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|---|-------------------------------------|
| B. Rolling Woods Open Space Development
(OSD) Residential Subdivision
SB# 06-15 | Map 144/Lot 21

4 Bockes Road |
|---|-------------------------------------|
-

Purpose of Plan: to propose a 16-lot OSD Residential Subdivision at 4 Bockes Road, Map 144/Lot 21, which consists of 26.82 acres +/- . This development also proposes to extend York Drive in order to create a 3-lot conventional subdivision. Deferred Date Specific from the July 8, 2015 Planning Board Meeting.

- XII. DESIGN REVIEW PHASE
- XIII. CONCEPTUAL REVIEW ONLY
- XIV. NEW BUSINESS/PUBLIC HEARINGS
- XV. OTHER BUSINESS
- XVI. ADJOURNMENT

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.

John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 07-31-15

Orchard at Nottingham (90 Gowing Road) ZBA Input on Approved (OSD) Subdivision Plan

Staff Report
August 12, 2015

SITE: 90 Gowing Road -- Map 231/Lot 053 -- ZI# 01-15

ZONING: Residential-Two (R-2) – Minimum Lot Size w/out sewer or water 60,000 sf for a duplex and 43,560 sf (1 acre) for a single-family dwelling and 150 ft. of frontage.

PURPOSE OF PLAN: to work within Wetland Buffer Zone, requiring Conservation Commission and Planning Board Input to the Zoning Board of Adjustment (ZBA), relative to the ZBA conducting a public hearing for a Wetland Buffer Impact Special Exception, per Section 334-35 of the most recent Town Zoning Ordinance.

PLANS UNDER REVIEW ENTITLED: *“Orchard at Nottingham”* Grading Plan, Gowing Road, Map 231/Lot 053, Hudson, New Hampshire, prepared by Meisner Brem Corporation, 51 Main St., Salem, NH, dated 16 SEPT 2014, last revised 24 JUN 2015, consisting of Sheets 8 & 9 of 13 and Construction Notes 1 – 5 and Maintenance Notes 1 - 5 (said plans are attached hereto).

APPLICANT REPRESENTATIVE: Jeffery Brem, P.E, Meisner-Brem Corp. and Atty. Jeffery Zall.

ATTACHMENTS:

- 1) ZBA Input Application, Project Narrative, including existing site photos for Orchard at Nottingham, stamp dated 24 JUL 15 – “A”.
- 2) NHDES Approval for Subdivision of Land, dated 21 JUL 15 – “B”.
- 3) Notice of Approval for Orchard at Nottingham OSD Subdivision – “C”.

OUTSTANDING ISSUES & RECOMMENDATION:

The Orchard at Nottingham OSD Subdivision was approved by the Planning Board on 14 JAN 2015 (see Notice of Approval Attachment “C”). After it was approved, and further engineering work was performed, it was determined by the project engineer that there are 2 wetland buffer areas that will be impacted by construction elements of this subdivision. In this regard, please see attached Sheets 8 & 9 of 13, of the approved Subdivision Plan, which in effect, show the 2 wetland buffer impact areas. That is, on Sheet 8, please see the proposed 620 sf wetland buffer impact (shaded area) on the south side of the Gowing Rd/Stonewall Dr. intersection. The second wetland buffer impact is 9,620 sf, and is located along the rear yard area of Lot 10 (shaded area). These 2 areas of wetland buffer impact are further described in the Project Narrative, Sec. V. , pg. 3. (“A”).

NOTE: The Orchard at Nottingham OSD Subdivision Plan has only been conditionally approved, meaning that it has not been endorsed yet by the Planning Board, nor record at the HCRD.

REQUESTED WAIVERS: N/A

APPLICATION TRACKING:

- 24 JUL 15 – ZBA Input Only application submitted;
- 12 AUG 15 - Initial Public Hearing scheduled.

DRAFT MOTION:

I move to forward correspondence to the ZBA, notifying that body that the Planning Board has no concerns regarding the proposed Wetland Special Exception, which calls for 2 wetland buffer area impacts, as depicted on the ZBA Input Plan-of-Record entitled: *“Orchard at Nottingham”* Grading Plan, Gowing Road, Map 231/Lot 053, Hudson, New Hampshire, prepared by Meisner Brem Corporation, 51 Main St., Salem, NH, dated 16 SEPT 2014, last revised 24 JUN 2015, consisting of Sheets 8 & 9 of 13 and Construction Notes 1 – 5 and Maintenance Notes 1 – 5.

Motion by: _____ Second: _____ Carried/Failed: _____.

"A"



ZBA INPUT ONLY
APPLICATION FOR REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application: July 23 2015 Tax Map # 231 Lot # 053

Name of Project: Orchard at Nottingham

Zoning District: _____ General Zoning ID# 01-15
(For Office Use) (For Office Use)

ZBA Action: _____

PROPERTY OWNER:

DEVELOPER:

Name: Richard and Elaine Wojcik
Address: 90 Gowing Road
Address: Hudson, NH 03051
Telephone #: 781-272-2000
Fax #: _____
Email: _____

Same

PROJECT ENGINEER

Name: Meisner Brem Corporation
Address: 202 Main Street
Address: Salem, NH 03079

Telephone # 978-692-1313
Fax # 978-692-0303
Email: jabrem@meisnerbrem.com

PURPOSE OF PLAN:

Work within Wetland Buffer Zone requiring Conservation Commission and Planning Board input to the ZBA, relative to the ZBA granting a special exception for said Buffer Impact per Section 334-35 of the most recent Town Zoning Ordinance.

(For Office Use)

Plan Routing Date: _____ Plan Date: _____

_____ I have no comments _____ I have comments (attach to form)

_____ Title: _____ Date: _____

(Initials)

Department:

_____ Zoning _____ Engineering _____ Assessor _____ Police _____ Fire _____ Planning

_____ Highway _____ Consultant Review _____ Fees Paid

**APPLICATION FOR ZBA INPUT ONLY REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

I hereby apply for ZBA Input Only Review and acknowledge I will comply with all of the Ordinances of the Town of Hudson, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the *ZBA Input Only* specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s), by the filing of this application as indicated above, hereby give permission for any member of the Hudson Planning Board, the Town Engineer, the Conservation Commission and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on his/her (their) property in connection with this applications.

Signature of Owner: Richard J Wojcik

- ❖ If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

Signature of Developer: Same

- ❖ The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.

Technical Review Signature: _____

Planner Approval Signature: Jan O'Neil

Twenty-one days prior to the scheduled Planning Board Meeting, a complete subdivision, or site plan application including all supporting materials/documents must be submitted in final form to the Town Planner's Office.

- ❖ Please schedule an appointment with the Town Planner for initial plan submittal.
- ❖ Revisions are due on Tuesday the week prior to the Planning Board deferral date by 10:00AM. Any application/materials received after that time will be deferred until the next available meeting date.

APPLICATION FOR ZBA INPUT ONLY REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE

SCHEDULE OF FEES

A. REVIEW FEES

1. ZBA Input Only - \$100.00	\$ <u>100.00</u>
2. Advertising Fee - \$ 40.00	\$ <u>40.00</u>
TOTAL	\$ <u>140.00</u>

(For Office Use)

AMOUNT DUE	\$ <u>140.00</u>	DATE RECEIVED	<u>7/24/15</u>
AMOUNT RECEIVED	\$ <u>140.00</u>	RECEIPT NO.	<u>379,091</u>
		RECEIVED BY	<u>BL</u>



MEISNER BREM CORP
(978) 692-1313 FAX (978) 692-0303
142 LITTLETON RD., STE. 16
WESTFORD, MA 01886

PROJECT: WOJCIK LAND
MBC PROJECT NO. 7083
LOCATION: GOWING ROAD, HUDSON, NH
PURPOSE: **NARRATIVE TO ACCOMPANY FINAL SUBDIVISION PLAN**
DATE: SEPTEMBER 17, 2014 - 7/20/15

I. INTRODUCTION

This report is intended to provide background information relative to the proposed 16 lot Open Space Residential Subdivision off Gowing Road (near 90 Gowing Road) in Hudson, NH presently owned by Richard & Elaine Wojcik.

Hudson Zoning Ordinance, Article X1 allows Open Space Development for projects that set aside a minimum area as permanent open space. The regulatory purpose and definition of Open Space Development in Hudson's Zoning Ordinance provides the goals and objectives most clearly:

Purpose: The purpose of open space developments is to preserve the rural and scenic character of Hudson by encouraging more efficient patterns of land development which conserve open and green spaces, farmland, wildlife habitats, water resources, scenic areas and other natural resources. It is also designed to provide for increased recreational opportunities and to promote greater neighborhood cohesion, without altering overall land use densities or land use patterns.

Definition: Open Space Development (OSD): A form of land subdivision where lot size and other dimensional requirements and minimum road widths may be reduced in exchange for the permanent preservation or provision of proportional areas of open space, farmland, recreational land and other lands. An "OSD" shall adhere to the permitted uses and density requirements otherwise applicable to the district in which the "OSD" is located.

II. LAND DESCRIPTION

The property consists of 32.36 ⁺¹ acres of various landforms. A portion of the property (approximately 2 acres) is presently a homesite with a dwelling, garage, sports court, long driveway, and lawn areas around the home. Other improvements on the land include a small apple orchard to the south portion of the property (less than 1 acre), a small blueberry patch to the east of the orchard, a large centrally located and aesthetically pleasing hay field of approximately 300' x 400', a widening portion of Musquash Brook to the northwest which includes a small, beautiful pond, and various mixed woodland areas. Stone walls are throughout.

The wetlands are limited to Musquash Brook to the north and west, a small drainage channel to the west, and a small drainage channel near Gowing Road to the south.

The topography generally goes down-hill from Gowing Road and along the southerly line property line to the north by the brook. In virtually all areas the slope is gentle and slightly rolling.

A small section of the parent tract of approximately 3.7 acres is within Pelham, NH but the Town Line is the owner determined boundary line pursuant to NH RSA. This parcel is adjacent to Town of Pelham owned land.

III. HISTORY

The applicant appeared before the Hudson Planning Board on several occasions in the fall of 2013 to discuss the project. At the time the project consisted of 19 lots, including the existing home on a new lot, serviced by two proposed roadways both ending in a cul-de-sac.

After several months and discussions with the abutters related to the number of lots and the access off Gowing Road, both inclusive of the Planning Board and outside the Board's purview, the applicant voluntarily reduced the project to 16 lots and eliminated one of the cul-de-sac roads.

On January 14, 2015, after public hearings on the application, the Hudson Planning Board granted conditional approval of the project for 16 lots (including the existing home) with two waivers, i) a waiver for length of cul-de-sac and ii) a small and "insignificant" increase in post development rate of runoff.

¹ Property acreage is approximated due to the rear boundary line being the center of Musquash Brook, which changes over time.

IV. PROPOSED PROJECT

All 16 lots will have private, on-site septic systems and wells so it should be noted that the lots will be required to meet state of NH lot sizing computation. The State Subdivision application for lot division has been approved.

The project proposes to provide 14.79 acres of dedicated open space.

In order to meet the objectives of the Open Space Development as outlined in the purpose and definition, the plan protects the wetland associated with Musquash Brook and the pond that bisects the project's northern boundary. The plan protects the rear of several lots along the existing subdivision road, Beaver Path, and the adjacent lot on Gowing Road (to the west) by providing a large swath of open space at the front of the property. This was a major concern of the abutters.

The purposes of providing an open space plan is not just to protect open space but to allow a flexibility in design to protect specific vistas, fields, agricultural and similar resources. This has allowed the owner to provide this important buffer to his neighbors.

V. PROPOSED IMPACT TO WETLAND BUFFER ZONE

The only impacts to the wetland buffer zone are i) a small area at the access/egress of the property at Gowing Road and ii) work near the edge of the wetland associated with Musquash Brook for the construction of a portions of the stormwater management facility and the proposed grass conveyance swale as part of the outlet control. These are shown on the accompanying plans. No work is proposed within the 100 Year Flood Zone A.









The State of New Hampshire
Department of Environmental Services

B



Thomas S. Burack, Commissioner

APPROVAL FOR SUBDIVISION OF LAND

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN

SUBDIVISION APPROVAL DATE: 7/21/2015

APPROVAL NUMBER: eSA2015072103

I. PROJECT LOCATION

Subdivision Name: ROLLING WOODS
Address: 4 BOCKES ROAD
HUDSON NH 03051
Tax Map: 144
Parent Lot No.: 21
No. of Lots: 16
Lot Nos.: 1-16

II. OWNER INFORMATION

Name: STINSON HILLS LLC
Address: 317 S RIVER RD
BEDFORD NH 03110

III. APPLICANT INFORMATION

Name: KEACH-NORDSTROM ASSOCIATES INC
Address: 10 COMMERCE PK NORTH STE 3
BEDFORD NH 03110

IV. DESIGNER INFORMATION

Name: JAMES A NORDSTROM
Address: 15 VILLAGE CIRCLE WAY APT 8
MANCHESTER NH 03102
Permit No.: 01389

V. SURVEYOR INFORMATION

Name: ANTHONY M BASSO
Address: 10 SHORT ST
MERRIMACK NH 03054
Permit No.: 00903

IV. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Subdivision of Land

A. OTHER CONDITIONS AND WAIVERS:

1. Approved for (16) single family lots and remaining land non-buildable open space lots.
2. This approval is contingent upon the execution of the conservation restriction deed pursuant to RSA 477:3, acceptance of the conservation restriction pursuant to RSA 477:47 and the recording of said deed pursuant to RSA 477:3-a.

Darren K. King
Subsurface Systems Bureau

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C
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NOTICE OF APPROVAL

January 20, 2015

Owner or Applicant: Richard Wojcik
90 Gowing Road
Hudson, NH 03051

On Wednesday, January 14, 2015, the Hudson Planning Board heard subject case SB# 09-14 "Orchard at Nottingham Subdivision".

SUBJECT: Purpose of plan: is to subdivide the subject land, Map 231, Lot 053 into 16 single-family residential house lots and 2 open-space parcels, pursuant to Article XI of the Town of Hudson Zoning Ordinance. Application Acceptance & Hearing. Deferred Date Specific from the 12-10-14 Planning Board Meeting.

LOCATION: Map 231/Lot 053 – 90 Gowing Road

You are hereby notified of the subject plat presented before the Planning Board and the following action:

Requested Waivers:

1) **HTC 289-18.B.(2) – Length of Cul-de-sac**

The Planning Board voted to grant the requested waiver – HTC 289-18.B.(2) – Length of Cul-de-sac – because in order to provide the front buffer for the neighbors, at their strong request, and to lay out the subdivision with reasonably shaped lots, while at the same time provide significant protective open space, it was necessary to extend the cul-de-sac, and as the applicant offered to require sprinklered houses on lots 7 thru 13 (as further cited in condition of approval #9), and as such, the spirit and intent of the regulations, via good design, buffers and environmental protection have been provided.

2) HTC 290-4.A.(10) – Post Development Peak Rate Runoff

The Planning Board voted to grant the requested waiver – HTC 290-4.A.(10) – Post Development Peak Rate Runoff – because the request involves an insignificant increase in the 2-yr. storm event (i.e., 0.24 cfs), and as such, will not cause any flooding or other drainage related issues to the vicinity environment (see Town’s Consultant Engineer Comments, CLD, Inc. dated 17 Nov 2014, which supports this determination), and as such, the granting of this waiver is not contrary to the spirit and intent of the Planning Board’s Stormwater Management Regulations.

The Planning Board voted to approve the subdivision plan entitled: “**Orchard at Nottingham**” Map 231 – Lot 053, Hudson, New Hampshire, prepared by Meisner Brem Corporation, 51 Main Street, Salem, NH, dated 16 Sept 2014, last revised thru 07 Jan 2015, consisting of Sheets 1 – 13 and Notes 1 – 9 and various notes on Sheet 2 of 13, 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 HCRD, together with the above Subdivision Plan-of-Record (hereafter referred to as the Plan).
- 2) Prior to Planning Board endorsement of the Plan, Town Counsel shall favorably recommend on the Development Agreement and all Drain Easement and Open Space Deeds pertaining to the Plan.
- 3) Prior to Planning Board endorsement of the Plan, the following 3 Notes shall be inscribed on Sheet 2 of the Plan:
 - a) CAP Fee in the amount of \$975.26, per residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
 - b) 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.
 - c) A recreation contribution in the amount of \$400.00 per residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
- 4) This approval is subject to final engineering review.

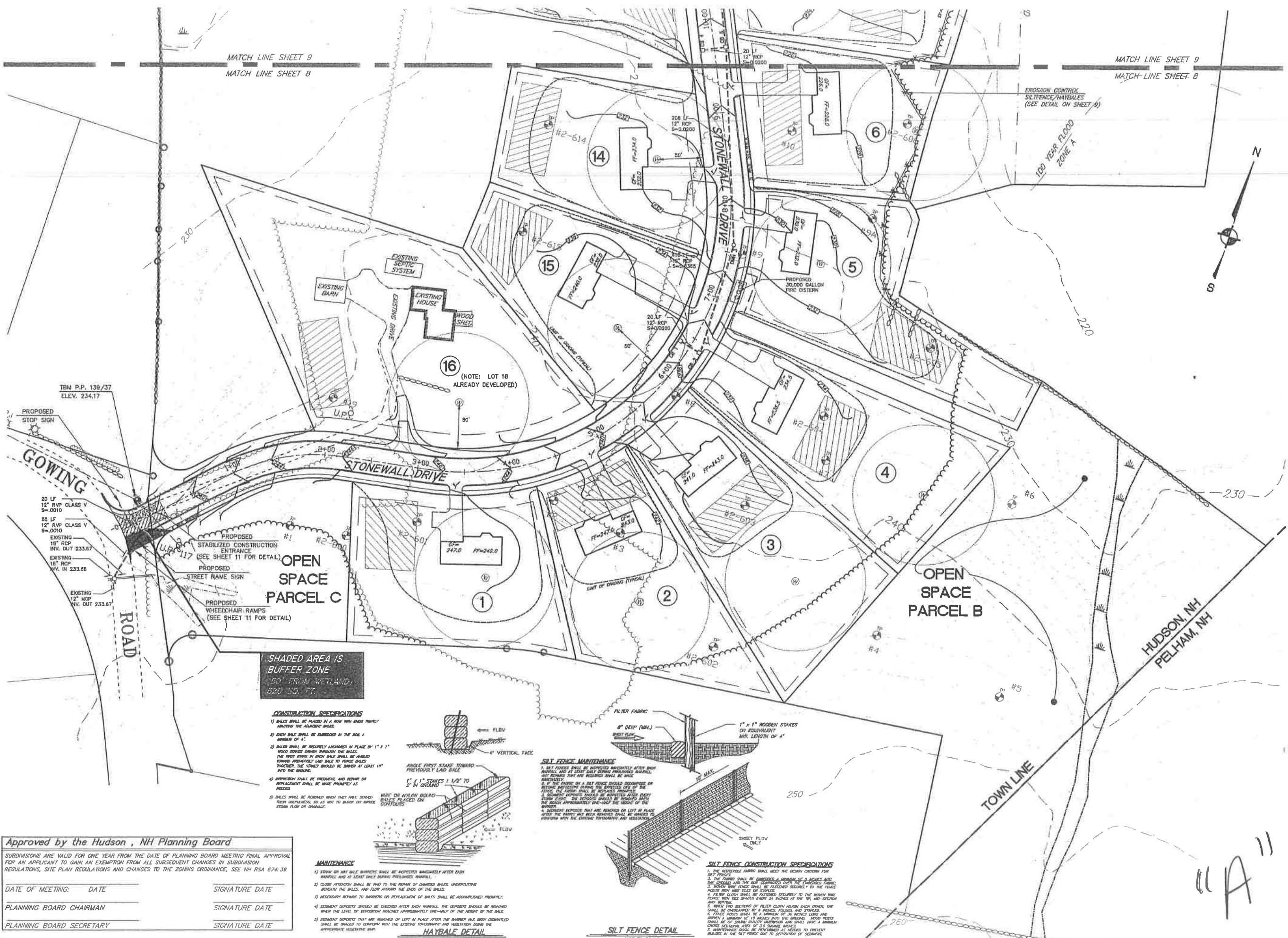
- 5) If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 A.M. and 5:00 P.M. Monday through Friday only. Said blasting/ramming activities shall be prohibited on Saturday and Sunday.
- 6) Construction activities involving the lots shall be limited to the hours between 7:00 A.M. and 6:00 P.M., Monday through Friday. Interior construction activities are allowed on Saturday between 7:00 A.M. and 6:00 P.M. Both interior and exterior construction activities are prohibited on Sunday. Note: this condition shall be properly inscribed on Sheets 3 and 4 of the Plans prior to Planning Board endorsement of same.
- 7) The developer shall be responsible for the installation of a road status sign at the entrance drive to this subdivision in accordance with Section 289-40 of the Planning Board's Land Use Regulations. Note: the aforementioned sign is in addition to the "Dead End" sign cited in Note 15, of the General Construction Notes found on Sheet 2 of the Plan.
- 8) The above-cited and approved waivers shall be inscribed on the Plan prior to Planning Board endorsement.
- 9) As offered by the Applicant, and as agreed to by the Planning Board, fire suppression sprinkler systems shall be installed in all dwellings in this subdivision which are located greater than 1,000 ft. from the centerline of the intersecting street (i.e., Gowing Road, lots 7 thru 13, inclusive). This stipulation is provided in accordance with the legal opinion of Town Counsel, Atty. Dan Crean, which is attached herewith, dated December 16, 2014. Note: said sprinkler systems and their maintenance shall be included in the deed for each affected lot.
- 10) An offsite traffic improvement fee, in the amount of \$500.00 per dwelling, shall be paid prior to the issuance of a Certificate of Occupancy, and this fee shall be expended exclusive to traffic improvements implemented within Gowing Road, and its associated intersections, and in accordance with the provisions set forth in §334-74.11 of the Town's Zoning Ordinance, (i.e., a study of physical improvements with regard to Gowing, Sanders, Musquash and Dracut road intersections).

- 11) Prior to street acceptance, As-Built Plans of the right-of-way and all of its appurtenances shall be submitted, at the Applicant's expense, to the Planning Board for action in accordance with Section 289 – Subdivision of Land Regulations..

All representations of fact or intention made by the applicant or any applicant's representative during testimony before the Planning Board relative to the obtaining approval of this plan, shall be considered conditions of this approval regardless of the fact that such fact or intentions were not specifically stated as part of the motion to grant.

Signed:  Date: 1-20-15
John M. Cashell
Town Planner

cc: Meisner Brem Corporation



LOCUS MAP
SCALE 1"=1,000'

WOJCIK PROPERTY
Hudson, New Hampshire
MAP 231 - LOT 053

Owner/Applicant:
RICHARD & ELAINE WOJCIK
90 GOWING ROAD
HUDSON, NH 03051

DEED REFERENCE: BOOK 2774 PAGE 283, HCRD
TOTAL PARCEL AREA = 32.36 ACRES ±
(1,409,585 S.F.±)

CURRENT ZONING DISTRICT: R2 - RESIDENTIAL
LOT REQUIREMENTS (OPEN SPACE DEVELOPMENT)
OPEN SPACE DEVELOPMENT "OSD" - SINGLE FAMILY
MINIMUM LOT AREA (PER ARTICLE XI)
(50% OF CONVENTIONAL 1 ACRE) = 21,780 S.F.
MINIMUM LOT FRONTAGE
(50% OF CONVENTIONAL 150 FEET) = 75 FEET
MINIMUM SETBACKS (50% OF CONVENTIONAL)
FRONT YARD (50% OF 30) = 15 FEET (MIN.)
REAR YARD (50% OF 15) = 7.5 FEET (MIN.)
SIDE YARD (50% OF 15) = 7.5 FEET (MIN.)

NOTE:
INDIVIDUAL LOT GRADING SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. EACH LOT OWNER MA GRADE THE LOT DIFFERENTLY BUT MUST COMPLY WITH ANY RELATED STATUTES OR REGULATIONS. ALL LOT GRADING SHOWN PROVIDES INDEPENDENT TREATMENT OF EACH LOT WITHOUT REQUIRING EASEMENTS OR THRU-LOT GRADING.

REV. 6	8/24/2015	BY: JB/PM	ILLUSTRATIVE GRADING FOR AOT
REV. 5	6/16/2015	BY: PM	REMOVED RV PARKING
REV. 4	1/29/2015	BY: M	PER TOWN COMMENTS
REV. 3	01/07/2015	BY: JL/PM	PER TOWN COMMENTS
REV. 2	11/24/2014	BY: JB/PM	PER TOWN COMMENTS
REV. 1	10/27/2014	BY: M	PER TOWN COMMENTS

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Meisner Brem Corp.

GRADING PLAN
"Orchard at Nottingham"
GOWING ROAD
HUDSON, NEW HAMPSHIRE

ASSESSOR'S MAP 231 / LOT 053

OWNER/APPLICANT
RICHARD & ELAINE WOJCIK
90 GOWING ROAD
HUDSON, NH 03051
BK 2774 PG 283, HCRD

SEPTEMBER 16, 2014

50 25 0 50 100
NOT TO SCALE

MEISNER BREM CORPORATION
142 LITTLETON ROAD, WESTFORD, MA 01886 • (978) 892-1313
151 MAIN STREET, SALEM, NH 03079 • (603) 883-3301

DESIGNED BY: JWB SURVEYED BY: KDM
DRAFTED BY: JAM/JPM JWB MGR/REV: 7/20/14
APPROVED BY: JWB ACAD FILE: 7083m.dwg

8 OF 13

Approved by the Hudson, NH Planning Board

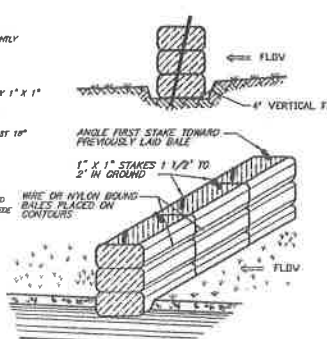
SUBDIVISIONS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:38

DATE OF MEETING:	DATE	SIGNATURE	DATE
PLANNING BOARD CHAIRMAN			
PLANNING BOARD SECRETARY			

SHADED AREA IS BUFFER ZONE
(50' FROM WETLAND)
620 SQ. FT.

CONSTRUCTION SPECIFICATIONS

- 1) BALES SHALL BE PLACED IN A ROW WITH ENDS POINTY ABOUTING THE ADJACENT BALE.
- 2) EACH BALE SHALL BE SUBMERGED IN THE SOIL A MINIMUM OF 4".
- 3) BALES SHALL BE SECURELY ANCHORED IN PLACE BY 1" x 1" WOOD STAKES DRIVEN THROUGH THE BALE. THE FRONT EDGES OF EACH BALE SHALL BE ANCHORED TOGETHER. THE STAKES SHOULD BE DRIVEN AT LEAST 18" INTO THE SOIL.
- 4) INTERLOCKS SHALL BE FREQUENT, AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
- 5) BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR PURPOSE, SO AS NOT TO BLOCK OR IMPAIR STORM FLOW OR DRAINAGE.

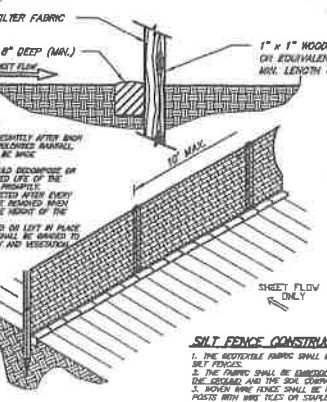


MAINTENANCE

- 1) STAKES ON ANY BALE BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.
- 2) CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED BALES UNDERCUTTING BENEATH THE BALES, AND FLOW AROUND THE ENDS OF THE BALES.
- 3) NECESSARY REPAIRS TO BARRIERS OR REPLACEMENT OF BALES SHALL BE ACCOMPLISHED PROMPTLY.
- 4) SEDIMENT DEPOSITS SHOULD BE CHECKED AFTER EACH RAINFALL. THE DEPOSITS SHOULD BE REMOVED WHEN THE LEVEL OF SEDIMENT REACHES APPROXIMATELY ONE-HALF OF THE HEIGHT OF THE BALE.
- 5) SEDIMENT DEPOSITS THAT ARE REMOVED OF LEFT IN PLACE AFTER THE BARRIER HAS BEEN DISMANTLED SHALL BE GRADDED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATION USING THE APPROPRIATE VEGETATIVE SIB.

SILT FENCE MAINTENANCE

1. SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. NOT REMOVED UNTIL THEY ARE REPAIRED OR REPLACED PROMPTLY.
2. IF THE FABRIC ON A SILT FENCE SHOULD BECOME DAMAGED OR BEFORE EFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPAIRED PROMPTLY. THE REPAIR SHOULD BE MADE IMMEDIATELY AND APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
3. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REPAIRED SHALL BE GRADDED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATION.

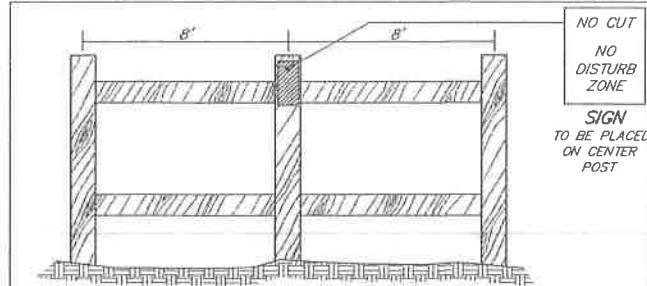


SILT FENCE DETAIL

NOT TO SCALE

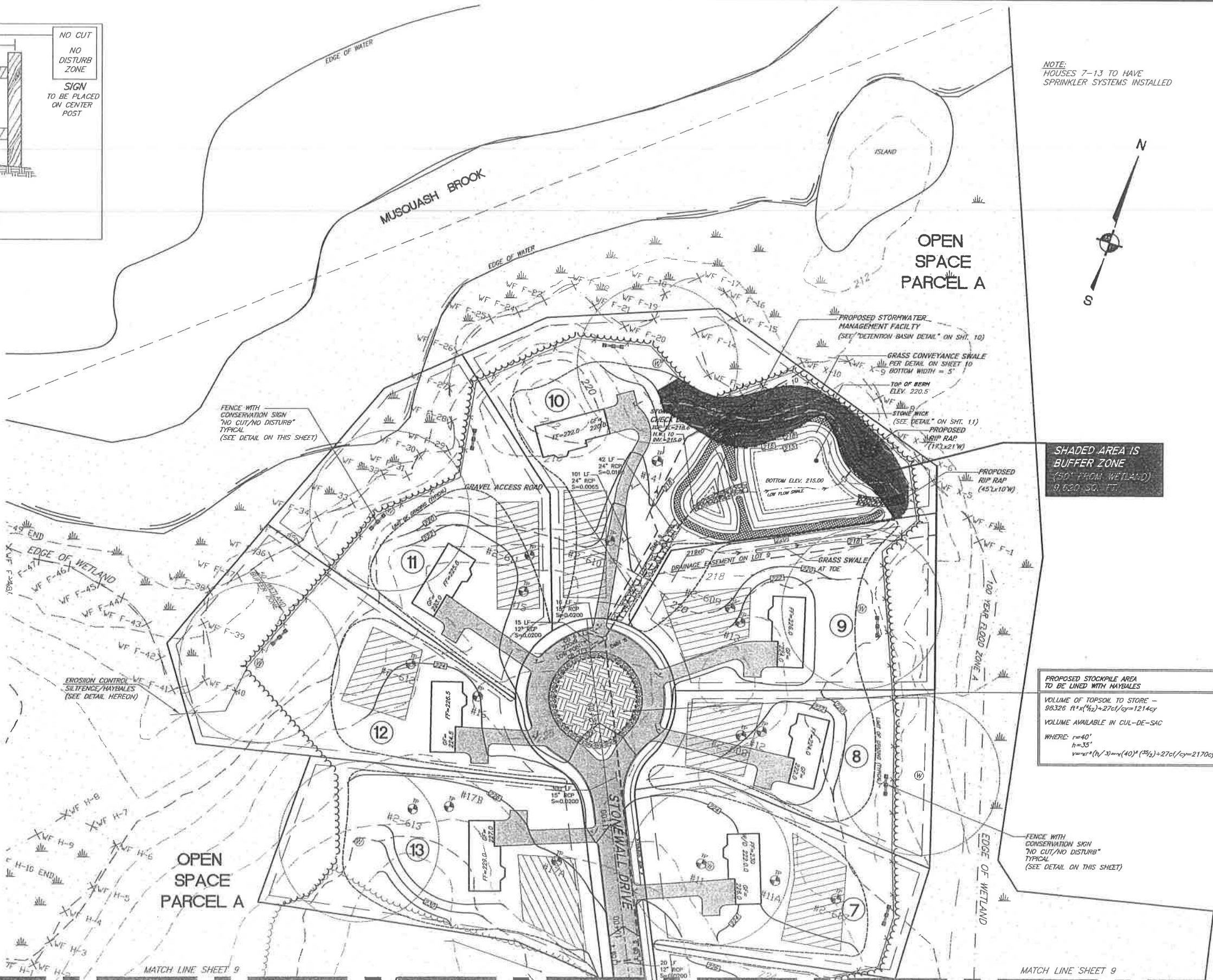
SILT FENCE CONSTRUCTION SPECIFICATIONS

1. THE FILTER FABRIC SHALL MEET THE DESIGN CRITERIA FOR SILT FENCES.
2. THE FABRIC SHALL BE OVERLAPPED A MINIMUM OF 6 INCHES AND THE SEAMS AND THE SOIL CHARACTERIZED OVER THE OVERLAP.
3. BARRIERS SHALL BE SECURELY ANCHORED TO THE TRENCH POSTS WITH WIRE TIES OR STAPLES.
4. FILTER FABRIC SHALL BE FASTENED SECURELY TO THE WOODEN WIRE POSTS WITH WIRE STAPLES EVERY 24 INCHES AT THE TOP, MID-SECTION AND BOTTOM.
5. WHEN TWO SECTIONS OF FILTER FABRIC ADJACENT EACH OTHER, THE SEAMS SHALL BE OVERLAPPED BY A MINIMUM OF 6 INCHES, FOLDED AND STAPLED.
6. FENCE POSTS SHALL BE A MINIMUM OF 36 INCHES LONG AND DRIVE A MINIMUM OF 18 INCHES INTO THE GROUND. WOOD POSTS SHALL BE OF SOUND QUALITY HARDWOOD AND SHALL HAVE A MINIMUM CROSS SECTION AREA OF 3.0 SQUARE INCHES.
7. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT BREACHES IN THE SILT FENCE DUE TO DEGRADATION OF SEDIMENT.



NO CUT
NO DISTURB
ZONE
SIGN
TO BE PLACED
ON CENTER
POST

CONSERVATION SIGN DETAIL
NOT TO SCALE
STANDARD WOODEN POST & RAIL FENCE
(TO BE PLACED AT THE REAR OF LOTS 6-12)
SEE PLAN VIEW FOR LOCATIONS



NOTE:
HOUSES 7-13 TO HAVE
SPRINKLER SYSTEMS INSTALLED



LOCUS MAP
SCALE 1"=1,000'

WOJCIK PROPERTY
Hudson, New Hampshire
MAP 231 - LOT 053

Owner/Applicant:
RICHARD & ELAINE WOJCIK
90 GOWING ROAD
HUDSON, NH 03051

DEED REFERENCE: BOOK 2774 PAGE 283, HCRD
TOTAL PARCEL AREA = 32.36 ACRES ±
(1,409,585 S.F.±)

CURRENT ZONING DISTRICT: R2 - RESIDENTIAL

LOT REQUIREMENTS (OPEN SPACE DEVELOPMENT)
OPEN SPACE DEVELOPMENT "OSD" - SINGLE FAMILY
MINIMUM LOT AREA (PER ARTICLE XI)
(50% OF CONVENTIONAL 1 ACRE) = 21,780 S.F.
MINIMUM LOT FRONTAGE
(50% OF CONVENTIONAL 150 FEET) = 75 FEET
MINIMUM SETBACKS (50% OF CONVENTIONAL)
FRONT YARD (50% OF 30) = 15 FEET (MIN.)
REAR YARD (50% OF 15) = 7.5 FEET (MIN.)
SIDE YARD (50% OF 15) = 7.5 FEET (MIN.)

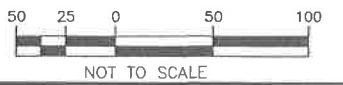
**SHADED AREA IS
BUFFER ZONE
(30' FROM WETLAND)**
9,629.30' S.F.

PROPOSED STOCKPILE AREA
TO BE LINED WITH HAYBALES
VOLUME OF TOPSOIL TO STORE -
98326 ft³ x (1/3) = 32775.33 cy = 1214cy
VOLUME AVAILABLE IN CUL-DE-SAC
WHERE: r=40'
h=35'
volume = (π/3) × (40)² × (35) × 270 / cy = 2170cy

REV. 6		BY:
REV. 5	6/24/2015	BY: JB/PA
REV. 4	1/29/2015	BY: BJ
REV. 3	11/17/2015	BY: JB/PA
REV. 2	11/24/2014	BY: JB/PA
REV. 1	10/27/2014	BY: JA

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GRADING PLAN
"Orchard at Nottingham"
GOWING ROAD
HUDSON, NEW HAMPSHIRE
ASSESSOR'S MAP 231 / LOT 053
OWNER/APPLICANT
RICHARD & ELAINE WOJCIK
90 GOWING ROAD
HUDSON, NH 03051
BK 2774 PG 283, HCRD
SEPTEMBER 16, 2014



MEISNER BREM CORPORATION
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202 MAIN STREET, SALEM, NH 03079 · (603) 883-3301

DESIGNED BY: JAW SURVEYED BY: KDM
DRAFTED BY: JAW/PDM JOB NUMBER: 7083.00
APPROVED BY: JAW ACAD FILE: 7083.m.dwg

9 OF 13

Approved by the Hudson, NH Planning Board

SUBDIVISIONS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:39

DATE OF MEETING:	DATE	SIGNATURE DATE
PLANNING BOARD CHAIRMAN		SIGNATURE DATE
PLANNING BOARD SECRETARY		SIGNATURE DATE

Eagles Nest Estates OSD Subdivision

STAFF REPORT

12 August 2015

SITE: Bush Hill Road - Map 186, Lot 24 Map 194, Lots 9 & 10 Map 195, Lot 1 - SB# 02-15

ZONING: G-1

PURPOSE OF PLAN: Proposed 66-lot Open Space Development (OSD). Project includes a proposed lot-line adjustment between Map 186, Lot 24 and Map 186; Lot 20-4. The newly adjusted Map 186, Lot 24 will be consolidated with Map 194, Lots 9 & 10, Map 195, Lot 1, and Map 201, Lot 7. The consolidated tract will then be subdivided into 65 open-space residential lots. Deferred Date Specific from the 8 July 2015 Meeting.

PLAN UNDER REVIEW ENTITLED: Open Space Development Eagles Nest Estates, Map 186; Lots 20 – 4 & 24, Map 194; Lots 9 & 10, Map 195; Lot 1 and Map 201; Lot 7, Bush Hill Road, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc. dated: 7 JAN 2015, last revised 27 JUL 2105, consisting of Sheets 1 – 102, Sheets L1 – L8, S1 – S5 and Y1 – Y5, together with Notes 1 – 44 on Sheet 2 of 102 (said plans are attached hereto). Please note, the Cover Sheet indicates the latest plan revision date as 18 JUN 2015. This needs to be corrected in the FINAL DRAFT.

ATTACHMENTS:

- 1) BOS 14 JUL 15 Meeting Minutes – “A”.
- 2) Letter from Atty. Andrew Prolman, Applicant’s Counsel, dated 4 AUG 15, RE: Position Concerning Gibson Rd. Improvements; Note: also attached to this Letter is a brief response memo from Town Eng., Elvis Dhima – “B”.
- 3) Various email communications between the Town Eng., Elvis Dhima, the Project Eng., Jeffrey Merritt, and Atty. Andrew Prolman, RE: Proposed Plans to Improve Gibson Rd. – “C”.
- 4) Frank Caprio emails, et al, “D”.
- 5) Paul Beach certified registered return letter, dated 3 AUG 15, RE: Excavation Disapproval by Abutter – “E”.
- 6) Betsy Manning, Hawkview Rd. resident, letter (not dated) – “F”.

REQUESTED WAIVERS (APPROVED AT THE 8 JUL 15 MEETING, AS CITED-BELOW):

a) HTC 289-6.D. – Fiscal Impact Study

Mr. Della-Monica moved to grant the requested waiver: HTC 289-6.D. - Fiscal Impact Study - because said study, in addition to the submitted plans, CAP fees and other submitted application materials, is not necessary to evaluate the fiscal impact of this development, and as such, the granting of this waiver is not contrary to the spirit and intent of the Subdivision of Land Regulations.

Motion seconded by Mr. Ulery. Vote: 6-0-0 Motion carried.

b) HTC 289-37 – Plan Schedule Form

Mr. Della-Monica moved to grant the requested waiver HTC 289-37 – Plan Schedule as depicted on the plan, subject to a four year phasing– because at the present time the Town

of Hudson does not restrict the pace of residential development, nor does the Planning Board anticipate the need to implement same in the foreseeable future, and as such, the granting of this waiver is not contrary to the spirit and intent of the Subdivision of Land Regulations.

Motion seconded by Mr. Ulery. Vote: 5-1-0 (RM) Motion carried.

OUTSTANDING ISSUES:

In accordance with Planning Board action at the 8 JUL 2015 Meeting, for this meeting staff and the Applicant were to submit:

- 1) A legal opinion from Town Counsel, relative to determining the status of whether or not so called "spite strips" are allowed, as proposed by the Applicant, and as shown on the submitted Subdivision Plan. **STATUS:** this legal opinion will follow this staff report later today. In the meantime, as staff reported in the 8 JUL 15 staff report, Atty. Lefevre did state to this author that RSA 674:36, II (b), (c) & (e) requires the proper arrangement and coordination of streets within subdivisions, and the Planning Board's Subdivision regulation 286-18.T, basically prohibits the subject "spite strip". To this effect, the Applicant revised the plans to provide two, rather circuitous 20 ft.-wide driveway access easements for the benefit of Map 194/ Lot 9-2 and Map 195/ Lot 2 (Smith Lot). Please see Sheets 5 thru 8 and 11 & 12 to reference said driveway easements. Note: the pending legal opinion (or other means) might provide more user friendly access concerning the subject lots. As you can see on the Revised Plans, the "spite strip" concerning Map 194/Lot 9-2 still remains on the Plan (please see Sheets 1 & 9 of 102).
- 2) Selectman Maddox was going to introduce the idea of improving Gibson Rd. to the BOS, i.e., relative to the Eagles Nest Subdivision's impact on said road. **STATUS:** please read the attached BOS 14 JUL 15 Meeting Minutes on this matter "A", together with the voluminous number of email communications between various concerned Hudson residents, Board of Selectmen, Planning Board members, and Town staff, which are included in this staff report as attachments "C" & "D". In regard to the issue of Gibson Rd., included in the E-copy of this staff report are various photos and videos of the existing Gibson Rd and its intersection with Hawkview Rd.

At the meeting, it is expected that Selectman Maddox and Chairman Hall will lead the discussion on this offsite improvement element of this application. Please note, on the issue of the Planning Board's authority to impose offsite improvements for proposed subdivisions, please read §334-74.10 & §334-74.11 of the Zoning Ordinance, which read in their entirety, as follows:

§ 334-74.10 Additional assessments.

Payment of an impact fee does not restrict the Town or the Planning Board from requiring other payments from the feepayer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and facilities specifically benefiting the development which are required by the subdivision or site plan review regulations or as otherwise permitted by law.

§ 334-74.11 Premature and scattered development.

Nothing in this article shall be construed to limit the existing authority of the Hudson Planning Board to deny new proposed development which is scattered or premature, to require an unbudgeted expenditure of public funds or to otherwise violate the Town of Hudson Zoning Ordinance or the Hudson Planning Board Site Plan Review Regulations or Subdivision Regulations.^[1]

[1]

Editor's Note: See Ch. 275, Site Plan Review, and Ch. 289, Subdivision of Land, respectively.

As you can see by reading Atty. Prolman's letter, his client, the developer/owner of this subdivision, is amenable to pay for the Hawkview Rd. offsite improvement, i.e., \$700, per lot, for reclaiming and resurfacing Hawkview Rd. However, his client is **not** amendable to paying for proposed additional offsite improvements to Gibson Rd. As of this writing, this issue remains outstanding with the BOS.

NOTE: The proposed Gibson Rd. improvements may or may not be further reviewed at the 11 AUG 15 BOS meeting. At next Wed. night's Planning Board meeting, staff and BOS Maddox and McGrath can update the Planning Board on whether or not further action was taken on this matter by the BOS at said 11 AUG meeting.

3) Please note, the Plans are signed and stamped by: Jeffrey Merritt, P.E., Anthony Basso, LLS, and Luke Hurley, CWS (all are certified to practice their respective professions in the State of NH).

4) As with the Rolling Woods OSD Subdivision, staff checked for the accuracy of the Conventional Subdivision calculations for lots 1 - 75, provided on Sheets S1 - S5 & Y1 - Y5 v. the calculations for the proposed OSD lots, 1 - 67 (Sheets 1 and 2 of 102), and found the calculations to be accurate, relative to meeting the required OSD minimum lot sizes and open space requirements v. the minimum conventional lot sizes, per the provisions set forth in below-cited §334-53 and in §334-27. Table of Minimum Dimensional Requirements. In particular, the subdivision is located in an G-1 zoning district, having no municipal water or sewer, which calls for 2 acre minimum buildable lot area in accordance with said table and §334-27.2. and 200 ft. of frontage for single-family and two-family dwellings.

§334-53. Open space requirements

The minimum open space requirement of § 334-50 may be provided through common land or individually owned land placed in permanent conservation or recreational easements or by other land use restrictions. The OSD shall comply with the following conditions:

A. Only undeveloped land, landscaped green space or recreational areas may be included in the calculation of minimum open space requirement. Setback areas along the perimeter of the subdivision may not be included in the open space calculations.

B. Roadways, driveways, rights-of-way, utility easements, parking areas and other developed areas, except for recreational paths, trails or facilities, may not be included as part of minimum open space requirements.

C. Wetland(s), road rights-of-way, and slopes in excess of 25%, shall not be considered in the calculation of total lot area. The one-hundred-year floodplain areas shall not exceed 25% of the total land area of the OSD.

[Amended 3-9-1999; 3-12-2002 by Amdt. No. 8]

D. Whenever possible, lots or dwelling units should be arranged to abut or have direct access to common open space or recreational land.

E. Lots and open space should be arranged to preserve and protect prominent natural features, historic or archaeological resources, scenic vistas, surface water bodies and streams and other important natural and man-made landscape features.
F. The deed for each building lot shall contain an undivided proportional share of all common open space, except as provided for in § 334-54.

5) Please further note: all drainage, open space, slope, sight distance, association and cistern easements and their respective deeds shall be reviewed and favorably recommended on by Town Counsel prior to Planning Board endorsement of the Plan-of-Record. This stipulation is provided below, as usual practice, in the below Motion to Approve. That is, if the board moves to take such action on this Plan.

APPLICATION TRACKING:

- 9 FEB 2015 - Application submitted.
- 11 MAR 2015 - Initial Public Hearing held, application accepted and deferred date specific to the 13 MAY 2015 Meeting.
- 13 MAY 2015 – Per the applicant’s written request, deferred date specific to the 10 JUN 2015 Meeting.
- 10 JUN 2015 - Hearing continued, deferred date specific to the 8 JUL 2015 meeting.
- 8 JUL 2015 - Hearing continued, deferred date specific to the 12 AUG 2015 meeting.

RECOMMENDATION: For this meeting, staff recommends for the board to allow the Applicant to address all remaining board concerns, as well as those of the public. If the above-cited issues concerning Gibson Rd., “No through traffic signs”, and the “spite strip”, are resolved during the meeting, the board may want to move toward taking final action on this Plan. For the board’s consideration in this regard, please see the below DRAFT MOTIONS. Also, if additional conditions derive, per meeting deliberations, such can be added to the below DRAFT MOTION to approve. Otherwise, an additional deferral date specific is in order, preferably, per the Applicant’s written request received at the meeting.

DRAFT MOTIONS:

I move, per the Applicant’s written request (see file for same), to defer further review of the Eagles Nest OSD Subdivision, date specific, to the Sept. 23, 2015 Planning Board meeting.

Motion by: _____ Second: _____ Carried/Failed: _____

MOTION TO APPROVE:

I move to approve the subdivision plan entitled: Open Space Development Eagles Nest Estates, Map 186; Lots 20 – 4 & 24, Map 194; Lots 9 & 10, Map 195; Lot 1 and Map 201; Lot 7, Bush Hill Road, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc. dated: 7 JAN 2015, last revised 27 JUL 2105, consisting of Sheets 1 – 102, Sheets L1 – L8, S1 – S5 and Y1 – Y5, together with Notes 1 – 44 on Sheet 2 of 102, 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 HCRD, together with the above Subdivision Plan-of-Record (hereafter referred to as the Plan).

2. Prior to Planning Board endorsement of the Plan, Town Counsel shall favorably recommend on the Development Agreement, as well as all drainage, open space, slope, sight distance, association and cistern easements and their respective deeds.
3. A CAP amount of \$892.01, per residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
4. 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.
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. This approval is subject to final engineering review.
7. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with local and NHDES requirements for such systems, and the perpetual maintenance of the stormwater treatment structures and treatment and retention basins outside of the ROW, shall be the responsibility of the future homeowner's association comprised of all the homeowners within this subdivision.
8. The number of dwelling lots for this subdivision shall be limited to 67.
9. 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 Saturday and Sunday.
10. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday. No construction activities shall occur on Saturday and Sunday (refer to Note 32, Sheet 2 of 102 on the Plan).
11. The developer shall be responsible for the installation of a road status sign at the entrance drives to this subdivision in accordance with Section 289-40 of the Planning Board's Land Use Regulations, and as stated in Note 21, Sheet 2 of the Plan.
12. An offsite traffic improvement fee, in the amount of \$700, shall be paid prior to the issuance of a Certificate of Occupancy for each dwelling within this subdivision, and this fee shall be expended exclusive to the planned Town efforts to reclaim and repave Hawkview Road, as cited in the Road Agent's memorandum to the board dated 8 JUN 2015 (see said memorandum in file).

Motion by: _____ Second: _____ Carried/Failed: _____

NOTE: Please take the time to read the Plan Notes on Sheet 2 of 102; they are extensive and cover many issues that are important to the board and town, relative to making sure this development and its public construction items are completed in full accord with town standards and practices.

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 14, 2015 Meeting



(Attorney-Client Session, pursuant to RSA 91-A:2 I)

1. CALL TO ORDER - by Chairman Maddox the meeting of July 14, 2015 at 7:13 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Dan Clarke.
3. ATTENDANCE

Board of Selectmen: Rick Maddox, Roger Coutu, Pat Nichols, Marilyn McGrath, Ted Luszey

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Elvis Dhima, Town Engineer; Police Chief Jason Lavoie; Fire Chief Rob Buxton; Captain Bill Avery; Jess Forrence; Doug Robinson

4. PUBLIC INPUT

Chairman Maddox asked Dan Clarke to come to the front of the room.

- Recognition of Dan Clarke - 20 years of service

Chairman Maddox read:

"Daniel Clarke was hired July 13, 1995 as the Maintenance Technician for the Hudson Police Department. He was hired at the same time the Police Department moved to the current facility on Constitution Drive. He has been responsible for the upkeep and maintenance of the police station, the animal control building, and the training/gym facility.

Over the years Dan has become completely familiar with the operating systems in all three buildings. He is able to not only keep the buildings clean, he also makes many of the repairs on his own saving the town money. Even with twenty years on the job, Dan has not slowed down. It is amazing. He is a team player, always coming to work with a smile on his face ready to help. The police station is kept in excellent condition. Recently the CALEA Assessment team was at the building and commented that the State Police Barracks he had just retired from was built the same year as our police station and not nearly as good condition as HPD saying, 'this building looks like it is 20 weeks old as opposed to 20 years old.'

Dan resides here in Hudson with his wife Jane of 28. He has two children: Daniel Jr., and Kayla, and his granddaughter Kadence."

On behalf of the Board of Selectmen, Chairman Maddox noted this is one of the great things about the job. You always say this. I got to the police liaison for a couple of years. I would stop into the facility and do whatever at the station at night time, evenings, whatever, and Dan was there with a smile on his face. Always willing to help. Just a great guy to have in your building. That building if you go to see that building, you will be stunned to think that it is 20 years old. It is just well maintained and that is a reflection upon the Chief from the leadership at the top and Dan for doing the actual work. Again congratulations Sir.

Chief Lavoie echoed the things that were in the write up. Whenever we've ever had an issue with the department, Dan always looks at it first as whether or not can he fix it, how can he go about fixing it instead of calling in someone right away. He's always rolling up his sleeves. He comes in in the middle of the night where we have issues and Dan comes right in and gets us back up and running as fast as he can so that nothing shuts down. He's had some tough jobs that he's had to deal with and he does it without giving us a hard time or anything like that. He just dives right into it and takes care of the issues. Dan we appreciate you being here and looking forward to another 20 years with you as well. Thank you.

Selectman Coutu said I've known Dan since I've become a member of the Board of Selectmen and I can only echo what you and what the Chief has said is that never can you walk in there that he's not cheerio despite whatever the day may bring. On any given day as Dan will attest to, you never know what you're going to find and how you're going to deal with it. We're locking people up. They're not the cleanest people in the world and he makes sure it gets cleaned up and things are taken care of. One of the things - I've said it before and I'll say it again, I've employed a lot of people in my lifetime and I've always said to people that it's worth more money for me to keep you at home if you have a problem and you're bringing it to work because you're not going to be productive here. I'd rather you stay home and correct your problem because I know you'll be twice as productive the next day. Dan if you ever have any problems at home, I have no idea whatsoever. You come in with the same attitude day in and day out. You perform your duties with a smile on your face. On a bad day in the dispatch center for dispatchers, and we know how hectic it can be in the dispatch center, you seem to brighter their day as well. I'm sure that permeates from the Chief on down. To look at you and not smile means that somebody is truly sick and the Chief should be sending them home. You have that positive air about you. You epitomize what we look for, what the Town looks for, what the Town wants to

show as the quality employee and the quality employees that we have in the town. You are the true epitome of an excellent employee. On behalf of myself and our relationship, you know how I feel and I thank you. Coming to chauffeur me from the airport at midnight because I'm with the Police Chief shows your commitment. Thank you.

Selectman McGrath indicated I'm new to this Board. I'm not new to the town but I did take a tour of the Police Department a few weeks ago. I was really impressed with what I saw - not only the people that work there but also the building itself was just pristine. I didn't know you and I wasn't introduced to you but I saw you and you spoke to me and you were very friendly. As a citizen of Hudson and as a new member on this Board, I really appreciate your work, your dedication, and how that building looks, and the quality of people that are there. Thank you.

Chairman Maddox thought the greatest compliment is that Captain Avery said that you clean the cells so well he'd be willing to sleep in one of them. That means something.

Selectman Nichols indicated I don't know you and I've never met you before. I've been here for a little over a year and a half. I want to congratulate you because this is a great honor. I read up on you and I'm amazed that you have done so much good work, with a smile, always happy, always upbeat, and I think that we're very, very lucky that this town has you. Thank you very, very much.

Chairman Maddox asked does anyone in the audience wish to address the Board on any issue which the Board has control of at this time. If so, if you'd come up to the table and state your name and address for the record.

- Eagles Nest Abutters

Christine Caprio - 22 Hawkview Road. We would like to speak to the Board on behalf of the Eagle's Nest development that is proposed before the Planning Board and we have been bringing up some concerns about the traffic. There was a traffic study done on Bush Hill Road above like if you go to the end of Wason and take a right at the end where the new entrance is going to be. The traffic study did not take into account all the traffic that goes from the end of Wason and cuts through Speare to get to Kimball Hill Road. I don't know if you're familiar with that area but Wason is a very heavily used road, very narrow and not very capable accommodating that much traffic and now we're talking about adding to it with quarter mile backups in the morning at the end of Wason trying to get on Route 3. It's a little ridiculous and we're going to have another 66 plus houses in this development. That road (inaudible) service. Then going back home and going to Pelham, there's a number of cars that also cut through Speare both ways. The proposed development would provide a cut through road from Bush Hill into Hawkview which connects to Gibson and then to Kimball Hill Road. So that will allow traffic to get a little bit closer to Pelham. Gibson Road has a farm on it. It's a narrow road, has a nice farm on it that feeds all of our families, and it's a very small narrow road. It's a very small tight nit community, very quiet, dead end roads, and the connection between Hawkview Road and Gibson Road that intersection is rather narrow. I know last year or the year before Gibson Road was repaved and widened to 22 feet. However, some of the narrowest points on Gibson are right where Gibson and Hawkview meet. It becomes pretty difficult for a large vehicle to try and turn into that road when someone is sitting at the end of Hawkview trying to turn onto Gibson.

Ms. Caprio knows a number of people have had to backup when there's a large truck. We don't feel that that intersection is capable of handling even more traffic. On it is, again, a very narrow road and the neighborhood is currently a dead end road and there's lots of people walking their dogs and children playing on the streets. Now make that a through road and we don't have sidewalks to walk on, or children can't really ride their bikes on the road with it becoming yet another Speare Road. Speare is a much wider road than Gibson and even that can't really handle the traffic so well. So we're very concerned about the amount of volume that traffic study would not take into account at all. The increased volume that will be redirected rather than cutting through Speare will now cut through the Hawkview Road and the proposed development.

Selectman Coutu told Chairman Maddox I haven't heard what they want us to do except the problem.

Christine Caprio noted there's also another dead end road off of Hawkview, Kestral Lane. Because of the angles of the road and the vegetation, you end up having to pull out about half way to get a clear shot down the road of what's coming. Obviously the residents of Kestral are very concerned about now there being a large volume of traffic rather than like 8 houses to the right of them. There's going to be 70 plus houses plus all the cut through traffic. The original plan was a long dead-end road coming from Bush Hill and this was vetoed because of the fire safety. It would have been far too long of a dead-end road. I think it was about 7,000 feet. Speare Road would provide a more direct route in and out of Eagle's Nest rather than driving through Gibson and Hawkview. We just feel that overall I personally feel like there's so many people that are living in Hudson now and the roads weren't really planned to handle this much traffic. Wason really can't handle the amount of traffic very well that's on it and we're about to compound that problem not to mention just taking away what's on Hawkview and Gibson. It would be great if we had some other road like a circumferential highway which I know is not in the plans but some other way to route traffic through Hudson.

Chairman Maddox commented Selectman Coutu you asked why they're here and what they're looking for. I think that some of this is my fault. Inasmuch that as your representative to the Planning Board, this has been going through the

machinations of the planning process and I think they're feeling like they're not being heard. Since Hawkview is an existing road, they are our roads. I was looking for guidance from this Board as to what the Board wishes to have as far as offsite improvement requirements and those types of things as we move forward because this is probably getting close to approval at this point for 67 house lots to go in on this complex. Where do we as a Board of Selectmen want to go with our existing roads such that it is narrow? If you've been down Gibson, you can see that I think the Town Engineer measured there's sections that are 17 feet wide. Again I'm looking for guidance how I'm going to vote on this at the Planning Board. I think it's not just affecting this new development. Good or bad, Hawkview is going to be affected and how can we mitigate some of that. The developer at this point is going to repave it but my concern is Gibson and the intersection between Gibson and Hawkview. Again all the people that live there I think all know that if somebody is at the stop they have to wait and let me come out before - any size vehicle can't make the corner because of the geometry. I think, again, from our perspective as the people that own that road, I think we need to have the Town Engineer take a look at this and tell us what it's going to take to upgrade that road and make that part of the offsite improvement. I asked the Town Engineer to do a preliminary just so this Board would have some idea of what we're looking at.

Good evening Mr. Chairman and members of the Board. Elvis Dhima said the reason I was involved with this was typically this is Planning Board. The technical review gets done by CLD but as you said earlier, Planning Board made a statement that the Town Engineer they wanted a second opinion by the Town Engineer regarding this. I went out there. I looked at it. I do have a couple of videos for you to show. I was fortunate enough to have the Fire Department work with me and the Town Planner. If I may I can put it on and show you real quick. What we did is looked at two scenarios - if the vehicles can make the turn at the intersection and if two vehicles can bypass without a problem. Before I put the videos on, I want to say that the width on Gibson Road varies from Kimball Hill to Maccann its about 22 feet wide. From Maccann to Hawkview it varies from 18 to 21. Also the layout or the geometry of the road between Maccann and Hawkview can be a little bit challenging. There's a lot of curves there versus from Maccann to Kimball Hill it's a straight shot. If I may I can put it on line.

Elvis Dhima played the video for an overview. This is Maccann and this is Hawkview. This is Gibson Road. Both sides of it the marking in red are actually existing right of way easements that the town has purchased in the past. I think the purpose of that was to widen the road at some point. With that said on Hawkview at Gibson a fire truck coming around. I'm sitting on Hawkview looking at the intersection. We have parked the town vehicle at the stop sign and we're having a fire truck coming in from Gibson into Hawkview. The fire truck is approximately the same size as a school bus approximately. This will show what's going on when they make a turn and if it's possible or not. As you can also see, we didn't park the town vehicle all the way close to the edge of pavement. We kind of put it very close to the center of the road which is very conservative.

Cindy Rosenberg - 3 Hawkview Road. That's my corner. Do you have a view of Gibson Road as that fire truck has to go around this way in order to come here? Elvis Dhima indicated we do have another video. The Town Planner has that. I don't have that with me right now. I do have a second video that shows what's happening on Gibson.

Elvis Dhima showed the video. I'm sitting at the intersection right now looking at Gibson towards Maccann and Kimball Hill. As you can see, the truck now is getting very close to the edge of pavement. That section right there is approximately 18 feet wide. As you can see, it's slowing down a lot and we have another vehicle coming from Maccann towards the intersection and you can barely see it but there's another one on the other side. Right there, the tires actually go off the road. As you can see, he's getting ready for the other vehicle to make it by. So he's really getting next to the edge of it. With this happening in the regular traffic with people slowing down a lot and to make it through probably not especially during the nights. It's obviously the width personally I believe the width of this particular section between Hawkview to Maccann can be improved. I would say looking at this section between Maccann to Kimball Hill which is 22 feet; I would say that it would make sense for the same width to be available between this intersection to Maccann. That would be my recommendation to the Planning Board. The right of way is available on both sides of it. It's not that we have to go to the abutters and purchase this.

Chairman Maddox asked about the geometry at Gibson and Hawkview Road as far as being able to have sight distance. Elvis Dhima said when I went there, I didn't measure it. Our sight distance is 400 feet. OSHA and the MUCD which is the federal requirement have a different sight distance based on the speed. I believe your street is 25 feet so you're probably looking at 250. I can make the measurements. I did not do that. It wasn't part of the exercise when I went out there but 25 mph I personally didn't see there was sight distance issue there. My concern would be the winter conditions - with a plow and everything. If you lose that width there with a plow. I was making the recommendation to the Planning Board for widening the road there. I think 22 feet.

Cindy Rosenberg said you would have to widen that a lot. The last winter that we had I know it was really unusual. Barely one car could pass. On the right-hand side, that's a 2 to 3 foot drop. The other side - my house, there's a big hill that goes up. You would have to widen quite a bit because the other part of that is you have to accommodate the school children because the school children that live at the beginning of Hawkview actually have to pick up the bus at Maccann. So they have to walk down that road. So not only are you dealing with buses going both ways because we have Pelham buses coming in for up the hill, we have Hudson buses coming in. We have children walking back and forth on that road and now you're adding commuters. You're talking way more than 22 feet. You need a sidewalk.

Here's the dual edge sword. Chairman Maddox said if we make it wider more will come. It will become an easier cut through. It's a balance that again I think this Board needs to decide where we want to go. I believe that we need to widen that road to be able to handle the traffic that it is going to get not only from this development but for the people that are going to come through.

Cindy Rosenberg said you need to just get rid of - you know - it can't accommodate it. Even when you widen it, you're going to have to come back and widen it again, and widen it again.

Chairman Maddox hated to say this but I think that development is going to go in. How can we best mitigate your issues is what we're trying to find out now. They fit the requirements. Ms. Rosenberg said to use another access road. Don't go through that way. It can't accommodate it. We know that it was already in that these houses were coming up. We realize that. What we're trying to say is don't have them drive through that way where its already an issue. It is already an issue. They had to widen it because of the Maccann houses going in there. They widened it a little more and it's still an issue. Chairman Maddox said it should go to 28 feet which is what you're saying which is the town size road. Ms. Rosenberg said it needs to go somewhere else.

Selectman Coutu told the audience that the Chairman is trying to run the meeting. We can't have a whole bunch of people yelling out. This is not the way we operate our board. Please.

Chairman Maddox understood the frustration but again we're trying to do what we can to mitigate the issue. I think that you really have to understand that they meet the requirements. They're going to develop that parcel. I know you want it to go somewhere else but I think that's where it's going to go.

Selectman Luszey had a couple of questions. One is I'm not sure how old that road is given the width and size because it is a separate town road. Two do we have any type of improvements encumbrance put on each lot that's developed to put it away in a capital reserve. Chairman Maddox indicated they're offering \$700 which is basically there to reclaim and repave Hawkview at the end of their construction cycle and that is it.

Tom Manning - 21 Gibson Road. I just wondered by Speare Road is off the table now. There's already a fire road off Speare Road that goes right into where that development is going. Chairman Maddox said they may not own that piece of land and Kara's Crossing I know that that was the first incantation. They have a legal right of way around that cul-de-sac that couldn't be broken as I understand it. That's why they're not going there. They do not have that ability. Mr. Manning indicated about a mile down the road from Kara's Crossing there's a fire road that goes right into where that development is. Chairman Maddox said not on the plan they have. They don't own those lots I guess in the back. Again I'm trying to see what we can do to mitigate the issues and that's what the Board of Selectmen can control because Gibson is theirs. Should we get monies to improve that roadway to be able to handle the traffic you are going to get? Unfortunately that's what it's going to be.

Elizabeth Manning - 21 Gibson. When I look back over the old meeting notes from the Planning Board, I saw that it didn't mention Kara's Crossing. It said that Speare Road cannot handle the traffic. It didn't say that Kara's Crossing was the reason. So I'm going back to Speare Road. It seems like it can't handle the traffic but neither can our neighborhood. Why aren't the improvements on Speare Road being made because that's already open ended and this plot of land is right on the border of Pelham and Windham. If they put in a new development a mile down the road from us in Pelham, we can't stop that and anybody there who wants to get on Route 3 needs to go either Speare Road or down to the 111 Kimball Hill Road intersection and that's always backed up. We don't have many choices. So you need to improve Speare so it can handle the traffic that we can't control that's going to go through there and then hopefully you can put that in there.

Chairman Maddox said because they can't connect to Kara's, that's why that went away.

Selectman Luszey noted the issue actually gets back that there's only two ways to Route 3. It's Wason over or all the way down to here. That's the real issue. I live in that end of town and Wason can't handle the traffic it's got now. Every time we put another development in anywhere up around there, we're seeing more traffic there. Wason is in a failing state. I just don't know what we can do to say we got to make this a 28 foot wide road. We don't have that capability.

Chairman Maddox said we do. We can make the developer do offsite improvements because they are going to be the cause of this road being in failure.

Selectman Luszey said that was my question. Are we asking for...

Chairman Maddox said again that was their offer. Again I'm looking to - if the Board wasn't going to do anything as far as improvements to these roads, then we shouldn't be asking them for money. If it is the intent to try to improve the width of that road and the safety, geometry of the intersections...Selectman Luszey asked why wouldn't the Planning Board actually be doing that right now. Chairman Maddox thought they're trying to be very business friendly and not

asking for a contribution as opposed to years ago when we used to wring lots of money out of people to get improvements for the town roads. Again this is our road at this point. If we're not going to do anything, we want to leave it like this and hope that the very narrow road will make people not want to use it. That's an option too.

Elizabeth Manning said Speare Road was a dirt road when I moved in and it did not stop us from using it because we don't have many choices. You can make it this wide or this wide. Chairman Maddox asked which is the safest way for your neighborhood because again I know you don't want it but if we had to do something what is the best way for you people? Ms. Manning indicated it was originally proposed to be a dead end - 66 house development with a dead end and then with two fire roads. They didn't want that long of a dead end. Well we're a 46 neighborhood dead end with one way in and out and we're fine. We haven't had any emergencies. Twenty years there's nothing gone wrong. I look at other developments. There's a development over by the golf course in Green Meadow and its one road into it and there's a little neighborhood but I counted and there's like 80 houses in there with one way in and one way out. The Planning Board is making it sound cute. We don't want that long of a cul-de-sac.

Selectman Coutu was listening to what she's saying. Take my street. If we're one way in one way out, we have 75 houses. We have one street that is a small cul-de-sac. Why can't they have one way in and one way out and go all the way around and loop it? Chairman Maddox noted your neighborhood has several roads off of it. If you look at this map if you were at the end of here, you would be almost two miles. Selectman Coutu said that's another problem we're having Mr. Chairman. I don't know who printed this. This is useless. Chairman Maddox said I have a copy that is...Selectman Coutu commented you have a nice copy. This here has white spots going all the way through it. The thing you have up in the upper right hand corner we have half of it. We're given stuff to try and prepare for these things and these documents are useless.

Frank Caprio - 22 Hawkview. I'm still looking at it as this is going to go through. I would rather it not but what I'm worried about is it becoming the new Speare Road. So you'd have like someone had said anyone with a GPS once this road goes in and they punch in and on Pelham it's going to go through - we're going to have semis going through there. If it goes through, maybe we could make it less appealing like no trucks after 7 to 6 or something like that. That's been done in different towns where you can't have semis or big trucks going through there. Speed bumps, stop signs to make it so you have to stop a lot. If you go down Speare Road, there are people doing 50 - 60 down there. I'm just afraid with my kids playing down there. I'd also like to see I live at the end of Hawkview so they're going to put this new development. They're going to have sidewalks. Hey if a developer wants to put it in, then he'll need to put sidewalks in on Hawkview and Gibson because we're going to have additional traffic we've got to keep our children safe. Those are my concerns.

Chairman Maddox said that's what we're looking for I think is what...Mr. Manning said just to make it so it's less appealing for vehicles. Limit when heavy vehicles are going through there so like at 2 o'clock in the morning you're not having a semi going through your neighborhood or going to Wal-Mart delivering towels or something like that and sidewalks to make it so that people can walk. The traffic study is based upon where the outlet is going to be where it doesn't see a lot of traffic. If you go to Wason Road, everyone comes down there and goes left. Very few cars go right where they were measuring. Probably about 80 percent of the cars turn left and then go to Pelham or wherever. It's not accurate. I think that what they'd see is when this road is put in and it's going to be phased in - the other thing too is it's going to be phased in so they're going to build a road in sections and over 4 years of if they get the exemption. So not until the end when they put that last section in are you going to see the impact of all the vehicles going through there. By then the developer is going to be long gone. My understanding is it's a holding company, they get approval, they do the site work, and then they sell it and it's someone else's. Looking at all of the traffic studies and all that, there's all these different companies. Some are Eagle's Nest; some are other names. Mr. Vargas' name is on a lot of them. Is it a separate company or what? I'm looking at this and I'm wondering and maybe it's not germane to this conversation. They're not going to be there. What I'm saying is that they'll do wherever they are they'll sell if off and they're gone and it's not their problem anymore. It's our problem and the town's problem. So we need to sort of think about how we're going to limit the amount of traffic going through there and make it safe for the people that live there and our children. Those are my concerns.

Selectman Luszey indicated the Planning Board has been looking at this for some time now. What is their recommendation based on everything that they know? The Safety Committee have they input about the Fire Chief? Has Committee input about the ability to get in and out of these neighborhoods. I'm sitting here listening to all this and we're acting as the Planning Board here. They should be telling us what needs to be done.

Chairman Maddox noted the Planning Board is sticking to the development if you would. They're looking. They looked at the traffic study but as that gentleman pointed out, the traffic study went where it wanted to go. They're hanging their hat on the memo from the Road Agent that says that the road is okay as far as the pavement. I think the real concern is the safety of the road. The traffic volume that it is going to see when it opens up and that's what I think that this Board needs to say Mr. Town Engineer what's it going to cost to widen that road or if the people say they want to leave it as it is, I think we need to find out which way we're going to go but I think that it will become a cut through to some extent whether we put a turn out like on Central Street where the police car can sit and get people speeding through, or a stop sign at the end of Hawkview and make them change that name so that they have to stop when they almost leave that development. I think there are some things we can do but once they have got an

approval, we can't get any money out of them. Again if that is our intent to do some improvements that's going to cost money, we shouldn't have to pay for it as the town. It should be the developer.

Selectman McGrath had a question for the Town Engineer. On one of the videos it showed the fire truck coming in and it looked like it was really cutting close to the corner. It couldn't make a full swing in. Elvis Dhima said it did. From what I could tell, it was approximately a foot or a foot and a half from the edge of the pavement the edge of the curb. The width of Hawkview is about 26 feet. It looks like he can't make it because the utility pole is within two feet from the edge of it. When they do the templates and run the engineering software to see where the tires go, as long as that edge of the tire matches the existing edge of pavement, that is enough to prove that that vehicle will make it in there. Even though it's pretty close based on what I can tell, it will make it through when they run the template.

Also Elvis Dhima wanted to say to on the Road Agent's behalf because I did have a conversation with him today, when he widened the road or when the Highway Department did, they did everything they could to widen the road as much as they could. There is ledge on one side and there is a brook on the other side. He and the Highway Department staff used the entire right of way that they could when they widened it. It will be a significant amount of money put into this if it's even widened by 22 feet because it's either ledge or the impact on the brook or the wetland next to it. Talking to the Road Agent today before this meeting it seems that taking consideration that the work was done recently, it would be kind of difficult to approach which way the road would be widened to take everything off and to do the whole road all over again, it seems to be a little bit excessive versus just putting in a three foot addition to this and would that last for a while. It's never a good idea just to add to a road like a foot or two. It will fall apart eventually if it's on the shoulder. That's what needs to be taken into consideration here. The road was done recently. They did as much as they could with what they had. Is it more beneficial to take some of the money from the developer and use it for future widening of that versus kind of taking everything apart now and doing it all over again? It's almost like undoing what the town recently did.

Adele Lichtenberg - 9 Kestral Lane. I have a question. When that fire truck came through, that's a very experienced driver behind that wheel. That's not your average driver.

Elvis Dhima agreed with that. I would also agree that the way that we're driving the vehicle on Gibson Road to make sure that both in one vehicle you have the Deputy Chief O'Brien and the other one you had a very experienced driver driving the fire truck. Those are worth mentioning absolutely. I do agree 100 percent.

Selectman McGrath said to continue although I am an alternate to the Planning Board for the Board of Selectmen. I haven't attended very many meetings and I haven't really participated in this project. A question for you. Has the Planning Board considered reducing the number of lots that are developable number one? Number two if they have not, that might be something that they should consider because I know from all of the years that I've been on the Planning Board they come in and they try to maximize the number of lots that they can get. It doesn't always mean that even though they can that they should. So that's one thing. The other idea of widening the road and also the installation of at least one sidewalk that if - these roads are narrow and with the snow and all of that, that's something that could be required at the developer to put in. I think that that would certainly alleviate some of the safety concerns of the neighbors I would think.

To answer your question, Chairman Maddox said that has not been a topic of discussion as far as reducing the number. This is an open space development and what that means is the lots are smaller. Their road frontage is reduced because they're going to have I think 110 acres of open space/swamp that is not going to be developed. They should I believe on their required calculations that they could put 75 in a conventional layout. Selectman McGrath said in a conventional layout even though they might have showed that they could get 75, the reality of it is they might not have gotten the 67 that they're now proposing. I think that that would be a useful discussion to have with the Planning Board to look at trying to reduce the number of from my perspective and I always wanted to go with a reduced number. So a reduction in the number of units number one and also looking at the mitigation plan that you're talking about having the developer pay for widening and also an installation of a sidewalk.

Unidentified Male Speaker - If you look at the site plans, if you look at Hawkview and the houses that are currently there, there is yard between each house. In the summertime, I can't see my neighbors. I can hear them but I can't see them. If you look at these houses, they're going to put 4 bedroom houses in spaghetti lots. These are essentially spaghetti lots. They're designed to maximize the number of houses on the road. I always thought there was a minimum frontage and I don't know if these made it or not but when they build this in, the character of our neighborhood is you have houses, trees, houses, trees and now all of a sudden you get to the Hawkview extension and you're going to have house, house, house, house, house. What will it do to our property values? Not really. It's not really germane to this but since you brought it up, I wanted to make sure that the Board knew about this.

Chairman Maddox commented that's why I said to you it's an open space development. They're getting basically on half the size lots that they would have in that zoning district because they're putting all the rest of the land into open space.

Selectman McGrath noted its land that they might not be able to build on anyway.

Mr. Fisher indicated the backyard is basically swamp. If you look at it, it's unusable. They're making a lot size by making half a lot unusable by anyone. They're going to have swamps back there. I don't know. I wouldn't want to buy one but maybe someone will.

Chairman Maddox said they're not going to build them if they're not going to sell them. Selectman McGrath said it's amazing what they'll buy.

Jim Fisher - 18 Hawkview Road. I've lived in the neighborhood about 30 years. With all due respect to the controlled and experiment they did with the Fire Department, on a regular basis like my neighbors at that intersection and then just a little farther up Gibson Road, on a regular basis we don't see fire truck obviously because there's no fire but we see delivery trucks, trash trucks, large trucks, people that - it becomes restricted and then sometimes they don't behave and move over and then you're off the road as far as you can in order to do that. It's on a regular basis. The discussion about widening Gibson Road becomes important. It isn't just widening it because of the ledge on one side and the drop off on the other side but the telephone pole right on the corner that's got to be moved. In addition to that if it's going to be done and the contractors that are putting the development in are going to repave Hawkview, I personally don't have a problem with the width of Hawkview. There are some sections of Hawkview that are going to have problems that need to be resolved. For example down near where the experiment was done, the heaves on that road cause a lot of problems and sometimes they settle out in the spring but also right at the end of my driveway - I don't know if it's true or not - I was informed that there was an underground stream under there. What I have observed is that when I moved in 30 years ago there was a depression in the road right there that went across the road. When they repaved the road every time they repaved the road, they just repave over the top of it and then two years later it's sinking in again. If they're going to rip up the top of the road to fix it, it might be a good idea to at least have a conversation with the appropriate people to deal with whatever is going on there so that we don't have a problem with the road there and also the heaves down at the other end where in the winter time it's like a washboard down there.

Chairman Maddox thought at this point I think we need to move on.

Selectman McGrath had just one more point and based on a comment from one of the members of the public - putting a prohibition of heavy truck traffic through that area at night I think would be something else that the Planning Board could much like the no trash pickup between 7 p.m. and 7 a.m. the same type of thing and that would be enforceable.

Chairman Maddox asked is it the will of this Board to have the Town Engineer come up with a scenario that meets the town requirements. What does the Board want to do here?

Selectman Coutu wanted to just throw this out there. I listened intently. I'm very familiar with the neighborhood. As you know I've been up and down Kara's Crossing several times and my wife and I rode up and down Gibson. We were impressed with the aesthetic quality of your neighborhood. They're old farm roads. I realize that and you hit a couple of bumps and a couple of curves and said wow you can't go too fast on these roads. I image what it would be like to travel these roads in the wintertime especially after a serious snow fall or especially a melt and a cold night. The roads must get awfully icy. I certainly can sympathize with your assessment of what this development is going to do at the corner of Hawkview and Gibson because I spent a lot of time at Gibson and then I took a look at the farm and realized truly where I was. I was in rural Hudson.

Other than hearing that we don't want it in our neighborhood or a cutback on the number of lots that you want to build in there, Selectman Coutu said for me I think you hit the nail on the head when you said pretty much that it's inevitable that this is going to be approved. So we need to find a way to mitigate somewhat the impact that this is going to have on what most people have said to me not just here this evening but in the past the problems that are going to occur at the corner of Hawkview and Gibson. With that said and with my foundation that I spent a considerable amount of time between Hawkview and Gibson just trying to look at this when this was originally proposed. When it was originally proposed as I remember it was Hawkview was the first original plan going way back that Hawkview was going to be and then it went to Kara's Crossing and now we're back to Hawkview. Short of doing a couple of things that had been suggested and reiterated by Selectman McGrath which is limiting the number of trucks to certain times and making that enforceable, having the Engineer look at the intersection to see if there's anything else we can do to mitigate or facilitate having emergency vehicles and perhaps school buses having access and I heard on television when I watched the Planning Board meetings that there was some discussion about well even the school buses won't come in. I think that can be corrected. I would think that anything less than lights at that intersection, anything less than that is not going to truly mitigate any problem that's going to occur there. That's just an assessment based as a citizen just traveling through that intersection and trying to see what is the best way to mitigate this. I think that the best solution from a layman's perspective, the engineer might not agree with me and I would respect what he would recommend is that they have traffic lights there. For us as a Board to sit here and try to do this, it's not our job. This is the Planning Board's job. I know that you threw it out there. I heard you. Maybe you should come to the Board of Selectmen and I said what is he doing. We're not the Planning Board. That's what we charged them. That's their responsibility.

Chairman Maddox said Hawkview and Gibson - that is outside the scope of the plan. That's the issue.

Selectman Coutu said okay then I'm in favor of doing something to mitigate at that intersection.

Selectman McGrath said my suggestions stand - widening, sidewalk, no truck traffic.

Selectman Coutu didn't understand where we're going to put a sidewalk there. Chairman Maddox noted at least on Hawkview.

Selectman McGrath said I'm not an engineer. I'm just someone that - someone in the audience said that they would like to see sidewalks because of the dangerous conditions particularly in the winter time. In the summer time, it doesn't - if you go on the side of the road, it doesn't make a difference. Your car can drive, a kid can ride a bike, you can walk on the side of the road but when you have 6 foot snow banks like we did this winter, you can't. If they have to be walking to the school bus to an area to get the school bus at least if we had one sidewalk on one side of the road somewhere that they could safely maneuver to catch the school bus, I think that is something that the developer that's going to be building 67 houses on - I think its overdeveloped myself but if that's what the Planning Board ultimately grants them, they can afford to put in a sidewalk to accommodate the neighbors and the school children that are going to be having to catch a school bus in the winter time. Summertime, springtime it doesn't make a bit of difference. In the winter time it does. If it saves one life, it's well worth it.

Selectman Coutu asked who would maintain the sidewalk in the wintertime. We're having problems already in certain areas of town about who's responsible for plowing sidewalks. They want sidewalks but they don't want to maintain them. Where do we put the snow in the meantime when we're plowing up and down the street? We're not going to be plowing up and down the sidewalk. It's going to end up on the sidewalk if we have a winter like this one. I'm not saying it's a ridiculous plan. Again I think it's incumbent upon the engineer to take into consideration what was said here and to come back with some sort of a or go to the Planning Board with some sort of a plan that can mitigate some of these problems.

Chairman Maddox thought what I'm looking for is this Board wants something to be done to mitigate the issues at Hawkview and Gibson before this leaves the Planning Board.

Elvis Dhima said I can't make a recommendation to the Planning Board. I don't think when they proposed street lighting, and I'm not expert at traffic, but I believe there's a checklist. There's a warrant for it if it meets certain criteria. Chairman Maddox noted we wouldn't have enough cars to warrant it. Mr. Dhima said now we would not. I'm not sure what's going to happen 5 (inaudible) from now but I'm not sure it wouldn't meet warrant. It wouldn't have enough points. I would stick with the widening of the road and I can make a recommendation to the Board for that. I would make the firm that's designing this to do all the legwork for that to prove to us what's feasible and what's not. We know what it is right now and what the existing conditions are. We know what the existing conditions are from Maccann to Kimball Hill. It would look weird if we do this widening from Hawkview to Maccann 28 feet and then we're going down to 22 feet. I think we can maybe find the middle ground somewhere in between. Chairman Maddox said to make them both 24. Again we've given you the charge. You come back and tell us what you believe it could be.

Selectman Luszey asked are we just talking about Hawkview and Gibson or are we looking at the macro picture of what it's going to do to Speare Road and everything else. I think there should be a significant impact fee assessed to these lots so that we can start building a war chest to fix these roads because they're going to take a beating.

Chairman Maddox said the short answer is no because you have to have a rational nexus. You have to do all the studies to justify that. This development is going to impact Gibson and Hawkview so the Planning Board can assess offsite improvements. Once you get into Speare Road that's not connected to this, you're going to have to do some studies which again can be done but...Selectman Luszey heard that we did the traffic studies and calculated all that. It sounds like we really haven't taken that in. Chairman Maddox said no they did a traffic study. As I said at the Planning Board meeting in the 15 years I've never seen a traffic study say don't build it. Selectman McGrath have you ever heard them say don't build it.

Selectman McGrath said absolutely not. They're hired by the developer to come up with a traffic study that's going to benefit the developer. That's just the way it goes. I think Selectman Luszey you might be confusing offsite impacts with cap fees. They're still going to collect cap fees for the major arteries in town. There will be those cap fees assessed to this development but these are other improvements to the roadways that are really affected by this development. The Planning Board can assess those impact fees and they can tell them that in order to get this development that they have to improve whether it's Gibson Road or whatever decisions that they come up with whether - our Town Engineer who by the way I think is an excellent representative for the Town. Excellent. I would be happy with a recommendation that he came back with.

Just one other thought. Selectman Luszey noted the school bus concerns given that there's this new long piece of road, the school bus pattern will change. Do we know what that change will be because there's some guidelines around how far children can walk and stuff. Chairman Maddox said it's going to go down this road that they're

building in four years yes. Selectman Luszey asked would that change where the pickups are on Gibson, Hawkview, and all that? Selectman McGrath thought that would be determined by the School Department and that's not something that we the Board of Selectmen have any decision making - I'm assuming that. I think that they...Selectman Luszey wasn't saying we would have a decision making but it's got to be part of the planning data that's used to determine what the developer needs to do.

Chairman Maddox said this road is 8,000 feet long. It's a mile and a half. There will be school buses somewhere along it. They don't let them walk more than 35 feet.

Selectman Coutu asked to have a better perspective. I'm looking at Hawkview and I see 12 house lots and how many are proposed in this development? Chairman Maddox noted 67. Selectman Coutu said 67 homes and traffic are going to descend on these 12 house lots that have had tranquility. Boy my heart goes out to you. I just don't understand it. I'm starting to lean towards Ms. McGrath. It's inevitable this thing is going to go through. Tell them to cut back. This is pouring too much into a neighborhood. Again I'm going to use the same argument I used on Kara's Crossing. These people bought these homes expecting some peace and tranquility, a nice private neighborhood and now they're going to have this stuff jammed down their throats. I understand development. If this were a 55 and over community, maybe we'd all feel a little better but then sometimes I'm over 55 and I don't trust my own driving. I don't say that's the answer either but boy you look at this and you look at how narrow these lots are. I understand the concept of having more lots if you put more open space. Wow this is an awfully huge development for a small little neighborhood and then the size of the roads out there. My heart goes out to them but unfortunately they're going to have to live with this in the coming years. They'll probably all be selling their homes too.

Chairman Maddox said the way this thing is phased, they will not break into the existing Hawkview until the fourth year of their construction. Hopefully people will learn to go down Standish out to Bush Hill. Again in a perfect world they would have done what I wanted them to do from the beginning was to make two long cul-de-sacs.

Selectman Coutu said Standish goes to Franklin Street, right? Chairman Maddox said yup. It goes to Franklin and that goes out to Bush. Selectman Coutu asked if Franklin was a dead end. Chairman Maddox noted no. That's what used to be the service white road for the circumferential. Selectman Coutu asked is there a problem at that intersection. Chairman Maddox said not as much because again it's off Bush Hill Road. I'm sure there's a house there but it's not the congested neighborhood that you have at the other end.

Linda Bianchi - 12 Kestral Lane. My father is at 119 Kimball Hill Road who's a direct abutter to the Eagle's Nest property as well. Thank you Selectman Maddox for standing up for us and speaking. You're the only one that night at the Planning Board that at least took what we had to say under consideration. I thank you very much for doing that. I guess it's more of yes I have the same traffic concerns as you've heard all evening. When my father gave me the piece of land at the end of Kestral Lane, we had to go before the Planning Board of course and they were so concerned back then about us selling to a developer and opening up Kestral Lane and making a road from Kestral to Kimball and building maybe 15-16 more houses. Everyone on the Planning Board was pretty much against that kind of thing. They insisted that my father not be able to subdivide not even one lot even back then because they were that concerned which was never our intent because we wanted to build a house at the end of Kestral. They said you know what you could sell to a developer for a whole lot of money and they could tear that house down and build that road and we don't want to do that to a cul-de-sac. I guess it's more of a statement for me that it's sad to see that the Planning Board has changed so much that now they're willing to open up a cul-de-sac right down the road and build 66 new houses. Our schools are at capacity. I know Memorial School is. I don't think that their impact fees are going to cover the widening of the road, the sidewalks. It's not just hiring a teacher or two. You're talking building onto Memorial School maybe Alvirne. They don't seem to have that caring about that at all anymore. I don't know where that went. Does anybody understand why suddenly the Planning Board in Hudson has totally changed? Maybe someone does and can't answer.

Selectman McGrath stated I don't know if I was there when your father subdivided his property. I might have been 17 years ago. I could have been there. I took a sabbatical for a while so I'm not quite sure if I was there or not and I don't remember you. The Planning Board has evolved over the years. In my estimation not always in a good way. From once we came when I first got on the Board, it was a horrible, horrible experience for the town. I've said this to friends of mine because they ask the same question. The pendulum swings. It was in a really bad place when I first got on. It swung not because of me but because the philosophy of the town changed and they wanted development to be controlled. They were concerned about what was happening. So that pendulum it kind of came to the middle and then it went a little bit maybe too far. So it just moves. It's always fluid and you get new people on and they have different ideas. In the past, I think for several years the philosophy has been to encourage business to come into town, do as much as you can to encourage business. This to me isn't business. This is residential and it has a far different impact. You can encourage business to come in and try to control that in a way that still encourages business to come in and not affect the residents as much. I was on the Board when Wal-Mart was proposed. I'm telling you, I wasn't happy because it changed the whole complexion of that area of town. It changes with the people, with people that are on this Board, people that are on the Planning Board, Zoning Board. If you have an interest, I encourage you to apply and participate. It's not that painful.

Linda Bianchi said I have lived in Hudson all my life since I was born. I do care about it but I appreciate you taking the time to answer my question. I know this isn't exactly what this meeting is about but I guess I would pull at your heartstrings a little bit and say if there is anything else you can think of to possible change anyone's mind on that Planning Board, please help us.

Chairman Maddox asked what do you want them to do. I think that is the tough question here. Ms. Bianchi said less houses. Like 20 houses -keep it a cul-de-sac but not this huge 67 and plus because they even said. They really want even more and they didn't say how many because you know they don't know yet. We'll see. Chairman Maddox indicated something is going to get built there. Ms. Bianchi understood that but it's so massive. Like Selectman Coutu said, it's dumping a lot of people into our quiet neighborhood. So yes I'm trying to pull at some heartstrings and say anything you can do to help us even more and thank you for the other night. It would have passed. Again Chairman Maddox said the Planning Board, and Selectman McGrath hit most of it, was tired of getting kicked in the thumbs about being anti-business. So sometimes human nature is you go the other way. Good or bad, Hudson's Planning Board had a reputation of being anti-business. I think that they have overcompensated. Again that's just human nature. When you read that you bums on the Planning Board doing this and not helping the business community. It works both ways. Again I think that we are going to task the Town Engineer to come up with a number. We'll at least try to get some improvements done so that the taxpayers don't have to pay for it and this developer has to do his fair share of the impact. What we can do after it's built to put in stop signs, to make it unattractive to make it a through way. Again like I said my thought process was always to make it two cul-de-sacs. One off of so that they never met in the middle but they wanted those extra houses so that's the way it's ending up. Let's see what we can do but we at least have a charge for the Town Engineer to come back with some numbers so that the Planning Board at least has that.

Chairman Maddox noted we're going to take a 5 minute break and we'll be back. It's 8:34 p.m. and we are back.

Don Tremblay - 19 Hawkview Road. I had heard that there was a possibility of two cul-de-sacs with a gated for fire trucks and stuff. Chairman Maddox indicated that was one of the proposals. It was turned down. Mr. Tremblay asked why was it turned down. Chairman Maddox said because there was no way to maintain that gate. It was going to become a problem. Mr. Tremblay asked if that was more of a problem than what we got with the widening of the road, sidewalks, children, way of life and everything. Is there no other access to Bush Hill? Chairman Maddox said that was a Planning Board issue. Mr. Tremblay asked we need two access roads. Chairman Maddox said the rule is you can't have a cul-de-sac longer than 1,000 foot. Again they could only come in off of Bush Hill for 1,000 feet. They'd either have to loop it. Again we're getting into a lot of Planning Board stuff. Mr. Tremblay noted there is options. Chairman Maddox said there certainly was. They took this particular one. Mr. Tremblay indicated there's other options that they're not pursuing. I'm just asking a question. Chairman Maddox said you're asking the wrong person Sir. Again they came in with a plan. Mr. Tremblay asked can you ask them. Chairman Maddox said no. They'll come in with a plan. They present a plan. Again we're getting into all kinds of what ifs. That's the plan they've presented us. I just look at it as I bought the home at the end of a cul-de-sac. A nice quiet neighborhood to walk dogs, people, and everything. Now you're talking 67 homes even if you cut that to one car per home, you're talking 30 cars per day each way. So our way of life is gone.

Chairman Maddox said I know Selectman Coutu and we've talked is making it difficult to break into a cul-de-sac. Absolutely we agree with you. Don Tremblay said they brought the plan in but can't we submit a plan alternate like the two cul-de-sacs was turned down with the gates. We don't know why. Chairman Maddox noted you can bring that up to the Planning Board. Again that is a Planning Board issue on the site. It was determined that having multiple gates and control of those, and electricity, and maintaining was going to be problematic.

Selectman Coutu asked does the Planning Board allow now that the plan has been accepted for the public to come back. I don't think they do. Chairman Maddox was saying this is a Planning Board issue. It's certainly not before us. Selectman Coutu didn't want him to be misled. Don Tremblay said there's nothing we can do about it, it's a done deal.

Selectman McGrath said it's close to being a done deal. The Planning Board still has some options available to it such as we talked about the widening the road, trying to get them to install sidewalks if they can be fit in. As far as the design of the development itself, that I think is closed. They came in with a plan. The Planning Board looked at it and if they met all of the conditions for a review of that plan, then the Planning Board is obligated to accept the plan and they did. Now they can still have discussions with the developer about reducing the number of houses that they're going to develop. They can try to work details of the plan but essentially what they've provided that's what they're going for and that's what the Planning Board will vote on.

Don Tremblay noted so you're saying that two cul-de-sacs with the access that's gone and we don't know why. Selectman McGrath said the Planning Board had hearings on it. As I said earlier, I haven't participated in a lot of these for this development for a number of reasons. I'm an alternate on this Board now. I don't have a vote on it unless Mr. Maddox doesn't show up plus I've had some health issues to deal with. I haven't attended all the meetings. So those issues have already been dealt with by the Planning Board. The roadway layout is what they're looking at now is what they've finally come up with as the acceptable roadway layout for this project. They still can

have some discussions about other issues concerning it but I think..Mr. Tremblay said it was a done deal. Selectman McGrath said essentially. You still have the opportunity to go to those meetings and participate and if you have concerns and issues about the plan, bring them up. They're obligated to listen to you. That doesn't mean that they have to agree with you but they're obligated to listen.

5. NOMINATIONS AND APPOINTMENTS

A. Resignation of Tianna Begonis as a member to the Sustainability Committee

Chairman Maddox to acknowledge.

Motion by Selectman Coutu, seconded by Selectman Luszey, to accept the resignation of Tianna Begonis as a member to the Sustainability Committee with the Board's thanks and appreciation, carried 5-0.

B. Resignation of Cheryl Cummings as an alternate to the Planning Board

Chairman Maddox to acknowledge.

Motion by Selectman McGrath, seconded by Selectman Nichols, to accept the resignation of Cheryl Cummings as an alternate to the Planning Board with the Board's thanks and appreciation, carried 5-0.

6. CONSENT ITEMS

Does any Board member wish to remove any item for separate consideration?

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve consent items A, B, C, D 1, 2., E and F as noted or appropriate, carried 5-0.

A. Acceptance of Minutes

- 1) Minutes of the May 12, 2015 Meeting
- 2) Minutes of the May 26, 2015 Meeting

B. Assessing Items

- 1) Gravel Tax Warrant - Map 209, Lot 002, 55 Executive Drive, with recommendation to approve
- 2) Residence in Industrial or Commercial Zone - Map 198 Lot 17, 89 Lowell Road; Map 198 Lot 26, 70 Lowell Road, Map 204 Lot 3, 149 Lowell Road; Map 234 Lot 42, 2 Davenport Road, with recommendation to approve

C. Donations - None

D. Licenses & Permits

- 1) Raffle Permit - Friends of Benson Park, Inc.
- 2) Request to Solicit Funds - The Salvation Army
- 3) Request to Solicit Funds - Southern N.H. Spirit Boosters

E. Water/Sewer Items - None

F. Calendar

- | | | |
|------|------|---|
| 7/15 | 5:00 | Municipal Utility Cte - BOS Meeting Room |
| 7/15 | 7:30 | Senior Affairs Cte - Buxton CD Meeting Room |
| 7/16 | 7:00 | Benson Park Cte - BOS Meeting Room |
| 7/16 | 7:00 | Budget Cte - Buxton CD Meeting Room |
| 7/21 | 7:00 | Cable Utility Cte - HCTV Center |
| 7/22 | 7:00 | Planning Brd - Buxton CD Meeting Room |
| 7/23 | 3:00 | Trustees of Trust Fund - Buxton CD Meeting Room - CANCELLED |

7/23 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
7/27 7:00 Sustainability Cte - BOS Meeting Room - CANCELLED
7/28 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 23, 2015

- 1) *Motion by Selectman McGrath, seconded by Selectman Nichols, to recognize and award Jana McMillan and Joseph Tessier each with a \$500 merit award according to the Hudson Police, Fire and Town Supervisors Association Contract by Selectman McGrath, seconded by Selectman Nichols, carried 5-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a), at 10:53 p.m. carried 5-0 by roll call.*
- 3) *Motion by Selectman Coutu, seconded by Selectman McGrath, to seal the minutes of nonpublic sessions, carried 5-0.*
- 4) *Motion to adjourn at 11:02 p.m. by Selectman McGrath, seconded by Selectman Coutu, carried 5-0.*

8. NEW BUSINESS

A. Weston & Sampson Water Utility On Call Agreement for FY 2016

Chairman Maddox to recognize Town Engineer Elvis Dhima.

Motion to approve the Fiscal Year 2016 Water Utility On Call services contract with Weston & Sampson Engineering in the not to exceed amount of \$15,000. The funding for this contract will come from the Water Operations and Maintenance Engineering Fees Account 5592-225.

B. Water Utility Temporary Meter Fee

Chairman Maddox to recognize Town Engineer Elvis Dhima.

C. Request to Advertise for a Zoning Administrator/Code Enforcement Officer

Chairman Maddox to recognize Fire Chief Rob Buxton.

Motion to allow the Fire Chief to post the vacant Zoning Administrator/Code Enforcement Officer position with the intent to hire.

D. Zoning Determination Appeals

Chairman Maddox to recognize Town Administrator Steve Malizia.

E. Request to Advertise for a School Crossing Guard

Chairman Maddox to recognize Police Chief Jason Lavoie.

Motion to approve the Police Chief's request to advertise for part time School Crossing Guard at \$13.50 an hour.

F. Request to Advertise for a Part-Time Animal Control Officer

Chairman Maddox to recognize Police Chief Jason Lavoie.

Motion to approve the Police Chief's request to advertise for a part time Animal Control Officer with a beginning salary of \$15.00 per hour.

G. Sale of Town Owned Property - 8 Cliff Avenue

Chairman Maddox to recognize Town Administrator Steve Malizia.

Motion to approve the recommended listing price of \$93,000 for sale of tax deeded property located at 8 Cliff Avenue as recommend by the Town Administrator, Assistant Assessor and Lisa DiBernardo of DiBernardo Real Estate and to authorize the Chairman to sign the Marketing Agreement for the property.

H. Sale of Town Owned Property - 15 Hurley Street

Chairman Maddox to recognize Town Administrator Steve Malizia.

Motion to approve the recommended sale of tax deeded property located at 15 Hurley Street by sealed bid.

I. Revenue & Expenditures

Chairman Maddox to recognize Town Administrator Steve Malizia.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu

Selectman McGrath

Selectman Nichols

Selectman Luszey

Motion by Selectman Luszey, seconded by Selectman Coutu, to allow the Sustainability Committee to sponsor the Bottoms Up group to provide an informational only session on September 23rd to a to be named conference room, carried 5-0.

Selectman Maddox

- MDA Boot Drive

Motion to approve the Professional Firefighters of Hudson's request to conduct MDA Boot Drives on July 18, 2015, August 15, 2015, and September 19, 2015 with stipulations previously placed by the Board of Selectmen.

- Senior Center - opening on Mondays

Motion to approve the additional opening of Mondays for the Hudson Senior Center.

10. NONPUBLIC SESSION

Motion to enter Nonpublic Session pursuant to:

RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has

a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and

(b) The hiring of any person as a public employee; and

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

Please call the Roll.

Nonpublic Session is being entered at _____ p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda.

The public is asked to leave the room.

Open session is being entered at 11:44 p.m.

Motion by Selectman Nichols, seconded by Selectman Coutu, to promote Scott Fuller from Truck Driver/Laborer, Grade VIII, Step 2, at \$19.15 per hour to Equipment Operator, Grade XII, Step 2, at \$22.31 per hour effective July 19, 2015, carried 5-0.

Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Keith Snyder of Hudson, NH, as the Part-Time Maintenance Position for the Senior Center/HCTV facility at \$13.00 per hour, 20 hours a week, effective July 19, 2015, carried 5-0.

Motion by Selectman Nichols, seconded by Selectman Luszey, to hire Jonathan Buckley as a Part-Time Maintenance Assistant at \$10 per hour, 15 hours per week, effective July 15, 2015, carried 5-0 .

Motion by Selectman Coutu, seconded by Selectman Nichols, to hire Matthew Flynn, Matthew Blazon, Tyler Tony and Cody Lambert as Police Officers with starting salaries of \$22.15 per hour effective August 3, 2015 in accordance with the Police Union Local #3657 Contract, carried 5-0.

Motion by Selectman McGrath, seconded by Selectman Nichols, to approve a contract with George Sansoucy in the not to exceed amount of \$20,000 to provide consulting services to the Town of Hudson with regard to the tax appeal filed by Liberty Utilities as of April 1, 2012 and subsequent years. This contract is for the fiscal year July 1, 2015 to June 30, 2016, carried 3-2. Selectman Coutu and Selectman Luszey in opposition.

11. ADJOURNMENT

Motion to adjourn at _____ p.m. by _____ carried _____.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Roger E. Coutu, Selectman

Pat Nichols, Selectman

Marilyn McGrath, Selectman

Ted Luszey, Selectman


"B"

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GERALD R. PRUNIER
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ANDREW A. PROLMAN
aprolman@prunierlaw.com

MEMORANDUM

To: John Cashell
From: Andrew A. Prolman 
Date: August 4, 2015
Re: Eagles Nest Estates Subdivision

The Planning Board continued the July 8, 2015 hearing to August 12, 2015, to, among other things, allow for the Board of Selectmen to comment on the Hawkview Road – Gibson Road intersection. The Board of Selectmen had a public hearing on July 14, 2015. On July 15, 2015 Town Engineer Elvis Dhima requested cost estimates for the “design and construction” of two options for work on Gibson Road.

On July 28, 2015, Keach Nordstrom’s Jeffrey Merritt responded with exactly what the Town Engineer requested. The Town Engineer subsequently requested KNA provide two separate road *designs* for Gibson Road which will cost between \$30,000 to \$40,000 of engineering work. We are not doing this.

In order to assess the applicant for offsite improvements above and beyond the existing road impact of \$1,554.33, the Town must establish there exists a rational nexus between the proposed development and the offsite improvements. In the matter of *Land/Vest Properties, Inc. v. Town of Plainfield*, 117 N.H. 817 (1977), the NH Supreme Court addressed the question of what percentage of the total cost of a particular off-site roadway improvement could rightfully be borne by a developer when it ruled “the subdivider could be compelled to bear only that portion of the cost (of an off-site roadway improvement) which bore a rational nexus to the needs created by, and the special benefits conferred upon, the subdivision.” HZO §334-7.10 has similar language.

There is no rational nexus between the Eagles Nest subdivision and improvements to Gibson Road. There are no “special benefits” conferred upon Eagles Nest from Gibson Road. The Greenman-Pedersen, Inc. traffic study determined the AM and PM peak traffic from Eagles Nest will have no material impact on Hawkview, Gibson, or Kimball Hill Roads. CLD Engineering, the Town’s consulting engineer, agrees.

The Town’s Road Agent does not see the need for any Gibson Road work, and requested financial assistance with the future reclaiming and repaving of Hawkview Road. A voluntary

contribution of \$700/lot was agreed to and presented to this board (which, again, is on top of the road impact fee, school impact fee, and recreation fee). This will generate \$46,200 for the Town to use as it sees fit for Hawkview and/or Gibson Road improvement.

Finally, we note the Planning Board has jurisdiction over the pending application, not the Board of Selectmen.

Andrew

Please be aware that the improvements request for Gibson Road are offsite not onsite.

I respectfully disagree with your statement that KN submitted proper information for review.

Our consultant felt the same way when presented with the material submitted with by KN.

Thank you for reaching out and I'll pass your memo to the proper authority.

Elvis

Elvis Dhima, P.E.
Town Engineer

Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286



VL
C
"

From: Jeffrey Merritt [<mailto:jmerritt@keachnordstrom.com>]

Sent: Wednesday, July 15, 2015 1:43 PM

To: Dhima, Elvis

Subject: Eagles Nest

Elvis,

I just left you a message. I watched the BOS meeting last night and it was not clear if your recommendation for offsite improvements was going to be submitted back to the BOS for review, or if it is going to be submitted directly to the PB?

If the recommendation goes back to the BOS, will it be heard at the 7/28 meeting?

Obviously, it doesn't make sense for us to go to the 8/12 PB meeting until a clear recommendation from the BOS is made.

Jeffrey Merritt, P.E.

Project Manager

Keach-Nordstrom Assoc., Inc.

10 Commerce Park North, Suite 3B

Bedford, NH 03110

(P) 603-627-2881

(F) 603-627-2915

e-mail: jmerritt@keachnordstrom.com

From: Dhima, Elvis [<mailto:edhima@hudsonnh.gov>]

Sent: Wednesday, July 15, 2015 2:26 PM

To: Jeffrey Merritt

Cc: Cashell, John; Heidi Marshall; Malizia, Steve

Subject: RE: Eagles Nest

Jeff

Please provide us with a cost estimate for the design and construction of Gibson Road for the following scenarios

Option A

Gibson Road widening to 22 feet between Hawkview and Maccann Rd

Option B

Gibson Road widening to 24 feet between Hawkview and Kimball Hill Road

We will need at least 5 business days to review your submittal and me make a recommendation to the BOS

Thanks Jeff

From: Jeffrey Merritt [<mailto:jmerritt@keachnordstrom.com>]

Sent: Tuesday, July 28, 2015 11:40 AM

To: Dhima, Elvis

Cc: Cashell, John; Heidi Marshall; Malizia, Steve; abasso@keachnordstrom.com;

jgargas@yaho.com; Andrew Prolman; Brenton Cole; Monticup, Heather

Subject: RE: Eagles Nest

Elvis,

As requested, please find the attached documents which conceptually estimate the construction cost of Gibson Road improvements for the scopes (Option A & B) that you listed below.

Please note that these are approximate estimates. Without actually designing the two different options, we cannot give you anything other than approximate costs. Nevertheless, we did field measure the existing pavement width of Gibson Road at 50' intervals and have attempted to itemize and estimate the work for the two different scopes.

Also, please be aware that the developer has not agreed to any of these options, and believes that improvements to Gibson Road are beyond the scope of this project's responsibility. The developer had previously agreed to a \$700/lot contribution (for a reclaim and pave of Hawkview Road) because the Road Agent did not want any, or need any improvements made to Gibson Road. If improvements are now going to be required on Gibson, the developer will object to the contribution for paving Hawkview Road.

Lastly, your e-mail below requested design costs and construction costs for the two options. The attached worksheets contain the approximate construction costs. The approximate design costs would be 15-20% of the construction costs.

Please let us know if you need anything further. We anticipate that you will have crafted your recommendation in time for the 8/11 BOS meeting. As such, representatives from our office and from GPI will be in attendance at the 8/11 BOS meeting to answer any questions.

Best regards,

Jeffrey Merritt, P.E.

Project Manager

Keach-Nordstrom Assoc., Inc.
10 Commerce Park North, Suite 3B
Bedford, NH 03110
(P) 603-627-2881
(F) 603-627-2915
e-mail: jmerritt@keachnordstrom.com

From: Dhima, Elvis [mailto:edhima@hudsonnh.gov]
Sent: Tuesday, July 28, 2015 1:03 PM
To: Jeffrey Merritt
Cc: Cashell, John; Heidi Marshall; Malizia, Steve; abasso@keachnordstrom.com;
jgargas@yahoo.com; Andrew Prolman; Brenton Cole; Monticup, Heather; Burns, Kevin
Subject: RE: Eagles Nest

Jeff

I'm not sure how this will get reviewed as you have not provided the town with an existing and proposed profile to go with the plan

I will have CLD look at this and I'll look at it after I get their comments and please be aware that they have they have 10 business days to do that

Kevin , let me know what your thoughts are

Jeff, no promises for August 11 BOS

Thank you Jeff

Elvis

Elvis Dhima, P.E.
Town Engineer
Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286



From: Jeffrey Merritt [<mailto:jmerritt@keachnordstrom.com>]
Sent: Tuesday, July 28, 2015 3:17 PM
To: Dhima, Elvis
Cc: Cashell, John; Heidi Marshall; Malizia, Steve; Anthony Basso; jgargasz@yahoo.com;
Andrew Prolman; Brenton Cole; Monticup, Heather; Burns, Kevin
Subject: RE: Eagles Nest

Elvis,

Your scope of work for Option A and Option B is a widening, not a change in the horizontal or vertical alignment of the road. I'm not sure why you would need a profile for a sliver widening?

Based on our last conversation it was my understanding that you were looking to get an approximate cost for the two different options, not have us fully design the two different options. For us to fully design the two different scenarios, it would be a \$30K effort.

To come up with the estimate we measured Hawkview at 50' intervals and generated a sketch plan that shows the approximate existing width of Hawkview Road. Then, based on constraints that we observed in the field we proposed the widening on the east side of the road instead of the west side. We estimated the construction cost using the measurements we made in the field compared to the proposed widening width of 22-24'. I agree that there is not much that CLD will be able to review. Would be happy to meet with you and CLD to review what we did.

Your initial e-mail said you needed 5 days to review, not 10?

Jeffrey Merritt, P.E.
Project Manager
Keach-Nordstrom Assoc., Inc.
10 Commerce Park North, Suite 3B
Bedford, NH 03110
(P) 603-627-2881
(F) 603-627-2915
e-mail: jmerritt@keachnordstrom.com

From: Dhima, Elvis [<mailto:edhima@hudsonnh.gov>]
Sent: Tuesday, July 28, 2015 5:17 PM
To: Jeffrey Merritt <jmerritt@keachnordstrom.com>
Cc: Cashell, John <jcashell@hudsonnh.gov>; Heidi Marshall <HeidiJM@cldengineers.com>; Malizia, Steve <smalizia@hudsonnh.gov>; Anthony Basso <abasso@keachnordstrom.com>; jgargasz@yahoo.com; Andrew Prolman <aprolman@prunierlaw.com>; Brenton Cole <bcole@keachnordstrom.com>; Monticup, Heather <hmonticup@gpinet.com>; Burns, Kevin <kburns@hudsonnh.gov>
Subject: RE: Eagles Nest

Jeff

Looking at your submittal a review would not be worthwhile at this time as I consider it incomplete

I recommend that you provide the following on your next submittal

Existing and proposed profile for the section between Hawkview and Maccann

Cross section of the road for both options

Rough grading and how the drainage will work for both options

Thank you Jeff

Elvis

From: Andrew Prolman [<mailto:aprolman@prunierlaw.com>]

Sent: Thursday, August 06, 2015 8:42 AM

To: Dhima, Elvis; Jeffrey Merritt

Cc: Cashell, John; Heidi Marshall; Malizia, Steve; Anthony Basso; jgargas@yaho.com; Brenton Cole; Monticup, Heather; Burns, Kevin; John Gargas

Subject: RE: Eagles Nest

Elvis,

I've been asked to respond to this request.

The Planning Board has jurisdiction over the pending Eagles Nest subdivision application, not the Board of Selectmen. Keach Nordstrom's Jeffrey Merritt provided you with exactly what you originally requested with respect to Gibson Road. We will not be continuing this effort with the BOS. Attached for your information is our Memo we submitted to the Planning Board earlier this week.

Thank you.

Andy Prolman

Andrew

Please be aware that the improvements request for Gibson Road are offsite not onsite.

I respectfully disagree with your statement that KN submitted proper information for review.

Our consultant felt the same way when presented with the material submitted with by KN.

Thank you for reaching out and I'll pass your memo to the proper authority.

Elvis

Elvis Dhima, P.E.
Town Engineer

Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286



FRANK CAPRIO'S
EMAILS

"D"

Good Morning Jordan,

My intention was to present my concerns and the basis for them to members of the board regarding Eagles Nest Estates and the Hawkview extension. I did not expect any response or decision as I believe this subject will be discussed at length during the next planning board meeting.

Thank You,
Frank

On Wed, Aug 5, 2015 at 9:10 AM, <jordanulery@comcast.net> wrote:

The following comments are those of the author alone and comprise neither a legal opinion nor the opinion of the Planning Board or the Town of Hudson. They are offered only from experience and information obtained from discussion of these matters elsewhere.

Glenn is correct in not responding because communications in a forum such as this have been ruled to be subject to RSA 91-a requirements and may constitute an illicit "meeting". The discussion via email is not contemporaneous, posted nor open to the public at the time it is taking place.

It is my understanding that information may be received via email by individual members of a Body, but that information must be entered into the minutes at the next public meeting. No decisions or discussion of a public event or policy can take place in an email forum.

Yes, this ruling is cumbersome and inefficient, BUT it also prevents non-public decisions being made. In addition one should be aware that the word "represent" has several meanings including legal representation. An individual "representing" others (even as a spokesperson) before a quasi-legal body needs to have the consent, preferably in writing, of all those for whom the person speaks or represents. This also is cumbersome and time consuming but it assures that no one's voice is being taken away from them by another, as has happened in other similar forums elsewhere.

This is not an attempt to stifle open discussion, rather an attempt to keep the discussion as open and transparent as possible. The sundry laws regarding the operations of public boards and bodies exist to assure that each person's individual rights are protected.

Thank you for being interested and active in Hudson.

Jordan Ulery

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: glenn@gdellamonica.com

Sent: Tuesday, August 4, 2015 7:44 PM

To: Frank Caprio

Cc: Betsy Manning; jcashell@hudsonnh.gov; edhima@hudsonnh.gov; BOS@hudsonnh.gov;

grghll@aol.com; jordanulery@comcast.net; Tmalley@tjmalleyelectric.net; cjbrackett1@gmail.com;
Ken.Massey@comcast.net; bcoll66956@comcast.net; Christine Caprio

Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

While I am able to send a suggestion through the Town Planner or other Town staff for the Planning Board's agenda at the next public meeting, I am unable to discuss or comment on a case before the Board outside that forum. I hope you understand the limitations of the rules regarding that.

Glenn

----- Original Message -----

Subject: Re: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

From: Frank Caprio <fcaprio77@gmail.com>

Date: Tue, August 04, 2015 10:08 am

To: glenn@gdellamonica.com

Cc: Betsy Manning <nfl930@juno.com>, jcashell@hudsonnh.gov,
edhima@hudsonnh.gov, BOS@hudsonnh.gov, grghll@aol.com,
jordanulery@comcast.net, Tmalley@tjmalleyelectric.net,
cjbrackett1@gmail.com, Ken.Massey@comcast.net, bcoll66956@comcast.net,
Christine Caprio <christinecaprio@gmail.com>

Hello Glenn, below is an email that I sent to Fire Chief Buxton last night. In my opinion the only way to ensure that we do not have lots of through traffic is to make it not possible for vehicles to cut through. With the amount of traffic that uses Wason, Bush Hill Road, even if only a small portion uses the Hawkview extension it could be hundreds of cars a day.

Is Eagles Nest development going to have maintenance fees for the storm water system? Would it be set up like a condo association? if so could the planning board require that the developer make it a gated community? I would rather have 70-80 cars a day instead of hundreds driving on Hawkview.

And if the circumferential highway is ever built all of the traffic that currently uses Speare would either have to use Kimball Hill or the Hawkview extension. If there is a way that makes the drive easier people will take it. A good example is when I come home from Nashua and drive on 111 East and turn right on Kimball Hill road. The backup to continue east on 111 has been getting worse in the past couple of months and as a result I see a lot more people turn right on Kimball Hill and then drive up and take a left on Clement to get back on 111.

Dear Chief Buxton,

I am writing to you to voice my concerns and offer a possible solution to the proposed Eagles Nest Estates which would result in Hawkview Road becoming a through road to Bush Hill road. I believe a significant amount of traffic would use this new route instead of Speare road. If the Circumferential highway is built then Speare Road would no longer be a continuous road and instead end in two Cul De Sacs (figure #1) which would also result in significantly higher traffic volumes, as the proposed entrance is in the Circumferential highway easement at the intersection of Bush Hill Road, creating an appealing shortcut for anyone wanting to go East on Kimball Hill Road.

A simple solution that would alleviate our concerns about the possible high volumes of traffic would be to not have the Hawkview extension a through road, instead have two adjoining cul de sacs and access to either side for emergency services would be accomplished by a gate that is manual, automatic, or solar. The gates can also be equipped with break-away arm so that if the gate malfunctions emergency vehicles can drive through the gate.

The costs of the gates and required maintenance could be picked up by the developer and some options with costs are below.

1. Manual Gate with Padlock: Simple solution, next to no maintenance, key could be stored in a knox-box. If the lock was unable to be opened then the lock could be cut with a pair of bolt cutters which I believe most fire truck carry. Cost of gate is ~ \$3,366.00
2. Hardwired operated gate with battery backup: Automatic solution requires lubricating the chain and checking limit switches every 6 months. Cost of gate is ~ 5,893.00 plus the cost to install wiring, meter, and a disconnect which would be ~ \$1,500.
3. Solar Powered gate: Automatic solution requires lubricating the chain, checking limit switches, checking the battery, and cleaning the solar panel. Cost of the gate is ~ \$6,510.00. The system comes with a 14Ah battery which will power the gate for 100 open/close cycles.

I have worked as a facility manager for semiconductor and nanotechnology companies that were required to have gated entry/exits due to the highly hazardous chemicals that were used onsite and they were very reliable and did not need a lot of maintenance. I have only seen one instance in which a gate did not operate due to a mouse entering the electronics enclosure and chewing on a 480VAC wire.

Hopefully you can support one of these options that will allow access to both sides of the Hawkview extension to emergency services and at the same time ensuring that our nice quiet neighborhood remains a great place to live and raise our families.

On the following pages is information taken from the Hudson CTAP Discretionary Project Report which shows traffic volumes on Speare, Wason, and Kimball Hill road.
http://www.nashuarpc.org/files/6013/9473/4934/CTAP_HudsonDiscretProjRpt.pdf

Respectfully,
Frank Caprio
22 Hawkview Road

The Hudson CTAP Discretionary Project Report dated October 2009 states on Page 1 *"Downtown Hudson experiences one of the highest levels of traffic congestion in the region. This is due in large part to the presence of the bridges across the Merrimack River and the traffic that flows to and from those bridges on NH 3A, NH 102 and NH 111. Due to the long delays at the Taylor Falls/Veteran's Memorial Bridges, increasing amounts of traffic have been diverting from the Taylor Falls/Veteran's Memorial Bridges to the Sagamore Bridge. There is sufficient capacity on the Sagamore Bridge to accommodate this traffic diversion. **However, the diverted traffic is resulting in heavy traffic on other roads in south and east Hudson including NH 3A, Wason Road, and Kimball Hill Road.**"*

On Page 6 of the report *"Traffic forecasting using NRPC's regional traffic model indicates that traffic across the Merrimack River will continue to increase rapidly. Traffic across the Taylor Falls/Veterans Memorial Bridge between downtown Hudson and downtown Nashua is expected to increase from 37,000 vehicles per day (vpd) today to 53,500 vpd in 2025. This is an increase of*

45% at a rate of 1.7% per year. The Sagamore Bridge is expected to increase from 36,500 vpd currently to 61,900 by 2025. This is an increase of 67% at a rate of 2.3% per year. It should be noted that these increases will take place despite the development of the Airport Access Road Bridge across the Merrimack River that is expected to be used by at least 20,000 vpd by 2025. The result of high traffic volumes on the Taylor Falls Bridge is congestion in downtown Hudson and on NH 3A. The congestion during the peak travel hours is resulting in diversion onto Wason Road and Kimball Hill Road. **For example, during the AM peak hour westbound traffic queues at Wason Road and NH 3A have been observed to approach ½ mile.**

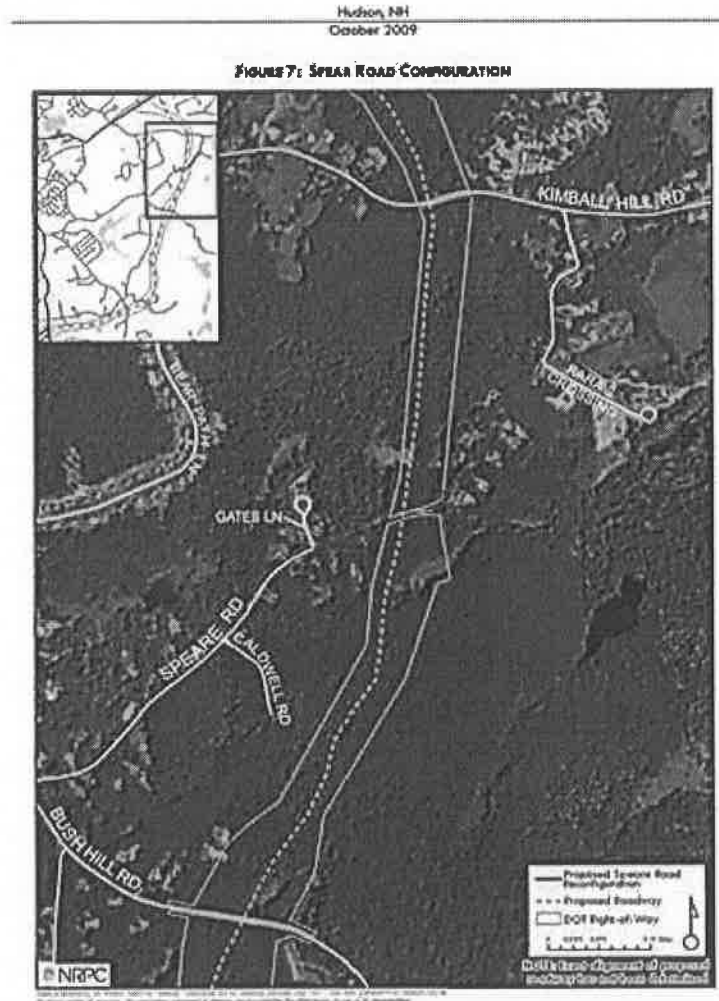


Figure #1

Hudson CTAP Discretionary Project Report
Hudson, NH

October 2009

FIGURE 4: TRAFFIC VOLUMES

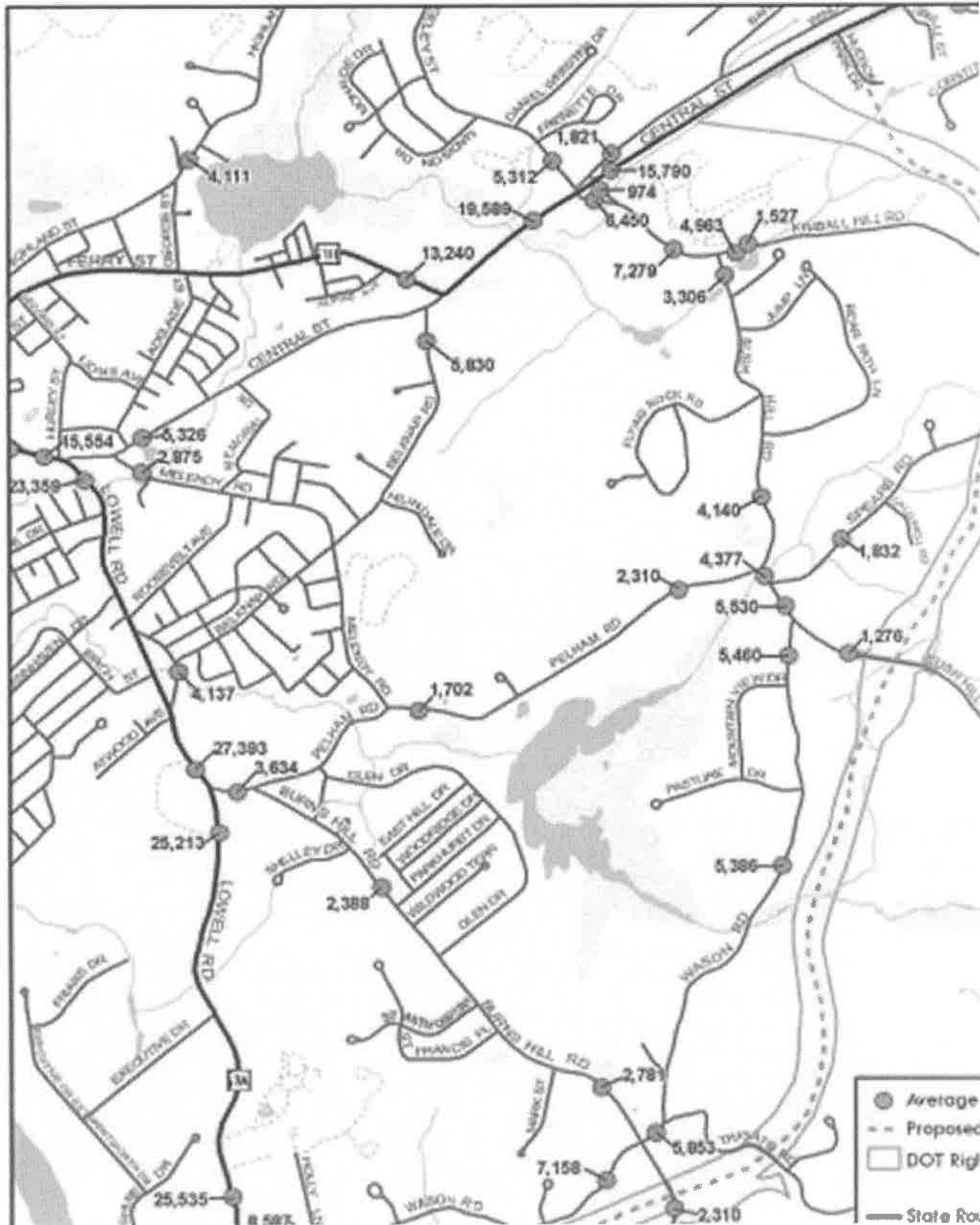


TABLE 8: COMPARISON 2017 vs. 2009 24 HR TRAFFIC VOLUMES

	2017 No Build	2017 Build	2009 Current Traffic
Wason Road Between NH 3A and Musquash	14,500	6,700	7,200
Wason Road Between Musquash and Bush Hill	5,700	1,800	5,900
Bush Hill Road Between Kimball Hill and Spear Road	7,400	1,900	2,800
Kimball Hill Between NH 111 and Bush Hill Road	7,200	2,300	7,300
NH 111 East of Kimball Hill Road	23,600	19,500	16,000
Lowell Road South of Pelham Road	33,700	29,300	25,500

On Tue, Aug 4, 2015 at 11:21 AM, <glenn@gdellamonica.com> wrote:
I agree with eliminating the times for the "no through traffic" restriction. On further thought, there is the safety issue of children waiting for and getting on and off school buses mid day.

20 or 25 MPH would also certainly discourage people from using this as a through street.

Sometimes the best solutions are the simplest ones.

By the way, the vans that Google and other services use to map streets look at speed limits and photo-capture signs such as "no through traffic" to incorporate into their algorithms for routing. Sometimes it works and sometimes not so much, but the signs could prevent the route from showing up on Google or GPS service maps.

Glenn

----- Original Message -----

Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

From: "Betsy Manning" <nfl930@juno.com>

Date: Tue, August 04, 2015 7:31 am

To: jcashell@hudsonnh.gov

Cc: edhima@hudsonnh.gov, BOS@hudsonnh.gov, grghll@aol.com,

glenn@gdellamonica.com, jordanulery@comcast.net,

Tmalley@tjmalleyelectric.net, cjbrackett1@gmail.com,

Ken.Massey@comcast.net, bcoll66956@comcast.net, fcaprio77@gmail.com,

christinecaprio@gmail.com

Good Morning,

In response to this idea:

PLEASE NOTE, PLANNING BOARD MEMBER, GLENN DELLA-MONICA, PUT FORTH THE FOLLOWING IDEA:

TO POST SIGNS AT THE GIBSON RD./KIMBALL HILL RD. INTERSECTION, AS WELL AS AT THE BUSH HILL RD. INTERSECTION TO READ: NO THROUGH TRAFFIC 7:00 A.M. 9:00 A.M. & 4:30 P.M. 6:30 P.M. THESE SIGNS WOULD REDUCE TRAFFIC VOLUME WITHIN THE AFFECTED ROADWAY NETWORK, IMPROVE TRAFFIC SAFETY WITHIN THE EFFECTED NEIGHBORHOOD ROADS, AND AT THE SAME TIME, ALLOW HAWKVIEW RD., GIBSON RD., KESTRAL LN. AND MACCANN RD. RESIDENTS TO USE THE NEW ROAD CONNECTING TO BUSH HILL ROAD.

I suggest keeping it simple: NO THROUGH TRAFFIC

Since the driver would see this sign late or would've already made the turn onto Gibson, keeping it as simple and clear as possible would be most beneficial, rather than require them to look at their clock, then last minute decision to risk getting caught by police and continue through.

I would also like to see a 20 MPH speed limit posted at least on Gibson, starting after Smith Farm fields, where the houses start. This could be throughout all of the affected roads too, similar to Winslow Farm Rd (20 MPH keeps me from using this road).

The ONLY working farm left in Hudson is Smith Farm. I'm not sure if the board is aware, but they have fields at both ends of this road, requiring reoccurring trips throughout the day, past Hawkview Rd, to the Pelham end of Gibson. Opening the end of Hawkview is only the start of the erosion of farming in Hudson. Signage, fire gates, etc, can help delay the erosion, but only temporary. Once Hawkview is "opened" the future of the farm is unpredictable. Devising a way to forever close off Hawkview will help preserve Smith Farm and be most beneficial to Hudson.

Thank your time.

Betsy Manning

----- Original Message -----

From: "Cashell, John" <jcashell@hudsonnh.gov>
To: Betsy Manning <nfl930@juno.com>
Cc: "Dhima, Elvis" <edhima@hudsonnh.gov>, ~BoS <BOS@hudsonnh.gov>, "grghll@aol.com" <grghll@aol.com>, "glenn@gdellamonica.com" <glenn@gdellamonica.com>, Jordan Ulery <jordanulery@comcast.net>, "Tmalley@tjmalleyelectric.net" <Tmalley@tjmalleyelectric.net>, Charlie Brackett <cjbrackett1@gmail.com>, Ken Massey <Ken.Massey@comcast.net>, William Collins <bcoll66956@comcast.net>, "Buxton, Robert" <RBuxton@hudsonnh.gov>
Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road
Date: Mon, 3 Aug 2015 14:05:10 -0400

From: Betsy Manning [<mailto:nfl930@juno.com>]
Sent: Thursday, July 30, 2015 8:01 AM

To: Cashell, John
Cc: Dhima, Elvis
Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

Good Morning,

ohhhh. I think I understand now.

Even though the BOS is waiting for Elvis's report on Gibson, so Gibson access is in limbo now, the Applicant can still meet before the PB with other plans, that don't affect Gibson Rd?

ANSWER: AT THE JULY 8, 2015 PLANNING BOARD MEETING THE EAGLES NEST SUBDIVISION PUBLIC HEARING WAS DEFERRED, DATE SPECIFIC, TO THE AUGUST 12, 2015 MEETING. UPON THE APPLICANT'S WRITTEN REQUEST, AND CONSENT OF THE PLANNING BOARD, THE HEARING CAN BE FURTHER DEFFERRED TO A MUTALLY ACCEPTABLE DATE.

NOTE: THE APPLICANT CAN CONTINUE TO MEET WITH THE PLANNING BOARD ON THE EAGLES NEST SUBDIVISION. THAT IS, WHILE THE ISSUE CONCERNING GIBSON RD. IS DECIDED UPON BY THE BOARD OF SELECTMEN. THIS BEING SAID, HOWEVER, ANY FINAL ACTION TAKEN BY THE PLANNING BOARD ON THIS SUBDIVISION MAY DEPEND ON THE ACTION TAKEN BY THE BOARD OF SELECTMEN REGARDING GIBSON ROAD.

PLEASE NOTE, PLANNING BOARD MEMBER, GLENN DELLA-MONICA, PUT FORTH THE FOLLOWING IDEA:

TO POST SIGNS AT THE GIBSON RD./KIMBALL HILL RD. INTERSECTION, AS WELL AS AT THE BUSH HILL RD. INTERSECTION TO READ: "NO THROUGH TRAFFIC 7:00 A.M. – 9:00 A.M. & 4:30 P.M. – 6:30 P.M." THESE SIGNS WOULD REDUCE TRAFFIC VOLUME WITHIN THE AFFECTED ROADWAY NETWORK, IMPROVE TRAFFIC SAFETY WITHIN THE EFFECTED NEIGHBORHOOD ROADS, AND AT THE SAME TIME, ALLOW HAWKVIEW RD., GIBSON RD., KESTRAL LN. AND MACCANN RD. RESIDENTS TO USE THE NEW ROAD CONNECTING TO BUSH HILL ROAD.

So, has the Applicant been notified that Gibson is on hold for now?

ANSWER: THE APPLICANT IS AWARE OF THIS ISSUE, BUT THE APPLICANT STILL PLANS TO COME BEFORE THE PLANNING BOARD,

AS DEFFERED, TO DISCUSS THE ISSUES SURROUNDING THE EAGLES NEST SUBDIVISION.

(They could be scrambling and trying to come up with another option, but if they can't they could postpone 8/12 at the last minute?)

I have to remember "my job" is to try to stop Hawkview access and not find a solution for the Applicant....

I am meeting tonight amongst my neighbors, so I want to be clear and understand everything so I can relay this on to them.

Thank you for your time and assistance.

From: Betsy Manning [<mailto:nf1930@juno.com>]
Sent: Thursday, July 30, 2015 8:01 AM
To: Cashell, John
Cc: Dhima, Elvis
Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

Good Morning,

ohhhh. I think I understand now.

Even though the BOS is waiting for Elvis's report on Gibson, so Gibson access is in limbo now, the Applicant can still meet before the PB with other plans, that don't affect Gibson Rd?

So, has the Applicant been notified that Gibson is on hold for now? (They could be scrambling and trying to come up with another option, but if they can't they could postpone 8/12 at the last minute?)

I have to remember "my job" is to try to stop Hawkview access and not find a solution for the Applicant....

I am meeting tonight amongst my neighbors, so I want to be clear and understand everything so I can relay this on to them.

Thank you for your time and assistance.

----- Original Message -----

From: "Cashell, John" <jcashell@hudsonnh.gov>
To: Betsy Manning <nf1930@juno.com>

Subject: RE: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road
Date: Wed, 29 Jul 2015 16:10:20 -0400

Betsy: The Planning Board voted to defer the hearing, date specific, to the Aug. 12th meeting. Only by the written request of the Applicant to defer further, will the board not hear this matter. To date, the Applicant has not requested such a deferral.

John

From: Betsy Manning [<mailto:nfl930@juno.com>]
Sent: Wednesday, July 29, 2015 3:57 PM
To: Cashell, John
Cc: Dhima, Elvis
Subject: Re: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

John,

I was under the impression that since Mr. Dhima's report won't be ready by 8/12, that the Eagles Nest Subdivision Plan wouldn't be discussed at the Planning Board meeting on 8/12? Isn't the current plan on the table revolve around accessing via Gibson and that is what Mr. Dhima's report is on? The Selectman will decide if Gibson is accessible or not via Mr. Dhima's report and if it's not accessible, then they can't use Hawkview as an access road. I do understand your points about jurisdiction...but I can't see how the plan can proceed until Gibson Road/Hawkview is analyzed.

I can't risk missing a meeting about this project, but my plans of being up in The Forks Maine that week, it will be tricky to get to Hudson for the meeting.

I will review my letter and let you know if I want it submitted to the Planning Board as is, or make changes.

Thank you,

Betsy

----- Original Message -----

From: "Cashell, John" <jcashell@hudsonnh.gov>
To: Betsy Manning <nfl930@juno.com>
Subject: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road
Date: Wed, 29 Jul 2015 15:14:20 -0400

-----Original Message-----

From: Cashell, John

Sent: Wednesday, July 29, 2015 3:14 PM

To: Graham, Donna

Cc: Buxton, Robert; ~BoS

Subject: RE: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

Dear Elizabeth:

I read your below letter, and I understand your concerns and those of your neighbors. Please note, as I wrote to you this morning, and I will include that transcript, below, all of your concerns and those of all concerned parties, are best brought before the Board of Selectmen, relative to their jurisdiction over Town owned public rights-of-way (streets). However, in regard to the Eagles Nest Subdivision, its associated boundaries and its proposed infrastructure improvements (i.e., roads and utilities), the Planning Board has jurisdiction in deciding on this Subdivision Plan. To this effect, please feel free to continue bringing forth your concerns to the Planning Board, both in the form of writing and verbally in front of the Planning Board.

Please note, at the July 8, 2015 Planning Board meeting, the Eagles Nest Subdivision public hearing was deferred (continued) date specific to the August 12, 2015 Planning Board meeting. This meeting will start at 7:00 P.M. in the Buxton Meeting Room, Ground Floor of Town Hall. If your schedule permits, please make every effort to attend this hearing.

Today's above-cited earlier communication to you reads in its entirety as follows:

"Betsy:

You're welcome. Ultimately, no one individual has the authority to judge and determine the final action on this subdivision. Rather, only a majority vote of the Board of Selectmen can authorize (or not) improvements to public streets. In regard to proposed subdivisions (e.g., Eagles Nest), the Planning Board has jurisdiction to approve or deny same. Note: regardless of the aforementioned jurisdictions, all decisions of the Board of Selectmen and Planning Board can be appealed to the New Hampshire Superior Court. That is, within 30 days of the respective body's decision to approve or deny the subject matter.

John"

In closing this present communication, please let me know if you would like

me to forward your below email to the members of the Planning Board, or if you would like to have me send any other communication(s) to them, i.e., relative to having such communication(s) sent to them in preparation for their August 12th hearing date.

Sincerely,

John Cashell
Town Planner

-----Original Message-----

From: Graham, Donna
Sent: Wednesday, July 29, 2015 1:44 PM
To: ~BoS; Cashell, John
Subject: FW: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

Please see e-mail below. Selectman Luszey asked that I forward this onto you. I've also copied John Cashell.

Donna

-----Original Message-----

From: Thaddeus Luszey [<mailto:ted@luszey.net>]
Sent: Wednesday, July 29, 2015 1:07 PM
To: Graham, Donna
Cc: nfl930@juno.com
Subject: Re: [Luszey, Thaddeus] Eagles Nest/Hawkview Access Road

Hi Donna,

I believe this is within Selectman McGrath's domain. Please forward to her as well as all the other Selectman. I am requesting Selectman McGrath as the Planning Board liaison have Mr. Cashell respond to each item in the note below to Ms. Manning and cc all the Selectman.

Thanks,

Ted

On 7/28/15, 9:08 AM, "nfl930@juno.com" <nfl930@juno.com> wrote:

> Elizabeth Manning sent a message using the contact form at

> <http://www.hudsonnh.gov/node/197>.

>

> Dear Selectman Luszey,

> First, I'd like to apologize for my behavior (speaking out of turn) at
> the July 14th Selectman meeting. We have never been to a Selectman
> meeting and didn't know what was expected of us. Our Hawkview
> neighborhood was caught off guard and unaware that we were to have
> only one speaker to represent us and we were feeling like this was our
> last hope at saving our neighborhood. I moved to Hudson in 1994 and
> this is the first time I have ever had to confront my town Planning
> Board and Selectman. It has been quite the learning experience. I'd
> like to suggest to both boards that they should have a ³What to
> Expect² section on the www.hudsonnh.gov website so people can know
> what to expect at these meetings. Trying to fight for our rights and
> not knowing who can help and how to go about this is very frustrating,
disheartening and scary.

> Now, I'd like to try to catch you up to speed on the Eagles Nest

> Development, abbreviated, if possible.

> € Eagles Nest proposed a long dead end road with 2 fire roads, via

> Kara's Crossing and Hawkview. The board vetoed this proposal.

> Believing fire road blockades need maintenance and can't be supported

> once the builder is long gone. Also, a waiver to the 1000¹ Cul-de-sac
> rule would be needed.

> € Eagles Nest proposed an exit road via Kara's Crossing and no fire

> roads. This would've been ideal, since a route this way wouldn't

> create a short cut road. Nothing would be gained by the traveler to

> travel this way. But, the residents of Kara's Crossing found a legal

> matter that was able to stop this proposal.

> € Eagles Nest proposed an exit road via Hawkview and no fire roads.

> This is what my neighborhood is fighting. Travelers going towards

> Pelham would gain a new short cut, creating roads more like Speare

> Road thru my neighborhood (Hawkview, Kestrel, Gibson & McCann) also

> affecting the Eagles Nest neighborhood. I believe when I take Speare

> Rd towards my house, 1 out of 5 cars turn right on Kimball Hill Rd.

> These are the people who have a potential improved short cut through

> Eagles Nest. In the 2009 traffic report,

>

http://www.nashuarpc.org/files/6013/9473/4934/CTAP_HudsonDiscretProjR

p

> t.pdf, approximately 1832 vehicles per day, if 4 out of 5 vehicles

> turn right, potentially over 1400 vehicles could take the new short

> cut through Hawkview Rd. The recent traffic study done for Eagles

> Nest suggests only

> 300 cars per day will travel through my neighborhood. Eleven hundred

- > cars is quite the variance. I sure hope I am wrong, but it would be a
- > travesty if I am correct. Residents in this neighborhood have lived on
- > these dead end streets for as long as 34 years. It is so upsetting to
- > realize we don't have rights to stop the abrupt change of our
- > neighborhood characteristics and don't know who to turn to for help.
- > What is best for Hudson and the 46 residences in the Hawkview
- > neighborhood, not just the 12 on Hawkview, this affects all of us who
- > live in this neighborhood?
- > € I have suggested to the developer and to Mr. Cashell that the sharp
- > curve off of Speare is ideal. But, wetlands and sharp incline are a
- > problem with this. But, these issues are abundant in much of the
- > Eagles Nest proposal. Odd they can be allowed to cross wetlands to
- > increase the size of their development, but not to provide an exit road.
- > € I believe the next best option is the option that Eagles Nest first
- > proposed, but with one fire road via Hawkview. The town is worried
- > about maintaining the fire gate, but if this proposal is accepted,
- > Eagles Nest won't need to improve Hawkview or Gibson Road, so the
- \$700
- > per house is not needed for road improvements. Couldn't this money be
- > put into a fund to maintain the fire road gate and improvements to
- > Wason (a traffic light maybe needed in the future at Wason & Bush Hill
- Rd)?
- > a) If we can get the gate supported and approved, we still have the
- > problem of a dead end road exceeding the 1000¹ Cul-de-sac rule.
- > € Gowing Rd is an example of a long dead end road with well over 150
- > houses with various Cul-de-sacs. Also, being proposed before the
- > planning board is another 19 house lot Cul-de-sac off of Gowing. If,
- > they won't allow Eagles Nest to be a dead end road with 66 house lots,
- > how can they allow 19 more houses to a neighborhood that already has
- > over 150 houses accessed via one road in/out?
- > € The golfing neighborhood (Par, Muldoon, Birdie, Etc.) is over 75
- > houses all accessed via one road in and out. Why is this okay but
- > Eagles Nest is not ok?
- > € Everyone has a story and a reason for why they choose where they live.
- > We need to offer various options to people and let them choose. I
- > chose my house on Gibson Rd because it was and still is a country
- > setting but a convenient 10 minute drive to stores and the mall. I
- > believe many people would like this type of setting, even those living
- > at Eagles Nest. But, to make the road a throughway via Hawkview, you
- > are taking away my country setting. This is not Lowell. Why can't we
- > keep the country charm of Hudson?
- > € Allow a waiver to the 1000¹Cul-de-sac rule and if necessary, reduce
- > the number of houses proposed by Eagles Nest. Wason Rd really can't
- > handle the number of new developments in this area.

- > There are some issues that have not been discussed. This made me
- > realize perhaps the people responsible making the decisions don't know
- > about the area's they are deciding for. It's up to the people who do
- > know, to inform the decision makers.
- > € This area has been a hunting area forever. People access this land
- > from many points. Via the power lines on Hawkview Rd, the end of
- > Gibson Rd in Pelham, Bush Hill Rd and Speare Rd. They walk or take
- > ATV's in. Many of these access points are 'open space' for Eagles Nest
- > or undeveloped properties abutting Eagles Nest. So, people may still
- > hunt here, not knowing about the new neighborhood. This is a very
- > scary thought and an accident waiting to happen. The access points are
- > all on the 'outside' of Eagles Nest, with the houses being on the
- > inside. Many bullets could be fired before they stumble onto an Eagles
- > Nest property.
- > € There is an old foundation, I think near lot 16 of Eagles Nest. Is
- > this being preserved? Does anybody care about this? If so, do they
- > know about it? I have always thought it was cool and there are several
- > old tools near it, and metal from wagon wheels. You can see the 2 root
- > cellar areas too. A shame if this is buried under a new house.
- > Another question I have is about my rights. I am not a direct
- > 'abutter' to Eagles Nest, but living on Gibson Rd, making my now dead
- > end road a throughway is a negative effect Eagles Nest is having on
- > me. But, since I am not an abutter, I was never notified through the
- > mail about the Eagles Nest Development. I did hear about the fire road
- > proposal and then the Kara's Crossing exit road proposal and I was
- > okay with this. But, then it got change to Hawkview Road exit and the
- > Planning Board had already made decisions they say can't be reversed.
- > How can these decisions made during other proposals not be changed
- > when the proposal has changed?
- > Thank you for taking the time to read this and for listening to us.
- > It's a good feeling to know you've been heard and there are people who
- > can protect your interest.
- > Best regards,
- > Elizabeth Manning
- > 21 Gibson Rd
- >
- >
- >

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" E "

Paul M. Beach
25 Hawkview Rd
Hudson, NH 03051

3 Aug 2015

Attn: Town of Hudson, Town Planning Board
CC: Town of Hudson, Town Selectman

Sub: Excavation disapproval by abutter

This is official notice that I, Paul Beach, of 25 Hawkview Rd disapprove of any and all excavations within the 50 feet limit of a disapproving abutter, per town code 200-5 "Excavations for which permits will not be granted". This applies only to my property that directly abuts and is owned by the developer of Eagle Nest Estates.

Please reference:

Proposed Eagles Nest Estates plan

Town code 200-5 "Excavations for which permits will not be granted", items B & C



Paul M. Beach

Atch:

Hudson Town Code 200-5
Eagles Nest Estates Plan

200-5 "Excavations for which permits will not be granted", items B & C.

The Planning Board shall not grant a permit:

- A. Where an excavation is proposed below road level within 50 feet of any highway right-of-way, unless such excavation is for purpose of said highway.
- B. For excavation within 50 feet of the boundary of a disapproving abutter.
- C. For excavation within 10 feet of the boundary of a disapproving abutter, unless approval is requested in writing by said abutter.
- D. When the issuance of the permit would be unduly hazardous or injurious to the public welfare.
- E. Where existing visual barriers in the areas specified in RSA 155-E:3(III) would be removed, except to provide access to the excavation.
- F. Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey.
- G. Where excavation is planned beneath or adjacent to inland surface waters in such manner that a permit is required from the New Hampshire Water Supply and Pollution Control Commission, the New Hampshire Water Resources Board, the New Hampshire Wetlands Board or other state, county or federal agencies with jurisdiction over the premises, except that the Planning Board may approve the application only after all such other necessary permits have been obtained.
- H. Where the project cannot comply with the restoration provisions of § 200-7.

BETSY MANNING

"F"

The Applicant has asked for a lot, so why can't we ask a lot to protect our safety and neighborhood? Please consider every option carefully. Considering opening the Hawkview dead end is "worse case" and we are hopeful the Board of Selectman can remove Gibson Rd as a throughway, if it is deemed an unsafe alternative and improvements are not feasible.

If Board of Selectman allows Gibson Rd to be a Throughway:

- Allow a fire gate at the end of Hawkview Rd. Opposition has been expressed to this idea, but why can't we try it? The cost would be to the developer and not to the town of Hudson. Require a "town size standard road" to connect Hawkview to the Eagles Nest Development, but with a fire gate. If it is ever deemed as "not beneficial" for one reason or another, it could be removed and the roadway will already be ready for use without a gate. But, hopefully it has bought my Hawkview/Gibson neighborhood time. The Applicant has said they wouldn't open Hawkview till the end of the project, so this gives us 4 yrs. If the fire gate worked for 10 years, we now have 14 years. It could allow the children to grow up and they would enjoy the neighborhood their parents chose for them. It would allow plenty of time for the rest of our neighbors to continue the lives we chose. If the Fire Department plans on servicing the cisterns, then couldn't they can schedule maintenance checks on the gate at the same time. There are many types of fire gates and I'm sure a suitable one for this circumstance can be found. Heck, the Police Dept. unlocks and locks Benson's park daily. I would think the Fire Department could do periodic checks based on the manufacturer's guidelines?
- Along with the fire gate, install the "No Through Traffic" signs at Gibson/Kimball Hill and Bush/Franklin that were suggested by Mr. Della-Monica. Prepare for the fire gate to be removed. Keep people in the habit not to use this road.
- Install 20 MPH signs near 13-15 Gibson Rd, these have always been needed.

Safety Concerns

- I am worried about our Neighborhood becoming unsafe like Wason/Speare. Here are some statistics that Fire Chief Buxton has provided:
Regarding the accident data for Wason/Speare and Gibson/Hawkview, we did a review from 2012 through 2015 to date. The historical data shows 48 accidents in the three year period on Wason / Speare and 0 on Gibson / Hawkview. This data represents motor vehicle accidents that the Fire Department responded to.
In the 21 years I have lived here, I do recall one accident across the street from 23 Gibson. It was a few years ago. The rumor I've heard was it was a young driver, single car accident, going N on Gibson, hitting a tree on the right side of the road where it drops off. Gibson has been widened slightly since then, but it certainly isn't safe enough to handle the traffic increase which could occur. My vantage exiting my driveway is impaired by the hill and curve. I often will see a car, after I have pulled out and thought "where did they come from?" I worry about my children who are driving now, getting hit by a speeding driver, where-as our current neighbors are more considerate and I don't worry for my children's driving safety in this circumstance.
- Will there be any signage surrounding the new development for the Hunters? It is nice to have all the open space from this development, but combine that with the undeveloped land and the power line access points and the undeveloped land on the other side of the power lines. There are still plenty of hunting grounds. If a hunter accessed via Mammoth Road in Pelham, they could very well continue through (yes, there is a trail near the Dunkin Donuts in Pelham that comes out at the end of Gibson Rd), possibly following a deer and not know there is a new neighborhood they are shooting towards. It would be negligent of the town to not address this ahead of time.
- Gowing Road and a new 16-lot housing development is precedent as a long dead end road that already exists in Hudson. The Planning Board is allowing more houses to this area, already over 150+ houses. Each case should be considered separately and its effect on the surrounding areas. Is the safety of the proposed 66 houses more important than the safety of the 46 houses in the established Hawkview Neighborhood?