall said he wanted to see the original subdivision plan; Mr. Cashell went upstairs to his office to get it.

Ms. Quinlan said there had been a similar issue in another development down the road, on Garrison Farm Road. She asked what would happen to the cul-de-sac if the road eventually went through. Mr. Maynard said the road was not a public road to the south, but was a private road with private maintenance. He said the access connections was for emergencies only, adding that the cul-de-sac would remain forever, unless the Board of Selectmen chose to get rid of it.

Mr. Maynard said the backyards were dead flat with poor drainage. He said there was a drain line along the southerly property line that was available for every homeowner on that side to connect foundation and yard drains to, adding that the house on Lot 1-14 showed that drain being connected to. Mr. Maynard then stated that the Garrison Farm subdivision had not been designed properly but that this subdivision was designed properly.

If the subdivision did not get sewer approval, Mr. Maynard said, the lots met the requirements for a septic system. Mr. Hall said he missed how the lots met the requirements for septic systems. Mr. Maynard said the 30,000-ft<sup>2</sup> lot had an allocation for one house. He said the 40,000-ft<sup>2</sup> lot would also meet the criteria for a septic system. Mr. Hall said that needed to be shown on the plan, adding that a chart showing the usable area of the lots needed to be added to the plan. He also mentioned wetlands. Mr. Maynard said there were no wetlands or steep slopes. Mr. Hall said those things needed to be shown on a chart. Mr. Maynard said he would do a test pit for the septic system.

Selectman Maddox said that, in the original 32-lot subdivision, Lot 1-14 was so large because of anticipated drainage problems. He asked why this lot was being subdivided now and not when the plan was first submitted. Mr. Maynard said the lot now had a different owner. Selectman Maddox suggested that all the owners of the lots along the river could do the same thing. Mr. Maynard said there would be frontage problems with those lots. Mr. Hall said he had a problem with the drainage system. Mr. Maynard said there were two drainage systems. Selectman Maddox said he had a concern with the drainage also. Mr. Maynard said everything worked as designed, noting that Mr. Cashell had been to the site and had verified that the drainage system was working as designed. Mr. Cashell said the lots were large with a lot of built-in drainage capacity.

Ms. Quinlan pointed out that a resident had said he did not think the drainage was all that great. Mr. Maynard said there were puddles in that resident's yard, adding that he did not have drainage problems. Ms. Quinlan said she agreed with Selectman Maddox's concern with the original plan, adding that she felt the Board was being led down the garden path. Mr. Cashell said he had felt that way, too, when he received the plans. He said he looked at the development plan to see if it stated that there would not be any further subdivision of the lots. He said he could only find one reference on that plan, Note 4, regarding that issue, adding that the note said: "The purpose of this plan is to subdivide Lot 5 into 32 single-family residential lots." He said he did not think that was a restriction that would prevent further subdivision. He said the drainage system looked as if it were working. Chairman Barnes asked if the drainage system would continue to work with the addition of two more houses. Mr. Cashell answered in the affirmative. Mr. Maynard concurred, saying the drainage system was over designed.

Selectman Maddox asked about the CLD review of the drainage. Mr. Maynard said that was covered in the original subdivision plan. Mr. Cashell said the area was properly graded towards the river, adding that the developer had done a good job with the drainage system.

Mr. Russo asked how many homes could tie into the underground drainage system. Mr. Maynard said that everyone on the south side of Scenic Lane could tie into the drain. Mr. Russo said he recalled that the original plan had gone through the Board relatively quickly because the developer had covered all the bases.

Selectman Massey asked Mr. Cashell if he felt it would be prudent if the property were hooked up to the sewer system before the subdivision was approved. Mr. Cashell said he did not think there would be a problem obtaining a sewer connection. Selectman Massey concurred, adding that septic would not be desirable in this area.

Selectman Maddox asked about another fee. Mr. Maynard said there would be a \$250 traffic fee.

Mr. Hall stated that he thought the sewer allocation should be a condition of approval. Mr. Russo asked if that were normally done before a subdivision was approved. Mr. Hall answered in the affirmative, adding that Mr. Maynard had not proven that the lots could support septic systems, so the sewer allocation was the only option at this point. Selectman Massey said he thought those lots would have to tie into the sewer system. Mr. Russo said the applicant was only asking for a subdivision at this point, adding that houses might never be built on those lots. Mr. Hall said the applicant still had to show the septic systems.

Selectman Maddox said he felt CLD should review the drainage, and he suggested making it a condition of approval. Selectman Maddox said he thought the lot was part of the drainage system. Mr. Maynard said it was not. Mr. Hall suggested that Mr. Sommers review the drainage system. Mr. Maynard said Mr. Sommers would say it was fine.

Ms. McGrath moved to approve the following waivers:

HTC 289-6(D)	Traffic Study
HTC 289-26(B)(10)	HISS Mapping
HTC 289-20C	Stormwater Mgt. Report 6(D)

Mr. Hall seconded the motion.

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

Selectman Maddox said that the waiver numbers indicated on the document did not match those three waivers. Mr. Maynard said he would straighten out the waiver numbers. Chairman Barnes told Mr. Maynard to get the numbers corrected.

Ms. McGrath moved to approve the Subdivision Plan entitled **Subdivision Plan Map 147, Lot 1-14, 16 Scenic Lane, Hudson, NH**, prepared by Maynard & Paquette, Engineering Associates, LLC, and dated September 20, 2006 (no revisions), consisting of Sheets 1 through 2 and Notes 1 through 18, in accordance with the following terms and conditions:

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1. All stipulations of approval shall be incorporated into the Notice of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. A cost allocation procedure amount of \$1089.84 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, subject to annual inflation indexing, as permitted by the impact fee methodology.
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, subject to annual inflation indexing, as permitted by the impact fee methodology.
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. Prior to the issuance of a certificate of occupancy for the dwelling on Lot 1-14-1, the applicant or his/her assign(s) shall pay to the Town \$250.00 relative to the cost to produce the Elm Avenue/Webster Street Intersection Improvement Study.
7. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
8. Construction activities involving the lots shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
9. This approval shall be subject to all of the terms and conditions cited in the previously recorded Waterview Landing Subdivision Plan-of-Record (Plan No. 33114) and the associated Development Agreement (Book 7212 Page 0966).
10. This approval is subject to final engineering review.
11. Applicant shall obtain a sewer allocation from the Sewer Utility as a condition of the approval, prior to the Planning Board endorsing the Plan-of-Record.
12. Applicant shall certify that both Lots 1-14-1 and Lot 1-14 shall comply with the regulations on useable area, i.e. steep slopes and wetlands.

Mr. Hall noted that he did not think the Library or School impact fee were subject to annual indexing. Ms. McGrath asked if that were true. Mr. Hall said it was true. Mr. Cashell concurred. Stipulations #3 and #4 were changed accordingly, with the words "subject to annual inflation indexing, as permitted by the impact fee methodology" being removed from each one.

Mr. Hall seconded the motion.

Selectman Maddox asked if this became part of that plan as far as growth management. Mr. Cashell answered in the affirmative, saying the last set of permits would be issued this coming year.

Ms. McGrath said she felt a 13<sup>th</sup> stipulation should be added that stated that the waivers would be corrected. Mr. Hall expressed agreement. Stipulation #13 was added.

13. Waivers to be corrected on the plan.

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

Chairman Barnes declared a 10-minute break, calling the meeting back to order at 9:33 p.m.

## XI. CONCEPTUAL REVIEW ONLY

A. **Great Eagle Hotel (Addition)**  
**CSP# 04-06**

**Map 145/Lot 5**  
**2 Sullivan Road**

**Purpose of Plan: Addition of living space at second floor over office & one motel room passage. (Conceptual Review Only).**

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

Mr. Cashell said that nothing was new other than what was in tonight's staff report.

Mr. Bharet Patel, P.E., President Milap Corporation, Tewksbury, Massachusetts, representing the applicant, stated that the applicant wanted to add a 726-ft<sup>2</sup> addition to the existing living quarters that would include a bedroom, a bathroom, and a study. He said access to the living quarters was from the office. He said the emergency exit from the living quarters was from the deck.

Mr. Russo asked about the septic system. Mr. Patel said there were two septic systems, one for 750 gallons and other for over 750 gallons, adding that half of the motel was being serviced by one tank and the other half of the motel was serviced by the other tank. He said a 2000-gallon tank was recently installed as a replacement for one of the 750 gallon tanks.

Mr. Hall asked about the front elevation, asking specifically what was existing and what was being proposed. Mr. Patel said the applicant was adding a bedroom, a study, and a bathroom to the second floor. He said the footprint was not being expanded. Mr. Hall said he did have an issue with the addition as long as the footprint did not change.

Chairman Barnes said the request was to have the Board send a favorable recommendation to Director Sullivan concerning the issuance of a building permit for the addition.

Selectman Maddox asked if there were a site plan on record. Ms. McGrath answered in the affirmative.

Mr. Cashell explained what the applicant was proposing; noting that no additional motel space was being added. Mr. Cashell said it had been his idea to have Mr. Patel appear before the Board to present the conceptual review. He said the proposed project was minor in nature, and he suggested that the applicant should not have to go through the full site plan approval process.

Mr. Hall said he had previously had reservations with respect to a previous expansion proposal concerning a significant part of the parking area being within the State's right-of-way. He said he did not see the addition of one bedroom as adding to that situation, adding that the applicant should be aware that the parking area would be an issue if the motel were expanded in the future.

Mr. Rider said he felt that a stipulation to issuing a building permit should be that the addition would only be used as part of the manager's suite and not to be rented out.

Mr. Russo moved to send to Sean Sullivan, Community Development Director, written notice to the effect that the Planning Board had no reservation regarding the issuance of a building permit for the proposed addition of the hotel manager's living space to the Great Eagle Motel, 2 Sullivan Road (i.e., adding a bedroom, bathroom and study to the existing living quarters, as well as a passage modification to one motel room), noting that this action was taken because the addition pertained to the existing living quarters and was a minor modification to the existing motel use.

Selectman Maddox asked if the number of motel rooms would remain the same after the addition had been built. Mr. Patel answered in the affirmative.

Ms. Quinlan seconded the motion.

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

## **XII. CLOSED SESSION**

Chairman Barnes said he did not feel the need for a closed session regarding the Sheffield Street acceptance, as listed on the agenda. He said he felt what the Board was going to do was straight forward. Hearing no objection, he proceeded with that item as **Other Business, A**. Selectman Massey asked Chairman Barnes if the Board were going to remain in open session. Chairman Barnes responded in the affirmative.

**XIII. OTHER BUSINESS**

**A. Sheffield Street Acceptance, Map 171/Lots 004 & 008.**

Ms. Quinlan moved to forward a favorable recommendation to the Board of Selectmen, relative to that Board's acceptance of the roadways within the Kimball Heights II Subdivision (namely Sheffield Street and that portion of Bradford Circle beyond the former cul-de-sac) as Town roads, noting that this recommendation took into consideration that, on behalf of the Planning Board, Town Counsel was still negotiating the off site contribution. Mr. Hall 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, and Selectman Maddox, who abstained. Chairman Barnes then declared the motion to have carried (5-1-1).

Mr. Russo moved to release the Town of Hudson's interest in the Kimball Heights II Subdivision maintenance bond, in the amount of \$100,320.00, plus interest. Ms. Quinlan seconded the motion for discussion.

Ms. Quinlan asked what recourse the Town would have once the bond was released if the negotiations for the off-site contribution did not go favorably. Mr. Cashell said both parties had been working effectively and had agreed to the terms specific to tonight's action. He said the Town would be in receipt of \$37,500.00 as an off-site contribution. Ms. Quinlan asked if that depended on a favorable vote by the Board. Mr. Cashell answered in the affirmative. Mr. Hall asked if there were a problem stipulating that the release of the bond was dependent on receipt of the off-site contribution. Mr. Cashell said that could be a condition. That verbiage was added to the motion as a following statement saying: "This release is conditional upon receipt of off-site improvement in the amount of \$37,500.00". Ms. Quinlan expressed agreement with the modification to 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, and Selectman Maddox, who abstained. Chairman Barnes then declared the motion to have carried (5-1-1).

**B. Review of Proposed Amendments to the Tables of Permitted Principal Uses.**

Mr. Cashell referenced a handout in tonight's packet, saying he had been working with Atty. Buckley regarding a series of public hearing notices in preparation of the November 15, 2006, Public Hearing. He referenced Pages 3 and 4 of the handout. He said all of the amendments that the Board had been dealing with minus the Table of Uses were shown as items 1 through 14. He said those items would end up as articles

on the 2007 Town Warrant. He asked the members of the Board to look through the items and then to make comments or ask questions regarding the items. Chairman Barnes asked if there were anything new. Mr. Cashell answered in the negative, adding that there would be plenty of opportunity for the public to see the articles before the Public Hearing. Mr. Cashell suggested that the Public Hearing not include all the proposed changes to the Table of Permitted Uses. He suggested that that Public Hearing be held on December 6, 2006 or December 13, 2006. Ms. McGrath suggested that Item 5 be changed to read "which will be defined as a portable motorized or non-motorized vehicle, truck, or cart," instead of "and shall be portable." Mr. Cashell expressed agreement with that change.

Mr. Hall suggested that the words "to be located" be removed from Item 12 and that the word "project" should be "projects." He asked what the phrase "providing further that Public Works projects shall be exempt from this prohibition" meant. He asked if the Town were exempt or whether anyone proposing drainage systems that would become public drainage systems would be exempt. Mr. Cashell said it would be interpreted as something that would become public. Mr. Hall suggested that should be made a little clearer. Mr. Rider said that the way it was worded, anyone that came in and proposed a roadway would be exempt. Mr. Hall asked Mr. Seabury, a member of the Zoning Board of Adjustment, if the Zoning Ordinance had been changed such that structures in the wetlands buffer would require a variance instead of a special exception. Mr. Seabury said he could not recall but thought that that had been changed. Mr. Hall said the way it was worded could be a problem with respect to swales, headwalls, drain pipes, etc. Mr. Cashell suggested using the word "buildings." Mr. Hall said another thing would be wells. Ms. Quinlan suggested adding an "i.e." notation to the item that would specify things like wells, swales, headwalls, and drain pipes. Mr. Hall said he felt that the way the item was worded, a lot of people would be visiting the Zoning Board of Adjustment for variances, adding that he did not think that was the intention of the item. Chairman Barnes suggested pulling the item off the list. Mr. Rider suggested saying "drainage system outlets." Mr. Hall expressed agreement. Ms. Quinlan said the item would read "drainage system outlets (i.e., headwalls, drainage swales, and drain pipes)" instead of "Public Works projects." Mr. Hall suggested saying "outlet/inlet" instead of "outlet." Mr. Rider expressed agreement.

Ms. Quinlan read the proposed change to the item as: "providing further that drainage system outlet/inlet such as headwalls, drain pipes, drainage swales, and culverts shall be exempt from this prohibition." Mr. Rider asked if grading would be allowed in the buffer. He suggested changing "structures are prohibited" to "construction is prohibited." Mr. Hall expressed agreement. Mr. Hall suggested saying "structures, construction, and grading." Chairman Barnes said 334-35C stated that all construction was expressly prohibited in wetlands unless the proposed use met the criteria for a special exception and such a permit has been issued. Mr. Hall said that put it back as a special exception and the Board was trying to make it a variance. Chairman Barnes said he did not think that item was ready for a Public Hearing. Ms. Quinlan said she thought the Board was close. Mr. Hall said what was being proposed was in conflict with the ordinance. He said what was there now needed to be replaced with what was being suggested. Mr. Cashell said he would work with Director Sullivan

and have the item ready for the December 6, 2006, Public Hearing. He said he would present it to the Board on November 15<sup>th</sup>.

Mr. Russo said he thought there was a slight oversight on the Table of Uses. He referenced Table D, Item 30. He suggested that the word "two" be changed to "two or more." He also suggested that Director Sullivan had said he did not want to allow "two or more" in the Business Zone. Chairman Barnes said Item 30 would be changed to read "two or more."

### **C. Mr. Rider's Letter of Resignation**

Chairman Barnes stated that Mr. Rider had submitted a letter of resignation, adding that tonight's meeting would be his last meeting. All members of the Board expressed extreme regret. Selectman Maddox said that, on behalf of the Board of Selectmen and the Town, he wanted to thank Mr. Rider for his service, adding that he hoped Mr. Rider would come back soon. Mr. Rider said he probably would. Chairman Barnes asked if Mr. Rider would be staying on the Water Committee. Mr. Rider said he was staying on that committee for the time being, as it presented less of a conflict situation; he then explained that his new job title was going to be Vice President of Engineering for Cuoco & Cormier.

### **D. River Place Discussion**

Mr. Cole asked Ms. Quinlan about the Advisory Committee. Ms. Quinlan expressed agreement with Mr. Kennedy's advice that an Advisory Committee be formed. She suggested doing anything the Planning Board could do to avoid a mad scramble. Selectman Maddox questioned what the advisory board could offer, asking what the intent of the Advisory Committee would be. Ms. Quinlan suggested having one member from each Town board on the Advisory Committee. Chairman Barnes said the Advisory Committee could be looking at many things. He said the charter of the Advisory Committee needed to be established.

Mr. Cole said that Mr. Kennedy had thrown a couple of curves this evening. He said Mr. Kennedy had said the Advisory Committee should be established prior to the development project being placed on the Planning Board agenda. He said Mr. Kennedy did not go into great detail as far as what the Advisory Committee would do, probably because that would be up to the Town to decide. Mr. Cole said that Ms. Quinlan had suggested a joint meeting between the Planning Board and the Board of Selectmen at the meeting on the 27<sup>th</sup>. He said those two boards might want to sit down to have a dialog. He suggested that Mr. Kennedy could act as the facilitator to flesh out what the Town could be looking at this early stage, adding that it was not early because the folks had been around for over a year.

Ms. Quinlan, saying she had looked at the statute, said an application had to be filed with the NRPC in order to declare a project a Project of Regional Impact. Ms. Quinlan reiterated her concern that the Town had to do as much as possible to get ready for the project. Mr. Cashell said big projects were no different than little projects in many respects. He said CLD would be involved with the sewer aspects of the project. He

said the developer had said they would go septic if they had to. He said water had been worked out and that drainage would be worked out with CLD, the developer, etc. He said traffic was the biggest problem. He said it was important that 80% of the traffic could get into and out of the project using the major highway, Route 3. He noted that on a similar project in Woburn, Massachusetts, fly over ramps were used for the project, adding that they worked beautifully. He said most of the traffic from executive drive should be able to enter and exit from the slip ramp system.

Chairman Barnes asked if that were something the Advisory Committee would discuss. Mr. Cashell said the Advisory Committee would be another ten heads focusing on different aspects of the project. Chairman Barnes said the Advisory Committee as proposed was not ten new people, but was the same people in a different forum, with the possible addition of a few citizens. Mr. Cashell said it had to be understood that the people on the Advisory Committee would play a major advisory role to the Planning Board.

Selectman Massey said he thought that the Board of Selectmen should invite Mr. Kennedy to one of its meetings to discuss the purpose of the Advisory Committee, and then to form the committee based on the results of that meeting. He said it was difficult to understand how the committee would work, given each board's statutory requirements.

Ms. Quinlan said the project was massive, adding that she felt the Lenny Smith Memorial Highway could be paid in total or in part by the developer. She said she was concerned about the accuracy of the traffic study numbers.

Ms. Quinlan moved to request a joint meeting with the Board of Selectmen to discuss issues relative to the potential development of the Green Meadow property, with the said meeting to be conducted not later than November 30, 2006. Mr. Russo seconded the motion.

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

Mr. Cole asked if the Board had any interest in the laundry list of permits that he had talked about earlier in the meeting. He said the fact that the project was phased should drive the permits across the board. Chairman Barnes said it had been suggested that a list of things be generated from all the boards, noting that the list of permits would be one item from the Planning Board. Mr. Turcotte said he felt it was hard to ask for a list of permits when there was no plan yet, adding that he felt asking for a list of permits at this time would be a waste of time and money. Ms. Quinlan said she thought it might be premature to ask for a list of permits at this time. Mr. Cashell said the developers knew what they needed but were waiting for local approval. Chairman Barnes asked if the Board knew what types of permits were needed. Mr. Cashell said the developer needed Army Corps of Engineers, DES, EPA, all local permits, and sewer permits.

Mr. Hall expressed agreement with Mr. Turcotte but suggested that, if VHB had that on a checklist, that that might be something to ask for. He questioned the cost of such a request. Mr. Russo said he thought a list of potential permits should be in the summary that Mr. Kennedy had talked about. He said he was not interested in each individual permit, but rather that all of the permits were in place. Mr. Russo asked Mr. Cole if there were a specific purpose for his request for the list of permits. Mr. Cole said Mr. Cashell hit the nail on the head when he had said that “they know what they’re doing.” Mr. Cole said W/S Development was getting its ducks lined up. He said W/S Development was not going to want to hear the Board ask for a year to catch up when they presented their plan. Mr. Cole said he was looking for a list of permits based on the scoping meetings, adding that the Board was sitting around waiting for something to happen so it could react. Mr. Cashell said everyone would get serious once the plan was submitted. He said the Town would have all the time it needed, based on review needs of the different Boards.

Mr. Cole discussed the term “methodology,” asking what the methodology was and who would approve the methodology. Mr. Cashell said the “methodology” was accepted traffic engineering methodology, based on the latest engineering manual. Selectman Massey said that what DOT and W/S Development were working on was a set of parameters (methodology) for every intersection they were focusing in on. He said they were assigning values to trips for weekdays, weekends, peak, and non-peak. He said he was concerned that, because the Board’s consultant was sitting in on those meetings, it would be difficult for the Board to say the study was wrong, if the consultant did not take exception to the parameters being used. He said VHB should either note that it agreed with the parameters used for the traffic study or else take exception with the parameters. He said the consultant was hired to look after the Town’s interests.

Mr. Turcotte said that methodology was just an established process. Ms. Quinlan said that the ITE manual used traffic trips generated for a mall, adding that a Life Style Center was not a mall. She said the methodology did not apply. She said none of the ITE methodology models applied to this size of project, and that something would have to be invented by W/S Development, DOT, and VHB. Mr. Cashell said that was because there was a multitude of uses being proposed. Mr. Cole expressed agreement with Ms. Quinlan. He said the Town’s interests were served by the consultants and to make sure that the final methodology reflected the Town being involved. Mr. Cashell suggested a check-safe measure by having CLD follow up with a review of what VHB had reviewed.

Mr. Russo said he had a couple of concerns. He questioned if VHB was up to the task. Mr. Cashell said it was, stating that VHB was a big firm, loaded with talent. He said he hoped that VHB had made sure that the methodology used was the correct one. Ms. Quinlan said she did not think that would be required, saying that VHB wanted to provide the Town with accurate traffic count numbers. Mr. Russo questioned if the Town could afford to make improvements to all the roads associated with the project, adding that he did not think W/S Development would pay for problems that pre-existed. Mr. Cashell said the developer would have to pay for work on the roads that were impacted by the project—e.g., the Lowell Road bottleneck. Mr. Cashell said the Town should not have to pay for any of the work on the roads that would be impacted by the project.

Mr. Cole referenced a mention of a report in the draft minutes of the September 27, 2006, Planning Board meeting. He asked Mr. Cashell what the report was and what the status of the report was. Mr. Cashell said the report was supposed to be in tonight's packet but that it did not arrive. Mr. Cole asked what was supposed to be in the report. Mr. Cashell said that Mr. Kennedy had agreed that he would submit an update on the scope of services activity. In preparation for tonight's meeting, he continued, he had gotten the letter dated March 7, 2006, from Director Sullivan, as well as the agreement for professional services. Mr. Cole asked if Selectman Maddox had asked for the report. Selectman Maddox said he had not, because there was not a lot to report. Mr. Cole said the minutes said a report would be provided, and he asked where the report was. Mr. Cashell said the Board had expected the plan in March, then June, then July, suggesting that he thought it would be available in the near future.

Mr. Cole said that he thought that Selectman Maddox and Selectman Massey had indicated that there was no money proposed in the FY 2008 budget for consulting services; he asked if that were correct. Selectman Maddox and Selectman Massey both answered in the affirmative. Mr. Cole then asked if that issue had been brought up during budget deliberations or submitted as part of a proposal—and, if so, what was the thinking in not having it in the budget for 2008. Selectman Maddox said it was brought up for 2007 but not for 2008. He said he believed it had been the Board's thought process that by July of 2007 there would be a plan before the Planning Board and that most of the expenses would be incurred by the developer at that point. Chairman Barnes asked if money not expended in 2007 for consultants could be carried over into 2008; if there were a contract in place, he suggested, the funds could be encumbered into the FY 2008 budget. Selectman Massey said that the key operable thing was that, once the plan was before the Planning Board, most of the work that the Town would want to do would be charged to the developer.

Mr. Cashell referenced the Tables of Permitted Uses. He asked if the Board wanted to allow multi-family dwellings in the G and G1 zoning districts, as designated in the draft. Mr. Hall and Chairman Barnes said that was not a permitted use and that that use should be removed from the table.

#### **XIV. ZBA INPUT ONLY**

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

#### **XV. ADJOURNMENT**

All scheduled items having been addressed, Mr. Rider 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.

**-- DRAFT COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
October 25, 2006**

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Chairman Barnes then declared the meeting to be adjourned at 11:30 p.m.

Date: November 20, 2006

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

J. Bradford Seabury, Recorder

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

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