

HUDSON BOARD OF SELECTMEN

Minutes of the November 23, 1999 Meeting

Attorney-Client Session from 7:10 p.m. to 8:05 p.m.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 8:10 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau
3. **ATTENDANCE**

Selectmen: Chairman E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury & Terry Stewart

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Mike Reynolds, Town Planner; Mike Gospodarek, Town Engineer; George Hall; Lisa Riley; John and Maryanne Knowles; Peter Horne; Tony Basso; John Drabinowicz; Howard Dilworth; Nancy Regan; Lenny Smith; John DeCosta; Gordon Tate; David Rugh; Manny Sousa, Len Foy; Josh, TEL; Fidele, HLN; Tim, SUN

4. **PUBLIC INPUT**

Gordon Tate, 4½ Riverside Avenue – Jimmy’s Pizza/Bar Room and Motorcycle Noise -- Mr. Tate wanted the Selectmen to know what was going on at Jimmy’s Pizza on Winn Avenue. The all-night parties are noisy. They were cited by the Police Department and have to go to Court on the 16th. Jimmy’s said they weren’t going to run all-night parties there, but an advertisement was mailed, stating they were going to be open Saturdays from 2 to 6 a.m., but no alcohol or drugs would be allowed. There isn’t enough parking there, so people park all over Winn Avenue and even on his property at 31 Lowell Road. This weekend, for the first time, they picked up the things that were scattered all over his lawn. People drink outdoors and leave beer cans and bottles behind. The people at 5 Winn Avenue called the police this summer because of sexual activity in a van in the parking lot. Kids pick up condoms and throw them at each other. Something has to be done. He’d like No Parking on Winn Avenue, which is the only way to come out of Riverside, unless you go way down to the river and cross at the new bridge. Cross Street is a very narrow and he can’t get his mobile home through in order to make the turn at the end of Winn Avenue.

The motorcycle noise makes it impossible for the neighbors to keep their windows open in the summertime. He’s talked with the Police Department about it, but they said they don’t have a monitor. At 2:00 a.m., the cyclists sit in the parking lot and rev their motorcycles. When there are six or eight of them, it’s impossible to sleep. When he finally does, about an hour later, the owner leaves and revs up his motorcycle, waking him up again. After that, it’s almost impossible to get back to sleep. The Town has Outdoor Gathering Permits, which says that if anyone has a party outdoors that makes noise, they’ve got to get a permit. He said when motorcycles gather together, they are gathering outdoors. The same thing with automobiles. They don’t have enough parking at Jimmy’s for the seating. He said there must be a site plan on the building. There is an extra building on the lot that was brought in a short time ago, but he wasn’t aware that it went before the Planning Board. For two years, there has been a large, unregistered trailer parked in the green space between the old bowling alley and Jimmy’s that he didn’t think was supposed to be there. People should be doing everything they can to keep Hudson a decent town. He’s not the only one who has called the police about this nuisance, but they need help from the Selectmen. Someone should check to see how many parking places he’s supposed to have, the activity he’s limited to, the fire lanes, the egress for getting in and out of there—and not through other people’s property, which they are using, but for that piece of property.

Everyone should be able to run a business, and when it was a pizza business, they never had any problems. Most people in Town went there for pizza when the older man ran it, but now they don’t even want to go there because there’s such a rough crowd. Earlier this evening when he was waiting for the meeting to start, someone said he saw a bouncer in there one night, with a gun in his belt. Mr. Tate asked what they were going to do. Chairman Madison said the Minutes will be distributed to appropriate staff, and the Highway Safety Committee would look into the matter of No Parking signs, with the appropriate staff checking on the portable building, the trailer in the green space, and the other activity taking place.

Selectman Jasper said Mr. Tate spoke with him on Sunday, and he spoke with Capt. Mello yesterday, who will be noting the parking issues and asking the Liquor Commission to come down again. He’s also looking at getting the police trained on a noise meter. Selectman Charbonneau said they can’t have more than 25 parking spaces in that area and, regardless if the other businesses are closed at that hour, this business should operate with just their parking spaces. There should be some enforcement here.

5. **CORRESPONDENCE**

A. From: Tony Basso, Hayner Swanson

Re: Lowell Road Improvements/Sewer Moratorium

Refer to: New Business

B. From: Jim Michaud, Assessor

Re: Setting Fax Fee in Assessing Department

Refer to: New Business/Public Hearing

C. From: Lisa Riley, Library Board of Trustees

Re: Request for Release of Impact Fees

Refer to: New Business

Motion by Selectman Jasper, seconded by Selectman Stewart, to receive Items A-C, with appropriate referral carried unanimously.

2. OLD BUSINESS

A. Curb Cuts on Derry Street

Selectman Jasper said he wanted this on the agenda because he was contacted by Mr. Rugh, relative to a recommendation by the Planning Board to the Department of Transportation. There are four properties that are involved and he doesn't have any issue with two. The two he does have a problem with are 59 Derry Road, which is owned by Mr. Rugh, and 24 Derry Street. He spoke with the Road Agent last week, and Kevin said there's no issue in terms of maintenance that would concern the Highway Department and he added, in the late 80's, early 90's, they reconstructed Derry Road and left those curb cuts there. Selectman Jasper didn't think there was any legal issue involving the curb cuts. The Town acknowledged as much when the sidewalks and curbing were put in, particularly at 59 Derry Road. On Route 111, three curb cuts that aren't being used were left. This is an issue of property rights and a taking, a case Mr. Rugh has made very compellingly in his correspondence to the Board. If they take away that right, the Town owes compensation to the owner for taking something of value, and his curb cut is something of value. The tenant will have to park on one side and walk all the way around. It makes it a less desirable location, particularly if you have small children or are carrying groceries. He suggested that the Board recommend to the Department of Transportation that the second curb cut not be eliminated. While 24 Derry Street is not as compelling, it's still a property right. If the Town feels this strongly, and are going to be taking driveways away, maybe they ought to do the same thing everywhere in Town. It might even involve some of his, Rhona's or Mr. Smith's property, who have two curb cuts. Unless there is a compelling reason, they shouldn't take someone's property rights away just because they're doing a project in the area.

Selectman Seabury disagreed. Mr. Rugh's property was a very small area, where you have to back out onto a heavily traveled road, which is unsafe. Mr. Rugh has enough land to easily bring a driveway around the back of the house to the other side. The Mobile station has two curb cuts, but it's a business that you drive in and out of, not backing out onto a busy highway. She thinks there should be a single curb cut for the safety of the people living there.

Chairman Madison asked Planning Board Chairman George Hall why the Planning Board voted to eliminate one of the curb cuts at 59 Derry Street. Mr. Hall said the Town has driveway regulations and, as he heard earlier tonight, the Selectmen wished the Town would enforce their regulations. He's heard that, in many cases, the Selectmen aren't satisfied with enforcement. There is a regulation that says it shall be unlawful to construct or alter in any way and substantially affect the size or create a driveway entrance onto an existing public right of way. Following input from the Town Engineer, the Planning Board is charged with the responsibility of deciding whether a second driveway permit can be issued. In his six years on the Planning Board, they have approved a second driveway only once, but they've rejected many requests. He wonders what message they would be sending if the Selectmen chose to make a recommendation in opposition to the Planning Board's recommendation. The established practice is not to allow second driveways without Planning Board approval. He said Selectman Jasper made the point that they should check all of the driveways in Town, but he doubted if any regulation has been enforced 100%. In the two cases in question, both of the owners were notified on more than one occasion that their driveways have not been approved. Nobody has, however, chosen to enforce that, but the owners, nonetheless, have been informed that the driveways are subject to question as to their legality. The Planning Board has made a recommendation that the second curb cut not be there and he wondered if the Selectmen were going to oppose that. If so, he questioned what message that would be sending to people who want to put in a second driveway, and also to the enforcement people, who may wonder what regulations the Selectmen will choose to support.

Chairman Madison said in the ZBA Minutes of 1977 when they asked for a variance to convert a single family home

into two apartments, they were allowed the variance just for the conversion, not to have a second driveway. Mr. Hall said that was his understanding, too.

Selectman Jasper said he was a little more than upset by Chairman Hall's inference that he would not support existing regulations. What he does not support is taking away uses that existed prior to driveway regulations. Mr. Rugh came in and asked to see the driveway regulations and to find out if they were in effect when his second driveway was created in 1977. He was told by Town staff in 1977 there weren't any driveway regulations and he was given a date of the adoption of the regulation far after that. His driveway is pre-existing. His support is for someone who has a long-established use that has been confirmed by the Town of Hudson when the Town, on its own, widened Derry Street and put the curb cut in. If the Town didn't feel it was a legal use in 1988 or 1990, whenever Derry Street was widened, the Town of Hudson would have taken that curb cut away. He is not arguing that that may not be a safe situation and he would much prefer to see Mr. Rugh attempt to do something else so that his tenants wouldn't have to back out, but Mr. Rugh has a property right. The Town does not have the right, under the law, to take away a grandfathered property right. Mr. Rugh would be totally within his rights to go to court and attempt to get money for that. He has not seen anything that suggest Mr. Rugh has an illegal driveway. He resents Mr. Hall's inference that he wants to pick and choose what regulations are enforced in Town.

Chairman Madison said she didn't get that (from what Mr. Hall said). Selectman Jasper said they would be able to see it in the Minutes, and he'll read it at the next meeting. Mr. Hall said he didn't want to belabor the legality issue, but the Planning Board made a recommendation and it's his understanding that driveways are under the purview of the Planning Board. They decided that that driveway was unsafe. They are not debating the legalities of it. He doesn't know how long that driveway has been there. When the owner went for the variance, it was brought up that the driveway was an issue. It's not relevant whether it's legal or not, and whether or not he gets paid for it is not up to the Planning Board. The Planning Board feels that the driveway is unsafe and shouldn't be there. He asked if the Selectmen want to send the message that they want to decide second driveways. Selectman Jasper said the Planning Board's purview for driveways has to do with subdivisions and site plans; this is neither. Selectman Seabury disagreed. Selectman Jasper asked to see the subdivision or site plan. Chairman Madison cautioned him not to be sarcastic. Selectman Jasper said he was just asking for backup.

Selectman Seabury said many people have come before the Planning Board, asking for second driveways, which have always been denied. Rte. 102 is going to be widened, which will take more land from his property, which is what his (Mr. Rugh's) biggest brouhaha is all about, so he's making an issue of the driveway. She thinks he should shut that driveway off and put in a T-turnaround, if he wants his tenants to get out safely. He'll be in court, but it'll be by death to one of the tenants backing into the middle of 102.

Mr. Hall couldn't recall the State adding driveways on heavily-traveled roadways; it always reduces them. Many businesses have two driveways, but they need an entrance and an exit. The driveway in question requires the individual to back out onto 102 and that isn't safe, especially since they really can't see until they are almost out onto the road. The most dangerous movements are cars backing into busy roads. The other driveway has the potential for a turnaround on the other side.

Selectman Charbonneau said she has two driveways because the house was built in 1925. She seldom comes out onto the highway because the turn is too sharp. Selectman Jasper said he didn't mean to intimate that there was something wrong with Rhona's, or Lenny's or his driveways, he was just pointing out that there was more than one driveway. He read from a document handed to him by Mr. Hall, "adopted and to be placed in the section of the subdivision regulations. Purpose to insure public safety through the orderly control of traffic moving onto and from the highways, streets and roadways." It has to do with subdivision and site plans. "Exemptions. Any work associated with construction or reconstruction of any highway that is lawfully performed in accordance with RSA 233 or 234." His point is that the reconstruction of Derry Road should not impact the issue of Mr. Rugh. If the Town feels that the movement to and from his property is unsafe, they should work with Mr. Rugh to make sure the unsafe condition does not exist. They should not, through reconstruction of Derry Road, cause Mr. Rugh to lose his property rights. He asked if the Chairman would recognize Mr. Rugh, who had his hand raised.

There being no objection, Chairman Madison recognized Mr. Rugh who said he didn't want to be railroaded. He's owned the property for 12 years and there was never one word about his two driveways being a great traffic hazard. One car goes in and out one to three times a day, and there are no police records indicating there were any accidents there. Across the street is Pizza Hut and a Mobile Station with cars going in and out all day. He said Mr. Hall better get his facts straight about him receiving a cease and desist. Selectman Seabury objected, with Selectman Jasper objecting to the objection, saying the Chairman allowed Mr. Hall to say Mr. Rugh received notices, so Mr. Rugh should be allowed to rebut. Chairman Madison said but he doesn't need to attack him.

Continuing, Mr. Rugh said it's been espoused at different meetings that his driveway is illegal, but it was established

in 1977 and driveway regs weren't established until 1982. Therefore, he feels his driveway falls under the Grandfather clause. His house is 18' from the street, and that isn't legal, but they're not taking his house away. Furthermore, he has never received any correspondence that his driveway is illegal. The economic impact of taking the one driveway away would be severe, as it would translate to \$75 less per month for rent. He wondered why a Mobile Station can get two curb cuts while he, just a little guy, gets only one. Relative to the land taking that Selectman Seabury said he was upset about, they're not taking any of his land, so he doesn't have a problem with that. When the Town widened the road and put in the curb cuts and sidewalks, he was given \$300 for 2' of frontage across his property. If people have a problem with cars backing out onto Derry Street, he'll put in a turnaround or a loop. He's a man of moderate means and asked the Town to work with him. He didn't think the Town has the right to take away his curb cut.

(Start Tape 1, Second Side)

Motion by Selectman Jasper that the Board of Selectmen recommended to the Department of Transportation that the second curb cut at 59 Derry Street remain failed for lack of second.

B. Sale of Town-Owned Property--347 Central Street

Chairman Madison said they put this property out to bid some time ago, and then recognized Town Administrator Paul Sharon. Mr. Sharon said one of the stipulations regarding the sale of this property was to reserve a strip of land for future right of way use and, at this point, there needs to be some rethinking as to extent of land to be preserved.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to reject all bids as they need to study additional right of way.

Chairman Madison noted that someone in the audience had their hand raised and asked if anyone on the Board wished to recognize them. Selectman Jasper said yes. Selectman Charbonneau objected, saying they were in a voting mode and didn't see how they could recognize someone from the audience. There being no further discussion, the Chairman called for the vote.

Motion carried 4-1. Selectman Jasper voted in opposition.

C. Thurston's Drive Street Acceptance

Chairman Madison said a Public Hearing was held on March 9, 1999 at which time a list of items needed to be done, which have now been accomplished to the satisfaction of the Road Agent and Town Engineer. Selectman Stewart asked the Town Administrator if the Town Engineer and Road Agent are working more closely together. Mr. Sharon said the lack of communication seems to have been resolved.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to accept Thurston's Drive carried unanimously.

D. Setting Public Hearing Dates re Sewer Moratorium

Motion by Selectman Seabury, seconded by Selectman Stewart, to set the date for the public hearing for the sewer moratorium for Tuesday, January 4, 2000 carried unanimously.

A. Warrant Articles/Update on Article to Increase Lot Size in Hudson

1) Wages and Benefits Increase for Non-Union Personnel

Shall the Town of Hudson raise and appropriate \$17,700 for wage and benefit increases for non-union personnel? (This is in addition to the Operating Budget Article.)

Motion by Selectman Stewart, seconded by Selectman Seabury, to send this to the Warrant carried unanimously.

2) Wage and Benefits Increase for Town Clerk/Tax Collector

Shall the Town of Hudson vote to raise and appropriate \$1,792 which represents a 3.8% wage and benefit increase for the Town Clerk/Tax Collector? (This is in addition to Operating Budget Article.)

Motion by Selectman Stewart, seconded by Selectman Seabury, to send this to the Warrant carried unanimously.

3) Lowell Road Widening

Shall the Town of Hudson raise and appropriate the sum of \$2,803,000 gross budget for the construction and widening of Lowell Road, said sum to be in addition to *to include* any federal, state or private funds made available therefor [it is anticipated that this project cost will be offset by federal and state grants of approximately \$1,040,000 and local agency funds for corridor improvements of \$897,900 with the remainder to be taken from surplus funds], and to authorize the use/transfer of not more than \$865,100 from the unexpended 6/30/2000 fund balance for such project? (This is in addition to the Operating Budget Article.)

Paul corrected the second line, replacing "to be in addition to," with "to include." Selectman Jasper said the Selectmen had already decided this amount was going to come from undesignated surplus. Chairman Madison confirmed that. Paul said he could suggested adding appropriate language to cover that, but Chairman Madison thought it should be sent back for a re-write, as they are talking about a large amount of money. Selectman Charbonneau agreed.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to send article back for a re-write. A formal vote was not taken, but the Chairman polled the members, asking if anyone had a problem with sending it back for a rewrite, and no one did.

4) Rescission of Article 34, 1993 Annual Town Meeting

To see if the Town will vote to reverse *rescind* the action voted under Article 34 at the 1993 Annual Town Meeting, which article proposed that the Board of Selectmen submit all requests for additional personnel to Annual Town Meeting for an advisory vote.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to forward the article to the Warrant.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to amend the text by replacing the word reverse with the word rescind carried unanimously.

Vote: Motion, as amended, carried unanimously.

5) Establishing a Capital Reserve Fund for Purchase of New Hampshire Department of Transportation Land South of Alvirne High School

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing a parcel of land (connecting Route 3A and Route 102, lying south of Alvirne High School) comprised of approximately 28.1 acres, and owned by New Hampshire DOT, to raise and appropriate the sum of \$105,000 to be placed in the fund, and to designate the Board of Selectmen as agents to expend these funds. The Selectmen shall be authorized to use/ transfer any 6/30/00 fund balance in an amount not to exceed \$105,000 for this purpose. (This appropriation is in addition to the Operating Budget Article.)

Motion by Selectman Charbonneau to forward the Article to the Warrant, seconded by Selectman Stewart, carried unanimously.

1. Combined Dispatch

Town Administrator Paul Sharon said there is another article, but he won't know what the dollar value is until they get the report from the consultant, and that isn't due until December 10.

2. Update on Article to Increase Lot Size in Hudson

This item was deferred from November 9. Chairman Madison said the attorneys are working on it.

Chairman Madison asked if anyone had any objections if she recognize the Chairman of the Budget Committee, who had has hand raised. There were no objections. John Knowles said their first meeting was Monday, so he wondered if it would be possible to get the warrant articles and backup to them by tomorrow so they could have the weekend to review it. Mr. Sharon said we would.

7. NEW BUSINESS

A. Discussion w/Tony Basso from Hayner Swanson re Lowell Road Improvements/Sewer Moratorium

Tony Basso was recognized, along with Peter Horne of Five Way Realty, and manager of the Friary land. Mr. Basso said they are moving forward to develop an infrastructure plan on the property, but they have some questions and are looking for direction. They recently went to the Planning Board, conceptually, and asked to be scoped for traffic, which the Planning Board didn't think was within their purview. They want to work with the Town and want to make sure their plan incorporates whatever is going to happen with the roadway widening of Lowell Road. They really need some direction and also wondered what the process was going to be regarding incorporation of the sewer moratorium amendments, etc.

Chairman Madison wondered if they had considered a package plant relative to sewerage. Tony said they didn't know if they would even have a problem with Tom Sommers' plan. Industrial parks can go a lot of ways. They are wondering what the process is going to be before they try to figure out how to solve various problems. He asked if something was going to get voted in after the Board holds their public hearing, or if it has to go to Town Meeting. Paul said the public hearing the Board just voted to hold in January is essentially to confirm and ordain the action they've already taken the night Tom Sommers was here. That part does not require any further action. The public hearing has to be done prior to the lifting of the moratorium because that's the vehicle that would take it's place.

Tony asked who designed the Lowell Road improvements. Paul said SEA Consultants. Tony asked if there was a cross section and a plan and limits of construction and something that's ready to go out to bid. Paul said formal plans are not done. Until they get a determination from NH DOT, through the historic people, the proposed original alignment may be altered, which would take some of PMA and some of Oblate Fathers' property, as opposed to taking commercial property on the other side. Tony asked if that has been resolved. Paul said that's been resolved, but final design is not done.

Tony asked, if the Lowell Road project is approved by the voters, when it would get kicked off. Paul said the money would start being spent July 1. Selectman Jasper said the design is already underway, being done with impact fees. Paul said they are also working on right of ways. Selectman Jasper said they won't have the construction schedule from DOT until all of the plans are finalized and the money is approved. Tony asked, given the size of the property, how they could get involved to make sure it's coordinated.

Chairman Madison asked if they've already got their plans drawn up. Tony said they have a concept and it seems their big issue is traffic. Before they develop a full plan, they need to work on the traffic issue right from the start. Paul said project limits have been defined to date. The north end of the Executive Drive intersection is the only thing that has received, at the point, the approval of the Board of Selectmen.

Selectman Seabury asked Tony if there was a cul de sac ending on the other property and if he was going to be connecting his roadways to that. He said yes. She said they could go down that way and up through the lights. He said that's one of the options, but they haven't been able to get any clear direction. He asked if that is what everyone would like to see. Selectman Jasper thought it would be a good idea not to have a curb cut onto Lowell Road.

(Start Tape 2, Side A)

Another set of lights would be expensive for them. However, now is the time they should be speaking with Mike Gospodarek. He would prefer they use Friar's Drive and come out Executive Drive, which would make more sense than to put in another set of lights, which would just back up traffic. They probably have the right to put in a curb cut, but it would probably be expensive, given the amount of traffic. Chairman Madison suggested that Tony might want to set up a meeting with SEA and Town staff to find out exactly what the plans are. Tony said he tried to get information from Mike Gospodarek, who referred him to the Planning Board. He didn't want to do something prematurely and waste time. They need some advice and guidance on what the Town wants or does not want.

Selectman Charbonneau said if they come out onto Lowell Road, there will have to be some major improvements because it narrows down to two lanes. Selectman Jasper said the plans they are working on now calls for the extension of the third lane from the light up towards Boyer's, so the third lane would be there, but he questioned whether or not that would be enough.

Peter Horne said Tony was asking who they should contact to coordinate the development of the property. Paul said if they give the Town a check to cover widening to add two lanes to go up beyond the Digital property, he's sure the Board would tell SEA to add it on, but they don't know what the plan is. Tony said they want to share that information, but they haven't been able to get any kind of input. If the Town Engineer asks them to make a contribution for extra lanes, they can work with that. Paul volunteered to organize a meeting with Tony, Mike Gospodarek and SEA. Tony said that would be very helpful. Chairman Madison apologized that he had to come to the Selectmen's meeting to get that kind of response, but that will be the next step. Peter asked who was responsible for answering correspondence by people who have questions concerning the sewer moratorium. Chairman Madison said there was going to be a public hearing, so he was welcome to attend that to ask his questions. There is also a Sewer Utility Consultant he could contact.

B. Public Hearing/Board Action on Setting Fax Fee in Assessing Department

Chairman Madison opened the Public Hearing at 9:20 p.m. and asked if anyone wished to speak on this. There was no response, so she closed the hearing.

Motion by Selectman Seabury, seconded by Selectman Stewart, to amend the Assessing Department's fee schedule to include a \$2 for each property record card faxed carried unanimously.

C. Request for release of Impact Fees by Library Board of Trustees

Lisa Riley, Chairman of the Library Board of Trustees, said the Library Trustees are requesting the release of the impact fees to perform the environmental site assessment on the properties that they are interested in acquiring for the future expansion of the library. The fees collected to date total \$11,785 and they've received an estimate from Mike Grainger, Professional Engineer, and Dunne's Environmental Services, to perform the work for \$9,500 with an additional \$250 for a lab class. Both Mr. Grainger and Mr. Dunne have significantly reduced their customary fees for this work. She reviewed the 1996 impact fee analysis that Bruce Mayberry prepared and his calculation of the library impact fees were based on the building cost per square foot, plus additional amounts for site development and land acquisition, so they believe that the use of the impact fees for environmental site assessment falls within the purposes for which the fees were collected. They also believe that since the voters approved \$200,000 last year to acquire a property that they do have a substantial commitment to expand at that site, which justifies the use of the impact fees.

Selectman Charbonneau said she was in favor of building a library, but opposed the release of the impact fees in the same manner she opposed the school's request. She thinks this should be submitted to the voters on a warrant article, or they should take funds from the balance of the \$200,000.

Chairman Madison said she couldn't vote to release the school impact fees, but she can do so with the library, and she was in favor of releasing them. Selectman Seabury asked what happened to the balance of \$85,000 after they purchased the one property, and if they could use that money instead of the impact fees. Lisa said it is a non-lapsing appropriation, so it stays in place, and they could legally use that money. However, they would prefer to use that money for the purpose for which it was intended, which is acquiring property. This year, they plan to submit a Warrant Article for the amount they feel they would need to acquire the remaining properties.

Motion by Selectman Jasper, seconded by Selectman Madison, to release the requested fees.

Selectman Jasper said the library request and the school request are totally different things. The request from the school was to design a building which had not been approved; this request is to look at the environmental issues that exist on properties that voters have approved the concept of. The voters have made a commitment to this area and this request does not involve designing a building. If it did, he'd oppose it like he did the school. At first, he didn't feel that way but after thinking about it, he thinks it is appropriate.

Vote: Motion carried 3-2. Selectmen Charbonneau and Stewart were opposed.

D. Assessing Items

1. Veteran's Tax Credit Application, Map 023, Lot 017, Sublot 023 (John Joyce, 49 Lexington Ct);
2. Veteran's Tax Credit Application, Mp 024, Lt 039, Sublot 047 (Maurice Gagnon, 16 Glasgow);
3. Veteran's Tax Credit Application, Map 056, Lot 042 (Merton and Rita Coates, 48 Highland St);
4. Veteran's Tax Credit Application, Map 024, Lot 039, Sublot 036 (Gerald Burton, 7 Glasgow Cir)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant Items 1-4, as recommended by the Assessor, carried unanimously.

5. Supplemental Property Tax Billing, 177 Robinson Road, Map 38, Lot 6 (Earl A. Dwire, 177 Robinson Road)

Motion by Selectman Jasper, seconded by Selectman Stewart, to sign, as recommended by the Assessor, carried unanimously.

6. 1999 Abatement Applications 110 Greeley Street, Map 30, Lot 21; 55A March Road, Map 29, Lot 27-1 (Sousa Realty and Development)

Motion by Selectman Seabury, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously.

7. 1999 Abatement Application, R Derry Road, Map 28, Lot 92-1 (Hudson School District)

Motion by Selectman Jasper, seconded by Selectman Stewart, carried 3-0. Selectmen Madison and Seabury abstained because it was the Hudson School District's application.

8. 1999 Abatement Applications: 39 Ferry Street, Map 51, Lot 53 (Fire Administration Building); The following are tax-deeded properties, owned by the Town of Hudson: 8 Alvirne Drive, Map 28, Lot 62; 20 Parkhurst Drive, Map 14, Lot 125; 22 Parkhurst Drive, Map 14, Lot 126; 15 Woodridge Drive, Map 14, Lot 102; 17 Woodridge Drive, Map 14, Lot 101

Motion by Selectman Stewart, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously.

9. Abatement Application, Map 14, Lot 113 (Gary R. LeBlanc)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried unanimously.

7. OTHER BUSINESS**A. Jimmy's Pizza/Enforcement Concerns**

Selectman Seabury thought the information presented by Gordon Tate (during Public Input) should be referred to the Highway Safety Committee and other staff, as appropriate. Selectman Stewart said she's driven by on weekend nights and cars are parked all over the place. They are not parking in the spaces assigned to that building and she didn't know why the police haven't ticketed them. Chairman Madison said a copy of the Minutes should go to all of the departments, as appropriate. Selectman Charbonneau said maybe enforcement personnel should be asked to check out the situation, even if they have to be paid overtime. She said there are little signs up all over the place from Saturday to Sunday. By Monday, they are gone. She thinks there are a lot of laws being broken and people have the attitude, "If so and so can do it, so can I." Something should be done during off-duty hours to see what is going on.

B. Pavement Markings—Arrows

Selectman Charbonneau said from Shop and Save at the lights, to just past Leach's home, she's seen two cars almost get hit. The left-turn pavement arrows start at about Grand Avenue for Shop and Save. Coming from the opposite direction, if you want to make a left hand turn onto Grand Avenue, you're going to have a near-collision because there is a slight incline, causing a visibility problem. She thinks those markings are wrong. People at her school also have made the same complaint. The pavement arrow to Shop and Save should start just before or after the school. Chairman Madison said Highway Safety will look at it.

C. Northridge Estates (Paper Trail)

Selectman Jasper said this is the subdivision that's across from Alvirne that they talked about during the sewer moratorium, and he had asked Paul to get information together, which he has, but there is no correspondence back from the other side as to when they made application. The last correspondence was dated July 22nd from the Town Engineer to Richard Maynard. Maybe that's the end of the paper trail, but he assumed there would be some response from then to now. They made all of their representations that they had made application, etc., so he wanted to make sure he had a complete packet because he doesn't think they've heard the last of this. Chairman Madison agreed. Paul said this is the extent of what he had. Selectman Jasper asked him to ask specifically and, if so, he'd like a brief note saying there was no response from Richard Maynard to the July 22nd letter.

D. Growth Ordinance

Relative to the growth ordinance, Selectman Jasper asked Selectman Stewart if the Planning Board is thinking along the same lines as the Selectmen. Selectman Stewart said certain Planning Board members feel that two acre lots should be outside the circumferential highway; everything within should stay as is. Selectman Jasper totally disagreed with, so the Selectmen need to do something independently. Chairman Madison said the Selectmen should propose their own warrant article. Selectman Jasper thought maybe in the general zones it should be two acres and everywhere else, one acre. That's why he hoped the lawyers would have come back with something before this. Current lot sizes are 45,000 square feet without water and sewer and 30,000 with water and sewer and even smaller

within the Town residential zone. Within those zones, that's probably not really a concern because there isn't a lot of vacant land. His thought was to go with 45,000 square feet, period. The main thing, which would probably have the biggest impact, was that even with a townhouses or apartment house, it would be 45,000 square feet per dwelling unit. Selectman Seabury didn't want to 'screw up' the zoning ordinance.

Motion by Selectman Jasper, seconded by Selectman Stewart, to ask the Attorney to draft a Zoning Ordinance which would require 45,000 square feet per dwelling unit for all residential units outside of the TR zone carried 4-1. Selectman Seabury was opposed.

A. Hawker/Peddler Request to sell Christmas Trees

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the request by Weir Tree Farms to sell Christmas trees at Hudson Mall on 102 carried unanimously.

B. Cablecasting BOS Meetings

Selectman Jasper noted that everyone was in place to broadcast the Selectmen's meetings, except the electrical work. Paul indicated Brian will call him next week with his schedule. Selectman Jasper said it's very important that they are up and running because, with Town Meeting coming up, it is a wonderful opportunity to debate the issues as much as they want and in the format they want.

7. LICENSES AND PERMITS

Motion to approve the request for a raffle permit by Knights of Columbus, with weekly cash prizes 25 weeks from date of approval, by Selectman Stewart, seconded by Selectman Seabury, carried unanimously.

8. ACCEPTANCE OF MINUTES

A. Selectmen's Meeting Minutes of November 9, 1999

B. Selectmen's Meeting Minutes of November 12, 1999

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the Minutes, as presented, and refer to file, carried unanimously.

7. COMMITTEE ANNOUNCEMENTS

11/25 & 26 Town Hall closed for Thanksgiving Holiday

11/29 7:30 Budget Committee in P/Z Mtg. Rm.

11/30 7:30 Budget Committee in P/Z Mtg. Rm.

12/01 7:00 Planning Board Workshop in P/Z Mtg. Rm.

12/01 7:00 Visioning Committee in P/Z Mtg. Rm.

12/02 7:30 Budget Committee in P/Z Mtg. Rm.

12/06 7:30 Budget Committee in P/Z Mtg. Rm.

12/07 7:30 Budget Committee in P/Z Mtg. Rm.

12/08 7:00 Planning Board in P/Z Mtg. Rm.

12/09 7:30 Sewer Utility Committee in Small Conference Room

12/09 7:30 ZBA in P/Z Mtg. Rm.

12/11 9:30 a.m. Mayor's Regional Round Table @ Crown Plaza

12/14 7:30 Selectmen' Meeting in BOS Mtg. Rm.

12/15 Last day to accept Zoning Petitions

8. LIAISON REPORTS

Selectman Stewart said the Planning Board meetings have been getting out at 10:00.

9. REMARKS BY THE SELECTMEN

Selectman Jasper thanked the Board and everyone who sent expressions of condolences to his wife and him.

Selectman Stewart wished everyone Happy Thanksgiving. She hoped the slight to Town yesterday will be corrected.

Selectman Seabury wished everyone a Happy Thanksgiving

Selectman Charbonneau said the gazebo on the Town Common looks beautiful.

Chairman Madison wished everyone a Happy Thanksgiving and hoped they'd enjoy their days off.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Seabury, to enter Nonpublic Session under 91-A:e II (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:50 p.m. and was terminated at 10:05 p.m.

Motion by Selectman Seabury, seconded by Selectman Jasper, to seal the Minutes carried unanimously.

11. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Seabury, to adjourn at 10:05 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

Chairman E. Lorraine Madison

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart