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**HUDSON PLANNING BOARD
MEETING MINUTES
October 5, 2005**

I. CLOSED ATTORNEY/CLIENT SESSION

Chairman Barnes noted that the Town Attorney had not been able to attend tonight's meeting and the scheduled attorney/client session would not be held.

II. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:06 p.m. on Wednesday, October 5, 2005, in the Community Development meeting room in the Hudson Town Hall basement.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Chairman Barnes asked Mr. Hall 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, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:09 p.m.).

Members

Absent: Jeff Rider (excused) and Karl Bond (resigned).

Alternates

Present: Thomas Murphy and William Tate (arrived at 7:09 p.m.).

Alternates

Absent: Vincent Russo (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

V. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes seated Mr. Murphy in place of the absent Mr. Bond.

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.

Selectman Maddox requested that , without objection, **Conceptual Review Only, A, Jette Field Expansion**, be taken out of order. Hearing no objection, Chairman Barnes addressed that item.

III. CONCEPTUAL REVIEW ONLY

A. Jette Field Expansion

**Map 198/Lot151
Burns Hill/Pelham Roads**

Purpose of Plan: Review Conceptual Plan for Softball Field.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, noted that Mr. David Yates was present at tonight's meeting. Mr. Maynard posted **Site Plan, Jette Field Expansion, Burns Hill Road, Hudson Recreation Department**, dated April 10, 2003, and **Area Plan, Jette Field Expansion, Burns Hill Road, Hudson Recreation Department**, dated April 10, 2003, on the meeting room wall.

Mr. Maynard said the field would be built on school department land. He referenced the site plan, describing the location of the proposed softball field. He said the plans were based on existing tax maps, etc. He discussed slopes, brooks, etc. , stating that lights would be installed at a later date.

Mr. Maynard said an agreement between the School Board, the Board of Selectmen, and the Recreation Department had specified that all site plan rules would be followed. He said the plan would be recorded with the Hillsborough County Registry of Deeds. Selectman Maddox noted that the Memorial School had gone through the full site survey process.

Mr. Hall asked if the Board had seen the plan before . Mr. Maynard answered in the negative. Mr. Yates said it had come before the Board as part of the Capital Improvement Plan .

Mr. Maynard referenced wetlands, saying a waiver would be required. He said the only drainage would be from the top of the slope, adding that a waiver would be

requested for that , also. He said the plan was buildable as is, noting that the granting of the requested waivers would save a lot of money.

Town Planner Cashell said Mr. Yates would need recreation funds to carry out the work.

Mr. Yates said he would request the impact fees to pay for the project , since it was not a budgeted project.

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

Mr. Tate asked about the cost of the survey. Mr. Maynard said it would cost about \$5,000.00.

Mr. Hall asked why the applicant had to go back to the School Board. Mr. Maynard said it was a requirement of the School Board. Mr. Hall said the Planning Board could waive the recording of the plan. Mr. Maynard concurred, adding he did not know if the School Board would agree to that. Mr. Hall said he felt the wetlands should be surveyed and staked.

Selectman Maddox asked Mr. Yates how much money was left over from the Community Center. Mr. Yates said he would know that within the next few weeks. Selectman Maddox said he felt there would be money left over, adding that he felt this applicant should have to follow the same process as any other applicant. Mr. Tate concurred.

Mr. Tate expressed concern about parking if both fields were in use at the same time. Mr. Maynard said Mr. Yates had an agreement with the School Department to use the upper parking lot. Selectman Maddox asked about access to the fields from the parking lot. Mr. Maynard said there was a path.

Ms. Quinlan noted that the School Board was putting this project through its paces but had not done that with its own projects. Mr. Maynard responded that this project was a joint project.

Mr. Murphy asked Mr. Yates how much input the school had provided regarding the size of the field. Mr. Maynard said the School Department knew exactly what the plan was. Mr. Murphy asked who would get priority of use. Mr. Maynard said the schools would have priority. Mr. Murphy asked about the size of the fields. Mr. Yates said the smaller field would be used by the ladies and the larger field would be used by the men. The dimensions of the fields were discussed, and Mr. Murphy suggested making both field sizes standard. Mr. Maynard said he would take a look at that.

Selectman Maddox expressed the hope that conduit would be installed.

Mr. Maynard asked if the Board would waive application fees, outside engineering reviews, wetlands mapping, and detailed drainage calculations and analysis.

Mr. Hall made a motion to waive the following: application fees, outside engineering reviews, and detailed drainage calculations and analysis. Selectman Maddox seconded the motion.

Mr. Tate asked if the Planning Board should do this, since it was conceptual, saying he would rather just get a consensus.

Chairman Barnes said he felt the Board should go forward with it.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor of the motion and Chairman Barnes declared the motion to have carried (5 -0).

Selectman Maddox asked for something regarding the wetlands mapping. Mr. Maynard said he knew what the Board wanted. Mr. Hall said the Board would not waive anything regarding wetlands.

Greenleaf Estates Subdivision

Chairman Barnes recognized Ms. Quinlan and Mr. Tate as having arrived during the preceding discussion; he then seated Ms. Quinlan in her regular position as a voting member of the Planning Board, and seated Mr. Tate in place of the absent Mr. Rider.

Chairman Barnes noted that the Town Attorney could not attend tonight's meeting to discuss Greenleaf Estates. Selectman Maddox requested that Greenleaf Estates be deferred to the next meeting. He said he had spoken with the Town Engineer, noting that the engineer had stated that the area only needed to be stabilized for the winter. He said he expected to see a cost for the work by next week, adding that the road could be plowed.

Ms. McGrath asked Chairman Barnes if he had had conversations with the Town Attorney. Chairman Barnes responded in the negative. Ms. McGrath requested that Chairman Barnes speak with the Town Attorney to see if there were anything that could be done so that the Town would not be held liable and be forced to pay the cost, and she expressed a belief that there had to be something that could be done to protect the Town. She expressed concern that the Town Attorney did not seem to be aware of her concerns.

Mr. Tate expressed disagreement with Ms. McGrath, saying that the bond was supposed to protect the Town.

Ms. Quinlan said she thought the Town Attorney's advice was clear.

Ms. McGrath said she thought the Town Attorney's advice was clear but that she did not think he understood the concerns of some of the Board members. She expressed concern that the Town would be stuck with paying for the work in the development. Ms. Quinlan said she did not think a lien was the answer. She suggested that the Site Plan could be revoked. Ms. McGrath said it was too late for that.

Mr. Murphy said he felt the Board needed more information before making a decision.

Selectman Maddox reiterated his suggestion to do more research before making a decision. Chairman Barnes said he would contact the Town Attorney.

Selectman Maddox moved to defer Greenleaf Estates Subdivision date specific to the October 12, 2005, Planning Board meeting.

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

Chairman Barnes said this item would be taken up under **Other Business** at next week's meeting.

Mr. Murphy requested that, without objection, **Old Business, B., Busnach Estates**, be taken out of order since only one person remained in the audience. Hearing no objection, Chairman Barnes addressed that item.

VIII. WORKSHOP

I. OLD BUSINESS

B. Busnach Estates

Map 191/Lot 41
27-43 Belknap Road

Purpose of Plan: Request for Bond Reduction.

Ms. McGrath said she would abstain from this case since she had not been in attendance when this case was last heard.

Mr. Tate said this project seemed to go along without any problem. Selectman Maddox said he had heard nothing negative about this project.

Selectman Maddox moved to reduce the surety for Busnach Subdivision from \$86,4323.00 to \$33,33613.00 in accordance with the written recommendation of Town Engineer Tom Sommers, dated September 15, 2005, and per the following condition: "Said surety shall be established in the form of a Hampton -style letter of credit or cash deposit to be held by the Town. "

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

VI. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes noted that the minutes of the meeting of August 24, 2005, would be reviewed at tonight's meeting.

August 24, 2005 Minutes

Chairman Barnes addressed the minutes for the meeting of August 24, 2005, asking the members of the Board for changes or corrections.

Chairman Barnes referenced Page 5, the fifth paragraph, noting that September 29 should be September 28.

Chairman Barnes referenced Page 9, noting that some of the references to the Qroe firm were spelled incorrectly.

Chairman Barnes referenced Page 11, the last paragraph, noting that "Audubon" was misspelled.

Chairman Barnes referenced Page 18, noting that "Unicorn Park" was misspelled.

No additional changes being brought forward, Ms. McGrath moved to approve the August 24, 2005, Planning Board minutes as amended. 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).

VIII. WORKSHOP (Continued)

A. Review Official Ballot Referendum Town Meetings

Mr. Cashell said he wanted to review the dates and focus in on the remaining schedule for the year.

Mr. Hall noted that the last day to accept petitions was December 14th. Mr. Cashell said the last day to hold the first Public Hearing was January 3rd. Mr. Hall questioned that January 3rd date.

Mr. Howard Dilworth, Jr., sitting in the audience, said that it had been announced at the last NRPC meeting that the December meeting, which normally would be held on December 21st, had been moved back to the 14th.

Mr. Hall said the petition could be heard on the 14th.

Ms. Quinlan moved to cancel the October 26, 2005, and November 2, 2005, Planning Board meetings. 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 (6 –0–1).

Ms. McGrath moved to cancel the November 23, 2005, and December 28, 2005, Planning Board meetings. Mr. Murphy seconded the motion.

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

B. Review Chapter 249 of the Town Code – Noise

Mr. Cashell suggested deferring this item to December 7th or 14th.

Ms. McGrath moved to defer the public hearing for review of Chapter 249 of the Town Code, date specific, to the December 7, 2005, meeting. Ms. Quinlan seconded the motion.

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

I. OLD BUSINESS

B. Stop & Shop

Lowell Road/Wason Road

Purpose of Plan: Request Release of Cash Bond.

Mr. Cashell said the applicant was going from a cash bond to a letter of credit. He said the cash bond was \$27,878.05 and the letter of credit was for \$27,323.99, in accordance with the Town Engineer's written recommendation. Chairman Barnes questioned why there was a difference; no explanation was given.

Selectman Maddox moved to replace the existing \$27,878.05 Stop & Shop cash bond with a Wachovia Bank Letter of Credit in the amount of \$27,323.99 in accordance with the written recommendation of Town Engineer Tom Sommers, dated August 2, 2005. Mr. Tate seconded the motion.

Mr. Murphy asked why Stop & Shop would request the change. Mr. Hall explained that a letter of credit did not cost anything.

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).

II. NEW BUSINESS/PUBLIC HEARINGS

Chairman Barnes noted that there were no **New Business** public hearing items to discuss at tonight's meeting.

IV. PERFORMANCE SURETIES AND STREET ACCEPTANCES

Chairman Barnes noted that there were no **Performance Sureties and Street Acceptance** items to discuss at tonight's meeting.

XII. OTHER BUSINESS

A. Review status on Kimball Heights II – Offsite Improvement Contribution

Mr. Cashell said the applicants were still putting their story together.

Ms. McGrath moved to defer this item, date specific , to the December 12, 2005, Planning Board meeting . 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).

B. Review status on Stop & Shop – Offsite Improvement Contribution

Mr. Hall asked if there were two bonds. Selectman Maddox confirmed that there were two bonds. Mr. Hall questioned the improvements to Wason Road. He asked if there were two \$50,000 bonds. Mr. Cashell said his understanding was that the Board wanted the Town Engineer to figure it out. Mr. Hall said he was talking about Wason Road. Mr. Cashell said he was led to believe it was from Hardy Lane to Wason Road. Mr. Hall asked if Mr. Cashell had made a mistake in saying Wason Road in his memorandum . Mr. Cashell acknowledged that it was a mistake.

Selectman Maddox referenced the October 23, 2002 Planning Board minutes, reading that portion of the minutes referring to the bond and adding that he did not see anything about Wason Road. Mr. Hall said Stop & Shop had agreed to give money to the Town for improvements to Wason Road if it were determined that improvements were required.

Ms. McGrath said Stop & Shop was liable for any improvements to Wason Road. She said the discussion was about that section of the corner of Wason Road up to Hardy Road, stating money had been contributed for that.

Selectman Maddox referenced Item 19. He said a contribution of \$10,000.00 was to be put into a fund to defer the cost of adding additional pavement to Wason Road.

Ms. McGrath moved to defer this item, date specific, to the October 12, 2005, Planning Board meeting.

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

C. Master Plan

Chairman Barnes asked about the Master Plan. Mr. Cashell said the Board would see it at next week's meeting.

D. Hawkview Estates

Chairman Barnes asked for the minutes of the conceptual reviews of Hawkview Estates.

E. Green Meadow Golf Club

Ms. McGrath noted possible changes to the Green Meadow Golf Course.

F. Zoning Administrator Determinations

Ms. McGrath asked about last week's Board of Selectmen's meeting. Selectman Maddox said the Board of Selectmen was concerned that the Planning Board appeared to be becoming the zoning enforcement agency. He said the Board of Selectmen said that was incorrect, adding that Director Sullivan was supposed to return to the Board of Selectmen with a solution.

Ms. McGrath expressed great concern about Director Sullivan not wanting the Planning Board to ask him questions. Ms. Quinlan said that concern should be brought out. Ms. McGrath suggested a joint meeting between the Planning Board and the Board of Selectmen.

Mr. Tate said this had been a problem for 20 years. If the Board had a problem with the Zoning Administrator, he said, that gripe should go to the Board of Selectmen.

Ms. McGrath said the Board required many things of developers, adding that it was not fair that some developers did not have to go through the same process that others did.

Mr. J. Bradford Seabury , a member of the Zoning Board of Adjustment, referenced HTC-141, saying it required the Zoning Administrator to provide a copy of all decisions to the members of the Zoning Board of Adjustment and the Planning Board. Ms. McGrath said the current Zoning Administrator found that process unacceptable , stating that Director Sullivan had refused to submit decisions to the Board on two occasions.

Mr. Cashell suggested going to the Board of Selectmen. Selectman Maddox said he felt the Town Attorney needed to be involved. He said the issue was the same as it had been in 2002. Selectman Maddox said he could ask the Board of Selectmen to set up the meeting. Ms. McGrath said she wanted to get a copy of the minutes from the last joint meeting. Selectman Maddox said he felt zoning determinations should be logged and tracked. Mr. Hall asked if Selectman Maddox felt the Zoning Administrator should respond to every request for a zoning determination ; Selectman Maddox answered in the affirmative. Mr. Hall said he felt it was more efficient for the Board to ask for a determination as a Board , rather than to have each member request the determination on an individual basis. Mr. Murphy expressed agreement with Selectman Maddox .

Selectman Maddox said the issue was that the Planning Board could become problematic in the process. Mr. Hall expressed concern that the Zoning Administrator did not have to make written determinations.

Ms. Quinlan left the meeting at 9:02 p.m.

Mr. Cashell said the Planning Board had the right to ask questions , but the issue was what the right process was . Ms. McGrath said the issue was that the Zoning Administrator did not like it when his determinations were appealed. Mr. Cashell said that should go to the Board of Selectmen.

Chairman Barnes said the Planning Board needed to see what Director Sullivan's solution would be; he then confirmed that Selectman Maddox would try to set up the joint meeting.

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, Mr. Hall made a motion to adjourn . Mr. Tate seconded the motion.

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

Chairman Barnes then declared the meeting to be adjourned at 9:14 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
October 5, 2005**

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Date: February 21, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

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

These minutes were accepted following review
at the 04-02-08 Planning Board meeting.