



# TOWN OF HUDSON

## Zoning Board of Adjustment



J. Bradford Seabury, Chairman

Ben Nadeau, Selectmen Liaison

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### HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES October 23, 2014

#### I. CALL TO ORDER

Acting Chairman Martin called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30pm on Thursday, October 23, 2014, in the Paul Buxton Meeting Room in the Town Hall basement. Acting Chairman Martin then requested Clerk Dearborn to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** Normand Martin, Jim Pacocha and Donna Shuman

**Members**

**Absent:** J. Bradford Seabury (Excused) and Mike Pitre (Excused)

**Alternates**

**Present:** Mary Ellen Davis, Gary Dearborn and Maurice Nolin

**Alternates**

**Absent:** Kevin Houle (Excused) and Marilyn McGrath (Excused)

**Recorder:** Trish Gedziun

#### II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Acting Chairman Martin welcomed Rob Buxton, Fire Chief, Town of Hudson, to the meeting.

Chief Robert Buxton, Hudson Fire Department

In August of 2014, Bill Oleksak retired as the Zoning Administrator for the Town of Hudson. The Board of Selectmen reassigned the duties for zoning, code enforcement, and health to the fire department and over the last few months they had worked diligently to phase in and transition the zoning responsibilities. He said

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that the purpose of his presence at this meeting was to welcome the Zoning Board of Adjustment to the Hudson fire department's team and that as an organization, they were excited to support the Zoning Board of Adjustment and that they had worked hard to mesh the building department with the fire department over the past two years and that transition had worked well.

Chief Buxton stated that over the last few years he had learned the word "transition." He said that the traditional fire service organization was no longer around and that they had become an "all hazards" department and the number one thing he did each day was to work on risk reduction and that risk reduction started with zoning ordinances and code enforcement.

Chief Buxton then introduced two people that he said were very important to "our" success as a team. Deputy Chief John O'Brien who was in charge of the Inspectional Services Division which coupled building, fire prevention, zoning, code enforcement, and health. He introduced the second member of the team as Mr. Kevin Desmond, Mr. Oleksak's replacement as the Zoning Administrator. He said that Mr. Desmond lived in Hudson with his wife and two children and had experience in the private sector in project management with National Grid. He said that they looked forward to working with the Zoning Board of Adjustment and creating an environment consistent with fair enforcement of the zoning ordinances and code enforcements. Chief Buxton stated that they had already been working diligently with several people on projects over the past two weeks and had run into approximately one dozen of code enforcement items and twelve to fourteen zoning administration type of things.

For the benefit of all attendees, Acting Chairman Martin noted that copies of the agenda for the meeting, as well as an outline of the rules and regulations governing hearings before the Zoning Board of Adjustment, were available at the door of the meeting room. He noted the outline included the procedures that should be followed by anyone who wished to request a rehearing in the event the Board's final decision was not felt to be acceptable. Acting Chairman Martin pointed out that the Board allowed rehearings only if collectively convinced by a written request that the Board might have made an illogical or illegal decision or if there were positive indications of new evidence that for some reason was not available at the hearing.

Acting Chairman Martin seated Ms. Davis in place of Mr. Seabury and sat Mr. Nolin in place of Mr. Pitre, who were both excused.

### III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 186-20-4 & 24; 194-10; 195-001 (10/23/14) - (Deferred from 8/28/14): Eagles Nest Estates, LLC, 21 Continental Boulevard, Merrimack, NH requests a Special Exception in accordance with HZO Article IX, Section 334-33, to impact the designated wetlands for Hawkview Subdivision in four different locations. Approximately 8,519 square feet of wetland area will be impacted. The construction of the roadway and associated stormwater management areas will impact wetland buffers. Specifically, a total of 161,639 square feet of permanent wetland buffer impact is proposed at White Service**

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**Road & Kara’s Crossing Drive [Map 186, Lot 20-4 & 24; Map 194, Lot 10 & Map 195, Lot 1; Zoned G-1; HZO Article IX, Section 334-33, Wetland Conservation District]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Acting Chairman Martin

Acting Chairman Martin asked Mr. Desmond to explain why the case was before the Board.

Mr. Desmond

Mr. Desmond replied that the Hawkview Subdivision was before the Board for review of wetland special exceptions. He said that the applicant had previously been before the Board and that they had made some changes to the basic overall layout of the subdivision.

Acting Chairman Martin

Acting Chairman Martin asked who was present to speak in favor with regard to the application.

Mr. Tony Basso, LLS, Keach-Nordstrom Associates, Inc.

Mr. Tony Basso, LLS, from Keach-Nordstrom Associates, Inc., representing the applicant, addressed the Board, stating that Mr. Jeff Merritt, P.E. also from Keach-Nordstrom was also present as was Attorney Andrew Prolman, of Prunier & Prolman, legal counsel for the applicant.

Mr. Basso stated that the project represented 237.4 acres of land and it was an undeveloped woodland tract that went from Bush Hill Road and headed toward Hawkview Drive and also towards Kara’s Crossing. He said that the project had been before the Board a number of years ago and that at that time the developer was proposing a similar type development; not an open space, but a conventional plan that impacted about 18,000 square feet of wetlands with about 115 square feet of buffer impact. Mr. Basso stated that that plan had been denied in 2006 because of a few of the crossings.

Ms. Davis

Ms. Davis pointed out that although some of the crossings were denied, some of the crossings were approved.

Mr. Basso

Mr. Basso stated that the present application represented a vastly different plan. He said that the older plan had envisioned lots that were spread out over the entire property and the present plan would protect 140 acres of

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land that would be conserved for common space and open space conservation land. He said they would still be accessing the White Service Road which was a road that was part of the circumferential highway plan. He said that another difference between this project and the older request was that the older project envisioned going through to Hawkview Road and this one went through Kara's Crossing, a new subdivision road which was built in 2005. Mr. Basso said that the applicant had received favorable recommendations from the Conservation Commission as well as the Planning Board for the wetland's crossings but that the applicant still needed to get full Planning Board approval. He said that a wetland application had not yet been filed because he was waiting until this process was done.

Mr. Basso stated that coming in off of Bush Hill Road on the White Service Road were a couple of beaver ponds and that the proposal was to come in between the beaver ponds which would impact a little piece of the wetland and wetland buffer. He said there were a few more minor impacts as well as the proposed crossing of the main wetland that bisected the entire property. He also said that wetland would be impacted at its narrowest point. Mr. Basso stated that continuing to the east there was another big beaver pond and that there was a dam located there and there was a thread of a stream and the impact would be right at the thread. Mr. Basso said there was another impact of stream to get across to Kara's Crossing Drive and that all of them represented impacts for access. He said that most of the buffer impacts were related to stormwater and that the plan represented about 63 1-acre lots. He said the older plan had many more impacts to the wetlands which had been significantly reduced. He said there was about 103 acres of actual upland usable land that would be preserved with the total open space being 140 acres and that there was roughly 40 acres of wetlands that would be preserved. Mr. Basso said although they were in the beginning stages of the project, all of the crossings had been designed and the culverts that were being used complied with the state requirements.

Mr. Jeff Merritt, P.E., Keach-Nordstrom Associates, Inc.

Mr. Merritt said that the first proposed crossing was close to Kara's Crossing Drive and that there was an intermittent stream located there. He said they were planning on crossing that stream with an 8' x 6' high box culvert and pointed out that all of the proposed culverts would be precast box culverts. He also said that the culverts would be oversized because a stream bottom would be simulated in the beds of all of the cross culverts. Mr. Merritt said that in addition to that, on either end of the culvert there would be a precast retaining wall that would minimize the impact to the wetland. He said that there were a proposed 2,189 square feet of direct wetland impact and the associated wetland buffer impact for the installation of the culvert and the proposed stormwater management area was 18,955 square feet. He said that the area to the southeast was a stormwater management area and that it was one of many ponds that would be part of the project that would collect a portion of stormwater run-off from the proposed roadway. He said that this particular pond would be a wet pond and that wet ponds were ponds that were designed to hold a permanent pool in them for the entire year. Mr. Merritt said that the bottoms had water in them and wetland vegetation would grow and they would get treatment through biological uptake and settling over time as well as decomposition.

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Mr. Merritt stated that the second wetland impact was an intermittent stream and the culvert specified was a 15' x 5' box culvert and again, it was oversized vertically so it could be sunk by 1' to simulate the stream bottom in the bed of the culvert. He said that similar to the other crossings, there would be precast retaining walls on either side of the structure to limit encroachment into the wetland. East of the proposed crossing was a large stormwater management area and the pond was a multi-pond system in that it was very similar to a wet pond as it held a certain volume of water all year round. He said that the difference with these multi-cell ponds was that the volume of static water that was in the pond was split up into multiple different cells. He said the pond received run-off from adjacent lots as well as stormwater run-off from the roadway, it was treated in the multi-cell pond and it ultimately discharged out of the pond. He said that the proposed wetland impact for this culvert was 745 square feet and there was an associated 33,661 square feet of wetland buffer impact from the installation of the culvert and the construction of the stormwater management area.

Mr. Merritt stated that there was a cul-de-sac that was part of the overall project and that they were not proposing a wetland impact in that location, however there was stormwater management proposed. He said this too was a wet pond, would hold water all year, and was part of the treatment mechanism for that type of stormwater system. He said it took stormwater from the majority of the cul-de-sac, treated it in the stormwater management pond before discharging it to the overall wetland complex. He also said that there was a proposed wetland buffer impact of 4,108 square feet.

Mr. Merritt stated that the third wetland impact was not a stream but was a very low spot in the topography. He said that they were proposing a box culvert which would be 5' x 4'; again sunk by 1' and that there would be a simulated bottom there. He said the culvert would essentially hydraulically connect the wetland to the south to the wetland to the north. Mr. Merritt said that there was already evidence of impact in the vicinity such as some ATV trails but that they had proposed to cross it at its narrowest point.

Mr. Merritt said that the west side of the crossing had an infiltration pond proposed and that pond would collect a portion of the run-off from the proposed roadway and lots. He said that the native soil in the area would be used to provide the treatment and that the state requirements for what was called "ground water recharge" were also satisfied. He said they were obligated by the State of New Hampshire to infiltrate a certain volume of water proportional to the proposed development.

Mr. Merritt said that the east side of the crossing had another wet pond similar to all of the others and that the crossing required 2,270 square feet of wetland impact and an associated 43,472 square feet of buffer impact from the two ponds; the infiltration pond, the wet pond, and the installation of the culvert itself.

Mr. Merritt stated that the fourth wetland impact was called an ephemeral stream and it would be crossed with a 5' x 3' box culvert; the same as all of the others with retaining walls on either side of the crossing to limit the impact to the wetlands. Northeast of the crossing was a stormwater detention pond and it did not provide treatment. He said that the outlet to it crossed south under the proposed roadway to a grass lined treatment swale and that the treatment swale provided the treatment for the stormwater and the detention pond simply

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provided detention and helped control the peak rate of run-off. He also said that on the other side of the crossing was a bio-retention area or a rain garden and it was a filtration type of Best Management Practices. He said it used plants to help reduce pollutant loads, there was uptake through the roots of the plants and there was also a filter media below the plants which allowed the stormwater to perk through and it caught pollutants that way. He also said that the proposed wetland impact for the crossing was 595 square feet with an associated wetland buffer of 24,006 square feet for the detention pond and the treatment swale.

Mr. Merritt stated that the fifth and final wetland impact was on White Service Road. He said that this particular crossing was an intermittent stream and they were proposing a 15' x 5' box culvert with again, a simulated stream bottom and retaining walls on either side to limit the impact to the adjacent wetlands. He also said that the stormwater management area was a sediment forebay with an associated grass line treatment swale adjacent to it. He said the crossing required 2,720 square feet of wetland impact with an associated 38,596 square feet of wetland buffer impact for the crossing and the stormwater management.

Mr. Merritt said that there were five crossings with a total of 8,519 square feet of wetland impact and that it consisted of 2,235 square feet of what would be deemed temporary impact and 6,284 square feet of permanent impact. The wetland buffer impacts associated with the culverts and the all stormwater management areas would total 161,639 square feet. He said that they had minimized the wetland impacts, they had tried to simulate the stream beds that would be crossed, and a variety of Best Management Practices were used that NH DES recommends and requires. He also said that he believed they had exceeded the treatment requirements that were at the local level and we fully expect to meet the stormwater treatment requirements that are imposed upon us at the state level.

### Mr. Basso

Mr. Basso stated that before Attorney Prolman goes into the criteria, he wanted to note a major difference. He said that we just heard a lot of stormwater stuff that you probably did not hear as part of the 2006 project. In 2009, the State of New Hampshire adopted the Alteration Terrain Permit Requirements which required the stormwater measures that were heard tonight, hence the larger buffer impact for the stormwater. He said there were no stormwater impacts in the actual wetlands; that the wetland impacts are strictly for access.

### Attorney Andrew Prolman, Prunier & Prolman

I represent Eagle Nest Estates, LLC and I would like to go through the criteria for both §334:23 and §334:34.

There are two ordinances at issue for the Board to consider as part of this Wetland Special Exception. The first is §334:23 and there are five criteria to speak to.

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1. *The proposed use is listed as a permitted use by special exception. Our proposed use is a residential use in a residential district. The Wetland Special Exception impacts are allowed under §334:35.*
2. *The proposed use meets all applicable requirements in this chapter.*
3. *The proposed use is consistent with the purpose and intent of the district in which it is located. It is a residential use in a residential district. The impacts are as minimal as can be with some of the best engineering that we can present.*
4. *The proposed use is compatible with the character of the surrounding neighborhood. We are in the G-1 District but entirely surrounding this proposed subdivision is all residential. There may be some small businesses that I am unaware of but we are compatible with the homes in the area.*
5. *Non-residential principle uses shall be located must take primary access from arterial collector roads. We are not proposing any non-residential principle uses.*

Attorney Prolman then distributed copies of a letter from Blaise J. Coco, CEO, Coco, Early Associates, a realtor in New Hampshire. Attorney Prolman stated that the Opinion Assertion from that letter indicated that “It is my opinion that the impact of the local real estate values for neighboring homes will be very favorable. A project of this caliber, constructing homes ranging between \$450,000 - \$600,000+ in a neighborhood of homes currently valued in the \$300,000 to \$500,000 will assist with price appreciation almost immediately.

Attorney Prolman then addressed the five criteria for §334:35.B.1 as follows:

1. *The proposed use is essential to the reasonable use of land outside the Wetlands Conservation District. This land, as it works its way from Hawkview and Kara’s Crossing over to the White Service Road and Bush Hill Road, has a number of threads of wetlands that we just can’t avoid in order to make that connection from one to the other. To access this property would be impossible to get from point A to point B without impacting the wetland areas.*
2. *There is no reasonable alternative to the proposed use that does not adversely affect the Wetland Conservation District. To access the uplands is a sizable project and invariably there are going to be some wetlands to cross. The engineering is top notch with all box culverts, all headwalls minimizing the impacts at every crossing. We have 140 acres that are going to be dedicated open space and conserved forever more. We are at a loss as to present some alternative that would have a lesser impact.*

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3. *Design, construction and maintenance methods shall be prepared by a Professional Engineer (PE) and shall include restoration of the site, as nearly as possible, to its original grade and condition. The design, construction methods, and maintenance methods for the project, including those involving the wetland and wetland buffer impacts have been designed by the applicant's engineers, Keach-Nordstrom Associates, Inc. The impacts will exceed the town requirements and meet the state requirements. As an integral part of this project, general construction sequencing and erosion control practices have been implemented according to the State of New Hampshire's Department of Environmental Services (NHDES) Best Management Practices as described in the manual for: Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.*
4. *The proposed use within the Wetland Conservation District is not based primarily on economic considerations. The proposed wetland and wetland buffer impacts are based entirely on site feasibility.*
5. *Provision is made for wildlife access corridors to promote the free migration of wildlife along the length of the Wetland Conservation District. An open bottom box culvert with a natural stream bottom is proposed to provide wildlife an access corridor so they may migrate freely under the proposed road surface. The Planning Board and Conservation Commission had both given a favorable recommendation.*

Mr. Nolin

Are any of the crossings on the original plan that was presented back in 2006?

Attorney Prolman

No, the White Service Road crossings are in a similar location just because that's where the state White Service Road is but the crossings themselves are smaller and in different locations.

Mr. Nolin

Okay, so none of them are represented by the original plan?

Attorney Prolman

No, we didn't take the Maynard & Paquette Plan and cut and paste it onto this plan.



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Mr. Dearborn

Mr. Prolman, you indicated that there is going to be 140 acres of open space. My information says there is going to be about 216 acres of open space. Which is correct?

Attorney Prolman

140 acres is correct. The whole property is 237 acres, and was not sure what the 216 acres was but the 140 acres was the open space area that was intended to be preserved. 103 acres of the 140 acres was dry upland, and that it was not all wet.

Mr. Pacocha

Which crossing is the one they call the log crossing?

Attorney Prolman

That is the one in the middle of the project.

Mr. Pacocha

I think that was one of the ones approved at the other hearing. I'm just trying to figure out which ones are in the same location as the other plan.

Acting Chairman Martin

Acting Chairman Martin asked if there were anyone else present who wished to speak in favor with regard to the application. No one came forward.

Acting Chairman Martin asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application.

Mr. Stan Zube, 92 Spear Road

One question that I have as he was talking to Kara's Crossing; I believe it is going to connect to Kara's Crossing? In order to get to Kara's Crossing Drive, you need to go through Spear Road and Spear Road is a very winding road and with an increase in traffic, that can be a very dangerous road. The corner of Spear Road which is Kimball Hill Road, it kind of drops off the wrong way and with the traffic I was concerned if the town was planning widened or straightening out some of those hazardous corners?

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### Acting Chairman Martin

This Board does not take traffic into consideration; that would be the Planning Board. However, I am sure that they will scrutinize this plan because of the situation out there. Also, when the plan is submitted to the Planning Board it goes to every department in this town; police, fire, highway. Nothing goes forward until each department reviews it and gives their input.

### Mr. Keith Zajac, 12 Kara's Crossing Drive

I am here with my wife, Melinda. Like most of our neighbors, we hand-picked and custom built our dream homes in this neighborhood. There are no starter homes on this street. We looked exclusively at cul-de-sacs and paid a significant premium for that. The value of our property is a concern for us. We even had signed covenants that required that these neighborhood standards be kept and those covenants are good through the year 2027 and are renewed at 10-year intervals. Those covenants explain that no lot shall be reduced or increased in size by any method whatsoever. My understanding here is that in order for the impact to Kara's Crossing Drive to happen, one of our neighbors would have to sell off part of their land so it would violate that covenant. It also says the cutting of trees must be kept to a minimum to preserve the natural wooded character of the area. They would have to cut down some trees to put that street in at the end of Kara's Crossing Drive and lastly, that no stormwater management devices or any streets shall be removed or altered or filled in for any purpose. The developer of the Hawkview Subdivision does have a right to access their property, I'm not here to dispute that but he doesn't have a right to devalue our property in doing so, especially when there are other options. This was supposed to go through Hawkview. There is a private right-of-way already established at the end of Hawkview. If you went northeast and turned down Hawkview instead of going northwest to go up to Kara's Crossing Drive, you would eliminate one of those wetlands crossings. I ask that you deny this plan and require the developer to provide the particulars of all of the other options including specific wetlands impacts.

### Mr. Tony Michaud, 7 Kara's Crossing Drive

I come before you tonight to express my opposition to the proposed development but more importantly, to voice my disapproval for the proposed plan to access this potential development through Kara's Crossing Drive. Each of the residents willingly paid a premium to build our homes on a cul-de-sac for one main reason; for the type of environment that a cul-de-sac promotes. We have formed a tight knit community and a comradery amongst each other. If our road is allowed to be opened up and exploited for the simple reason of lining a developer's pockets, traffic will increase, crime will increase, communication will decrease, and our way of life will no longer exist. The fact that Kara's Crossing terminated in wetlands was what we believed had no potential for expansion. This developer does not care about our community. I hope each of you, before making your decision will come out and visit our neighborhood. I implore you to make the right decision and deny the use of Kara's Crossing Drive as an access road and to save our close community that makes Kara's Crossing Drive such a special place to live.

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### Mr. Kenneth Mils, 4 Kara's Crossing Drive

I was told by Mr. Trudel when I purchased my home that the cul-de-sac my home was surrounded by conservation land and could not be developed any further. I plead with the Board to please come and visit our neighborhood for yourselves before you make your decision and hopefully have the developer explore his other options seeing how he has not purchased the property from Matt Trudel and has a private right-of-way already established to access the property on Hawkview Road for the future Hawkview Estates.

### Ms. Jessica Bergeron-Seeley, Bush Hill Road

I am the executrix of my mother's estate including a house located at 114-117 Bush Hill Road. There are other suitable access points which will allow to drastically minimize the adverse effect to the wetlands which Eagle Nest Estates wishes to build upon. One of the determinations which you must answer is whether there is in fact, no reasonable alternative to the proposed use which does not adversely affect the Wetlands Conservation District. The fact is there are other alternatives. One includes parcel 10 located on sheet 201 of the Town of Hudson property map which abuts Green Mountain Partners and could potentially be available as an access point. This potential option should be explored by Hawkview along with other abutting parcels prior to an exception being granted which will avoid interference with wetlands. One of the other questions is if the proposed use within the Wetlands Conservation District is not based primarily on economic consideration. The answer to this is of course it is. The purpose of building a subdivision is for a financial profit. I am requesting that you deny this proposal based on the fact that there are alternative access options which will minimize impact on the wetlands which have not been fully explored yet.

### Mr. Jeff Lalmond, 10 Kara's Crossing Drive

It is our hope that our cul-de-sac not be broken for a road into the proposed Hawkview Estates. We are here before you today to ask that you deny the application for the special exception, particularly as it pertains to lot 186-20-4 in the case. In the abutter's notice of the hearing I saw reference to HZO Article XV, Chapter 334. In that ordinance, paragraph D states the most fundamental purpose of the Wetlands Conservation District which is to "preserve and enhance the esthetic values associated with Hudson's wetland areas." We feel the breaking of the cul-de-sac and the building of a road at the end of Kara's Crossing will destroy rather than preserve and enhance this esthetic value. I feel that some of the conditions set forth in §1 of the permitted uses will not be met. One of the conditions is "the proposed use is essential to the reasonable use of land outside the Wetlands Conservation District." I believe that although it may be convenient to the applicant, the proposed use of land is not essential to the project. I feel condition 1B is not met which is that "there is no reasonable alternative to the proposed use that does not adversely affect the Wetlands Conservation District." We contend that there are other alternatives that do not or do as adversely affect the wetland. I also feel that 1D is not met which is the "the proposed use within the Wetlands Conservation District is not based primarily on economic considerations." Mr. Basso's primary responsibility is to the applicant and not to the residents of the Town of

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Hudson. It is my opinion that this proposal is literally and figuratively the cheapest way out for the applicant. My contention is that the crossing of this piece of wetland is a “want” and not a “must” and so we ask that you deny this application. If you refer to the open space plan of the Hawkview Subdivision, perhaps the applicant could see fit to terminate the proposed roadway and propose lot 46. This would reduce the number of wetlands crossings from five to four and reduce the permanent wetland impact by 1,429 square feet which is 22% of the 6,284 square feet requested. It would also reduce the temporary impact by 760 square feet which is 34% of the total requested 2,235 square feet for this crossing. This would keep Kara’s Crossing intact and thereby preserving the esthetic value of the wetlands. I believe the applicant could find alternative access through lot 41 of the development thereby not infringing any further on wetlands areas within the development. In conclusion I ask that you deny the request.

### Ms. Melinda Zajac, 12 Kara’s Crossing Drive

Our main purpose for buying on Kara’s crossing was because of the privacy that it offered our family. I feel that the proposed development will take my privacy away. When I hear the talk about multi-cells and single cells ponds and everything they will try to build to try and help preserve the wetlands, I hear years and years of special large equipment that will be driven through our neighborhood, trucks and tractors. That’s a big concern. Lots of noise, dust, and spotlights pointed at our house. I ask that you come out and see the nice neighborhood that will now be impacted by your vote and picture the years and years of development that will happen.

### Mr. Roger Hubert, 9 Kara’s Crossing Drive

We paid a premium for the lot and the home was constructed for us and the worth of the property is evidenced in my tax assessment. We were assured that Kara’s Crossing would always remain a cul-de-sac adjacent to all of this conservation land. There is one resident of the neighborhood who is not present this evening. That’s the current owner of lot 20-4 who I assume has some agreement with Eagles Nest Estates to sell some or all of the 14 acres of lot 20-4. If that proposal is accepted, I will be the only abutter that will abut this subdivision on two borders of my property, 20-4 and lot 20 once they are merged together. It will allow the developer to connect to our cul-de-sac. If you allow this plan to go forward, it’s going to destroy the uniqueness of this neighborhood. We cohabitate with an abundance of wildlife every day of the week. Only Eagles Nest Estate and the owner of lot 20-4 will gain financially. There is a beaver pond there that’s been there for certainly longer than I’ve been alive, there’s an ancient beaver damn and the beaver’s still live there and heron’s live. There are deer, fox, snapping turtles, coyotes, and we all have dogs. I am not in opposition of the subdivision, but I am in direct opposition of connecting to our cul-de-sac when there are other alternatives. I think it will wreck the neighborhood and the habitation.

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Ms. Linda Bianchi, representing Ronald Daigle, 119 Kimball Hill Road

Kimball Hill Road sounds very far away but it's actually the swamp that is just behind Kara's Crossing Drive. My father bought 26 acres and gave me 2 acres at the end of Kestral Lane. When he did that, we came before the town and at that time, the town was extremely concerned that my father would sell to a developer who would open up Kestral Lane and make a road that would connect to Kimball Hill Road. They were so concerned about that that they made my sign an agreement saying that if he gave me the 2 acres of land he could not sell any other part of his land which was never his intention. He wanted to sell one or two lots just so he could have a decent retirement. It's very hard for me to understand that now a block away, they are willing to let 64 houses be built and open up a cul-de-sac. That's very upsetting in of itself because he is now retired and the only type of buyer that he could possibly sell to would be someone who would enjoy the swamp like we have. I'm skeptical that it would not destroy the only value that my father's land has left which is not a lot of neighbors and a nice wildlife in the back yard. I'd like the town to come out and take a look at 199 Kimball Hill Road.

Mr. Brian Driscoll, 11 Spear Road

The biggest concern that I have is the wetlands impacts. All the water that floods out the corner of Pelham Road and Bush Hill Road comes down off of my property which borders George White's property. Most of it is all underground streams that feed this area. I have an 18" culvert pipe that runs across the back of my property. There's so much water in the spring that that pipe won't even handle that amount of water and that's where the flooding comes from. It's all going to impact the water that comes across my property. There are covenants on the property coming up Spear Road that we can't divert water so we have to live with the water that is there. My other concern is the traffic impacts although I know that you don't take that into consideration. I am opposed entirely to the development.

Mr. Jim Angati, 8 Kara Crossing Drive

I made a very large investment in my home and I pay some of the highest taxes in Hudson and I accept that because I have a premium location in Hudson. Needless to say, I am against having my neighborhood negatively impacted so the developer can make the most amount of money on this project. I'm here to ask why this is an option when this is not the only option. This is about money and not wetlands. The developer's only goal is to spend the least and make the most. I can appreciate that but what is before you is not the best plan, it's the least costly plan that will work.

Second Round of Testimony

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Mr. Basso

A lot of things mentioned tonight were Planning Board concerns that we will be dealing with but there are a few things that I will address. First and foremost, it is true that there is an alternative access to the development and I don't dispute that and it would not include this wetland here, no question. (Recorder's note: Mr. Basso was referring to a diagram posted to the wall) What doesn't show is Gibson Road and it's a very narrow road and Hawkview peels off to the right. Right on the shoulder of the road is a vertical drop down to a wetland for quite a distance. The adequacy of Gibson Road at 14' – 17' wide is not going to fly even on a low volume standard which would be about a 22' with 2' shoulders. Widening that out that much with that wetland along that side of the road would be a substantial wetland impact and larger than the one proposed. In looking at this from a wetland perspective, this is the least impacting alternative. There was another concern with the Bergeron Estate and its Lot 10, Map 201. It was said that this could be an alternative access and that we could purchase this property from them and it would somehow reduce impacts. It would still have impacts and there are productive vernal pools in the area so we ruled it out. Also, Bush Hill Road has a sharp curve on it with no site distance or at least not the amount I would need for a public access. I don't know if this is understood but as a point of clarification, that beaver pond will not be impacted; we are proposing a culvert over the stream. There was also a concern of flooding caused by our drainage ponds. Our drainage ponds are there to do the opposite of that. We are required by the town and the state not to impact stormwater at our property lines. These ponds are there to detain, retain, and treat all of the stormwater from the impervious surfaces and rooftops which do increase run-off. There will be a review process of these ponds. I know a comment was made that I am here only for the developer but we have professional licenses and stamps that I have to maintain that require us to practice at a certain standard and that standard is reviewed by this town by a private consultant. The other question was we do come near the Kara's drainage pond but that drainage pond will remain intact as will its function. I want to speak to one thing that somebody brought up and it was brought to our attention by the Town Planner and that was that we could eliminate one crossing by cul-de-sac "ing" this road and although I will agree that we can cul-de-sac the road in that location with Planning Board approval, we can't eliminate that crossing because the fire department wants it for access because of the response times to these neighborhoods. I do have a plan, although it is irrelevant for tonight, it's relevant to many of the abutters in this room. We are going to propose to the Planning Board, we are going to need a waiver, there is a requirement that you don't have a cul-de-sac over 1,000 feet and this would be far more; however John Cashell suggested that I run this by Deputy O'Brien as well as Chief Buxton and what they would be amenable to is to have a cul-de-sac down here so the road doesn't physically connect to Kara's Crossing but we would have a gated emergency access, radio controlled by the fire department so no citizen from this development would have access through Kara's Crossing. There would be a paved driveway that would have a gate on each end and the fire department with their radio could signal the gate and open it to come through to respond to a fire. We would also do the same thing on Hawkview because that's a long, dead end. I can't guarantee to anyone that I can get the waiver but I still need that same crossing because I need to get the fire access across there. Because I do have the support of the fire department, we are going to move forward with the plan and eliminate a full connection and making it gated into that

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neighborhood. There were a number of comments about this being about money. The development is certainly about money but the impacts are necessary for the use of this land. The wetlands bisect the property. Case law, as we know, when it's blocked it becomes a taking so you can't enact an ordinance that stops people from accessing large, developable tracts. That's why there is a Wetlands Bureau. We are not proposing to build anything in the wetlands or the wetlands buffers.

Mr. Basso

You are approving our crossings. I understand the concerns of the abutters but the same concerns could be said on Hawkview or any cul-de-sac where you connect through and the Planning Board will deal with it. This proposal is the minimal impact. I guess you could recommend that the Planning Board support that waiver. Most of the abutters concerns are related to Planning Board matters, as you all know. The Planning Board needs to balance the concerns of the neighbors with the ability to access large tracts of land and to utilize a person's property per New Hampshire state law.

Mr. Nolin

Are the abutters aware of your new proposal?

Mr. Basso

No, I have only gotten this in the last couple of days so I haven't spoken to any abutters here about this. Also, to this Board it is irrelevant because this is a wetland matter and we have reduced the impacts by going this route.

Mr. Dearborn

If approved, what is the price range of these homes going to be?

Mr. Basso

Around \$500,000.

Mr. Dearborn

I heard one person say that if this exit came in off of Kara's Crossing, his property would be devaluated a little bit and that's not the case. I'm surprised that there wasn't any negative testimonies from people who live on Hawkview because one of my questions to you is are there any alternative entrances or exits to this property other than Kara's Crossing?

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Mr. Basso

It's either Hawkview or Kara's Crossing.

Mr. Dearborn

If it was Hawkview there would be very few Kara's Crossing people here.

Mr. Basso

When I brought this up with the fire officials they were excited about the response time change from different stations. We offered the Hawkview one as well and that changes response time from a couple of different fire stations. They spoke with Kevin Burns, Road Agent, and would be responsible for maintaining these accesses. They have the radio controls in their trucks to be able to plow them out and keep them open. I think ultimately that it is a great alternative. The proposed gates would only be accessible to town officials; fire, police, and public works.

Mr. Pacocha

With regard to alternate accesses, map 186 shows that there is a right-of-way off of Spear Road into lot 24.

Mr. Basso

Yes, but that has a giant wetland crossing that's 200' wide and it has a very steep slope going down to it. It's not physically accessible.

Attorney Prolman

I just had one legal thing that I didn't want to leave hanging. It is true that there are covenants of record recorded at the Hillsborough County Registry of Deeds with respect to the Kara's Crossing subdivision. We have obtained a waiver from the developer; Spear Road Development LLC., as to this lot that is proposed to access the Eagles Nest Estate project. There is a question about a condition or approval with respect to the cul-de-sac and the fire access. There is an application before you tonight, if we can do that cul-de-sac and get that waiver, that makes a lot of sense for everyone in room but the application before you is for that crossing. We need that and hopefully we don't have to use it fully but that's not something we can have a condition of approval because that will muck us up with the Planning Board.



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Ms. Davis

If this Board were to approve what's been brought before us tonight, there's no guarantee that you would present that to the Planning Board. There would be no need for you to have to present that.

Attorney Prolman

We are on the record right now giving you our word that we will make that presentation.

Mr. Basso

The record stands from testimony and holds up in court so that is why I said we've stated for the record but as far as a condition, we have minimized the impacts so although I'm not asking you to not feel for the abutters, we are here for wetlands. We will make every effort to do the cul-de-sac and we are prepared to do that.

Attorney Prolman

It may well be that the Planning Board denies the waiver for a cul-de-sac length in which case, we'd be back with a connection to Kara's Crossing which is why I think you have to act upon the application before you.

Ms. Davis

What I am saying is that you may have good intentions going to the Planning Board but they might deny the waiver but they could allow the whole cut through which would not be the best or most reasonable use.

Mr. Pacocha

Attorney Prolman, do you represent Spear Road, LLC.?

Attorney Prolman

No, Spear Road Development was represented by the McLane, Graf, Raulerson, & Middleton Law Firm in Manchester, NH.

Ms. Davis

Do you have a copy of the waiver with regarding to the covenant?

A break was declared by Acting Chairman Martin at 9:30pm; declaring the meeting back to order at 9:38pm.

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### Second Round of Testimony

#### Acting Chairman Martin

Is there anyone who would like to speak with regard to the application for the second and final time?

#### Unidentified Speaker

First of all, regarding the covenants, yes, inside the covenant's it explains that the developer has the right to change those covenants. The developer is Matthew Trudell who is also a resident. That immediately seems like a conflict of interest. Secondly, my understanding is that LLC has also gone bankrupt. It may of since then been re-established, I don't know. Lastly, this said developer seems to financially gain from violating these covenants so yes, he is going to sign that waiver and he's going to put several hundred thousands of dollars in his pocket. I think the Board needs to know and understand that. Regarding the other option going out to Hawkview, it leads out to Gibson Road. The narrowest point on Gibson Road, at least from Hawkview to Kimball Hill is 18 ¾ feet. Conversely, if you look to Spear Road, the narrowest point of Spear is 17 ½. feet. The town has already approved Gibson Road to be widened. There was a subdivision put in some time ago that approved from that subdivision towards Gibson Road to widened. There is already an established right-of-way on Hawkview, anyone who has purchased a home since 2005 knows that was zoned for a future road. If you go down Kara's Crossing you'll see nothing but houses with an open concept. There are no forests, there are no trees, there is no overgrown anything. If you were a resident of Hawkview you wouldn't even see the traffic. The value of the homes on Kara's Crossing is significantly larger so I don't know that you would have the same uproar on Hawkview as you do on Kara's Crossing.

#### Unidentified Speaker

I just wanted clarification from the attorney that the "subdivider" who has since gone bankrupt, which is how we got our properties, can change the rules that we have to continue to abide by. If you look, the covenants are set and travel with the land forever. There is a statement in there that said "per approval of the developer" but the developer has since gone bankrupt. The developer is in fact the resident and owner of lot 20-4 for which this is all about and I think that's a conflict of interest and I'd ask the Board to take that into consideration as well.

#### Mr. Jeff Lalmond, 10 Kara's Crossing Drive

First I'd like to address the economic impact. I didn't mean impugn the professional reputation of Mr. Basso or any of the professionals here tonight. I merely wanted to state that given multiple plans that the applicant wouldn't necessarily pick the most inexpensive one and the one for which he could mostly gain. As far as the fire department gated access goes, I believe that Kara's Crossing is already at 1,000 feet and it would not be any

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more distance to go down Hawkview because the cut on the road and the accessibility to Spear Road would make it easier for the fire trucks to go up Kimball Hill to Gibson Road and then come in that way. The wetlands on Gibson Road flow north into the beaver brook Pelham area and as such would be less of an impact.

Mr. Bob Frazier, 2 Kestral Lane

Unlike the people that live on Kara's Crossing, I only live in a \$350,000 but I too have a daughter and a dog and car's fly up and down Hawkview as it is. I don't need more traffic. On top of that, I would immediately vote against this going through Kara's Crossing if I was on the Board. About 8 years ago when they built the subdivision on McCann Drive they were blasting rocks to create wells and it affected my neighbors water and their water pressure as a result of that and I was wondering if that was going happen with this.

Ms. Charlotte Cohen, 101 Bush Hill Road

I don't understand how you can even be talking about having a gated crossing at Kara's Crossing and not have a regular road going in there. You are going to have 1 access to 64 houses off of Bush Hill?

Acting Chairman Martin

No, ma'am. If we were to approve this and they went forward to the Planning Board there would be a gated access off of Kara's Crossing and the entrance would be off of Bush Hill at White Service Road. The residents would have the 1 entrance into Bush Hill and the fire department would have access at both ends.

Ms. Cohen

Well that doesn't sound like something that could be approved. You can't put that many cars onto Bush Hill like that.

Mr. Jim Angati, 8 Kara's Crossing

There are many options and that brings me back to my earlier point. This is not one dimensional. The last meeting we attended, we were told it was a wetlands meeting and we didn't get to speak. We waited for this meeting and it seems that this is predominantly a wetlands meeting. The point we are all trying to get across is that the wetlands need to be addressed and in a way that is conducive and in a way that can be approved but the town also has to be addressed because you are left with the impact and I am left with the impact. It's three dimensional as far as I am concerned and we keep going back to one which is the impact to the wetlands. I don't think if Kara's Crossing wasn't an option the project couldn't be done. I don't think it's the best plan for the town or the residents.

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Mr. Jim Fisher, 18 Hawkview Road

With respect to the people who have spoken before I would say that the people who live on Hawkview would have similar arguments as it is a cul-de-sac as well. We also have wetlands and widening the road would certainly be significant. Someone needed to speak for the people on Hawkview because if the project shifted to Hawkview we don't want to have to go through this all again.

Ms. Jane Fisher, 18 Hawkview Road

The other thing is that we are already loaded with kids and we have to be very cautious even though all of the roads are dead ends.

Acting Chairman Martin

Is there anyone else present who would like to speak in favor, in opposition, or neutrally with regard to the application? No one else came forward. I will declare the matter before the Board.

However, before I do that, sir, I believe you were referring to the Conservation Commission. The Conservation Commission hears these Wetlands Special Exceptions before the Zoning Board of Adjustment and the reason why there is no public input at those meetings is because it's advisory to us. We don't have to take their recommendations but we usually follow their stipulations and such.

Ms. Davis

Can you point out the property line of the White Service Road because I think that lot belongs to the Department of Transportation?

Mr. Basso

Yes, that's right and we have permission. The crossing will be on the White Service Road. There was land taken by the State of New Hampshire for the White Service Road.

Ms. Davis

Do you have D.O.T. approval to work in it?

Mr. Basso

Yes and we have permission to build a Class 5 town road.

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Ms. Davis

Will you have an easement?

Mr. Basso

It's going to be the town's road.

Ms. Davis

If we move down the road from lots 1 and 2, those look like they have heavy buffer impact.

Mr. Basso

We have enough buildable and wetland area and the distance here is almost 200 feet to that buffer so it's way bigger than what you need for a house footprint. We are not proposing that these houses have any impact on buffers or wetlands.

Ms. Davis

I'm just thinking down the line because what typically happens in zoning is that the house gets built and then people want to put on decks and sheds.

Mr. Basso

I understand but these have big enough areas to do that. You can certainly apply a stipulation that says there shall be no further impacts for residential construction be allowed in the buffer zone. That's assumed anyway.

Ms. Davis

Is it the same with lots 18 and 19?

Mr. Basso

Yes.

Ms. Davis

It looks like you probably need easements there?

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Mr. Basso

No because again, it's the scale so the half inch you see on the plan is 100 feet wide.

Ms. Davis

There's a lot wildlife that was identified and I didn't see approval from the New Hampshire Heritage Bureau.

Mr. Basso

We went through the wetland process with the state and they take all of that into consideration and that's one of the reasons for the boxes with the natural stream beds in them. My process has always been to come here prior to applying for a wetlands permit. Does it say in the rules that we need a wetland permit prior to coming here?

Ms. Davis

It says "in addition, the applicant submitted impact assessment reports from each of the following agencies."

Mr. Basso

Right but that's not a wetlands permit.

Ms. Davis

I did not say a permit.

Mr. Basso

That's the NHDR that you get. The Wetlands Bureau would not report on this; they give you an approval or a denial. The wildlife that is listed are sightings from the region. We do a database check with them and they say that these are the wildlife in the area and then the wetlands people address that with the Wetlands Bureau when we file for that application. It's a completely separate matter.

Ms. Davis

I wanted to address the question because it wasn't addressed in any of your testimony.

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Acting Chairman Martin

So what you are saying is that if we give approval, you are going to file the application with the state, but there is a chance that they could say no?

Mr. Basso

Keep in mind that the State Wetlands Bureau did grant all of those wetland impacts from the prior approval. They only look at wetlands; they do not look at buffers. They had already granted a permit for the 18,000 square feet – Maynard had already applied for that years ago and got it. The Wetlands Bureau does not look at what the ZBA approves, they don't look at the wetland buffers; they approve what they approve.

Mr. Pacocha

We have to address a certain criteria when voting on this and we are not supposed to be influenced by other sources. Also, Attorney Prolman, you gave us this waiver from the LLC., dated August, 16, 2007; and recorded in the Hillsborough Country Registry of Deeds. Was that recorded on the same date?

Attorney Prolman

The lead language in that first paragraph references the covenants that were recorded with respect to Kara's Crossing in August of 2007; not the document you are holding. The document you are holding is yet to be recorded.

Acting Chairman Martin

I am a Justice of the Peace in the State of New Hampshire and I will comment. You have a notarized document with Mark Matthew Trudell's signature on it and I think that's a severe conflict of interest. Secondly, the certificate from the Secretary of State's Office is dated 10 July, 2013. Would this certificate be the same if he was asked that question tomorrow? That's my comment.

Attorney Prolman

The covenants, the release are not germane to the Wetland Special Exception before the Board. The Spear Road development delivered to me that certificate of good standing the day that the release was signed. I don't know if it is still in good standing today.

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### Acting Chairman Martin

One of my concerns was the White Service Road; it was my biggest concern last time because the document that I hold in my hand from the State of New Hampshire DOT was not present at that time and it is present now and it seems to me that it is still active. So whatever this Board does, any approvals have to be given to the Bureau of Rights of Way engineer to make sure that the White Service Road is being built to the standard that the state intended.

### Mr. Basso

DOT will certainly be reviewing our plan as well. This is a letter giving us permission to go down this path but there is a review process through the DOT that has to be done.

### Acting Chairman Martin

Acting Chairman Martin read aloud a letter from the Town of Hudson Planning Board addressed to J. Bradford Seabury, dated August 14, 2014, regarding Hawkview Subdivision (ZBA Input Only) The Planning Board has no concerns regarding the proposed Wetland Special Exception application which calls for the temporary wetland impact of 2,235 square feet, the permanent wetland impact of 6,284 square feet, and the buffer impact of 161,639 square feet.

Acting Chairman Martin also read aloud a letter from the Town of Hudson Conservation Commission, dated 14 July, 2014, regarding Eagles Nest Estates, LLC., and Green Mountain Partners Realty Trust, White Service Road and Kara's Crossing giving a favorable recommendation.

### Mr. Pacocha

I'd like to put forth a consideration to have a site walk at Kara's Crossing.

### Mr. Dearborn

I've already been there twice.

### Ms. Davis

Are you proposing to go to Kara's Crossing to walk through?



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Mr. Pacocha

Just to see that crossing there. I can make a decision if the Board doesn't want to take the time to do that, it's fine with me.

Acting Chairman Martin

I've seen the crossing.

Ms. Shuman

I have seen it too.

Ms. Davis

I've seen it but to walk through it, no.

Acting Chairman Martin

If we do a site walk it will have to be postponed.

Ms. Davis

What is before us now is the impact to the wetlands and the wetlands buffer.

Acting Chairman Martin

Yes, all five of them.

Ms. Davis

So we have concentrated on the crossings but we haven't concentrated on whether we thought any of the lots were excessive and the impact to the buffers on some of the lots.

Acting Chairman Martin

That is correct because there are lots that are in buffers and wetlands.

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Ms. Davis

I think that we need to consider that, the amount of the impact.

Acting Chairman Martin

If I'm not mistaken, I counted 41 within the wetlands or wetlands buffer.

Mr. Basso

We would be willing to go one step further and we can put conservation restrictions over the wetland and wetland buffer on the site so that way it's in the deeds and they can't come back here. I'm telling you that these lots are buildable as they are. There are some that have wetlands on them, no question and there are some that have wetland buffers and we are willing to accept a stipulation that the ones with the wetlands and wetlands buffers will be part of the conservation. I've done that before in many other subdivisions. We will mark them the same way that we do with the placards and it will be part of the deed.

Ms. Davis

Compared with the last plan, this is light years better. There's less of an impact but I think if we could work on the lots that I think could have potential future problems by marking them and restricting them for future build out, I am okay with that. I am struggling with the Kara's Crossing impact and I understand that this is a Land/Use Board but it does impact the residents of this town.

Mr. Basso

I understand but this is about wetlands and minimizing the impact and we have done that. The Planning Board is going to take up your same concern and they address it from the points of view of the abutters.

Ms. Davis

Ms. Davis made a motion to approve the wetland crossings as noted on the Hawkview Subdivision Plan with the following stipulations:

1. That all best practices of the Conservation Commission be included.
2. Any lot that contains wetlands or wetlands buffers will be posted with signs and have a conservation easement on it and recorded on the deed.

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3. Recommendation is made to the Planning Board to waive the cul-de-sac requirement of 1,000 feet so that there is no cut through to Kara's Crossing but there is a cul-de-sac that ends at lot 45 and there shall be gated access roads installed for authorized municipal vehicles only.

Mr. Pacocha

Mr. Pacocha seconded the motion.

Acting Chairman Martin

Ms. Davis, will you please speak to your motion.

Ms. Davis

This is a tough one and I know that a lot of people are impacted. People bought properties on Kara's Crossing and in Hawkview with the understanding that they bought into a cul-de-sac. The alternative to that is that the property owner of this subdivision would not have access to their land either and you can't do that so you try to find a happy balance between the two. The Planning Board will take a look at this. If the fire department, which is the #1 reason why we have limited cul-de-sac lengths of 1,000 feet, it's access for the emergency vehicles. If they can maintain that and still keep the cul-de-sacs then I think that the Planning Board will go with the recommendation and the impact to Kara's Crossing and Hawkview would be eliminated and the applicant would still have use of his land. All of the lots that have buffers and wetlands have been limited and further developments such as bigger lot sizes, sheds, and bigger decks so that it will maintain the integrity of the neighborhoods.

Acting Chairman Martin

Mr. Pacocha, will you please speak on your second.

Mr. Pacocha

I am voting in favor because I think that there is a reasonable use of the land outside of the wetland area. They put due diligence into their plan. I think they did a great job of minimizing the wetlands impacts and I don't think there is a reasonable alternative to the proposed use and I agree with the recommendations that we will make to the Planning Board.

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VOTE: Acting Chairman Martin asked Clerk Dearborn to poll the Board on the motion to approve the request for a Wetland Special Exception, with the noted stipulations and the recommendation to the Planning Board, and to record the members' votes, which were as follows:

Ms. Davis	To approve
Mr. Pacocha	To approve
Ms. Shuman	To approve
Mr. Nolin	To approve
Mr. Martin	To deny

Acting Chairman Martin declared that, there having been four votes to approve the request for a Wetland Special Exception, with the noted stipulations, and the recommendation to the Planning Board, and one vote to deny; the motion had carried.

### **IV. APPROVAL OF MEETING MINUTES**

The following changes/edits were made to the meeting minutes of the August 28, 2014, meeting minutes:

1. Page 2, 1<sup>st</sup> paragraph – “Mr. Dearborn” was changed to “Ms. McGrath” - Martin
2. Page 3, – “with the abutter’s notifications being resent by the applicant” – was added – Shuman
3. Page 5, 1<sup>st</sup> paragraph – a redundant “stream bisects” was removed – Shuman
4. Page 7, under VOTE – “to defer” was removed - Shuman

Mr. Nolin made a motion to approve the minutes from the August 28, 2014, meeting, as amended by the Board.

Ms. Shuman seconded the motion.

Acting Chairman Martin called for a verbal vote, and he then declared that all of the voting Board members were in favor of approving the minutes from the August 28, 2014, meeting, as amended by the Board.

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**V. ADJOURNMENT**

All scheduled items having been processed, Mr. Nolin made a motion to adjourn the meeting.

Ms. Shuman seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

Acting Chairman Martin declared the meeting to be adjourned at 10:49 pm.

Date: November 23, 2014

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Normand Martin, Acting Chairman

Recorder: Trish Gedziun