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**HUDSON PLANNING BOARD
MEETING MINUTES
March 11, 2009**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, March 11, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Russo asked Secretary Stewart to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, Tierney Chadwick, George Hall, Suellen Quinlan, Vincent Russo, Terry Stewart, and Richard Maddox (Selectmen's Representative).

Members

Absent: None. (All present.)

Alternates

Present: Tim Malley, Stuart Schneiderman, and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: Brion Carroll (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury (transcribed from the DVD).

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo noted that no alternates would be seated at this time, as all regular members were present.

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V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of January 7, 2009, asking if there were any changes or corrections

Mr. Russo referenced Page 5, 2nd paragraph, expressing a belief that Winnhaven Drive was misspelled.

Mr. Schneiderman noted that it was stated on Page 4 that Mr. Carroll had asked if the applicant's representative had letters of representation; he expressed a belief that he had been the one who had asked that, with Town Planner Cashell then having to go upstairs to obtain a copy. Chairman Russo said he would have the Recorder check the audio record and correct the text as necessary.

No further changes or corrections being brought forward, Mr. Hall moved to accept the 01-07-09 minutes as amended; Mr. Barnes seconded the motion.

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

Chairman Russo addressed the minutes for the meeting of January 14, 2009, asking if there were any changes or corrections

Mr. Hall referenced Page 7, 3rd paragraph from the bottom, noting that the text stated that Selectman Maddox had moved to defer to February 11th, but he was sure it was to February 25th, 2009, as it was on that meeting's agenda.

Mr. Hall referenced Page 7, noting that the text above the vote paragraph said that he had moved to grant according to HTC 275-28; he said the reference should be to HTC 289-20 (c), Storm Water Report.

Ms. Chadwick noted that she was identified on Page 1 as being absent but in fact she had come late, with her arrival being noted on Page 3.

Chairman Russo referenced Page 1, last paragraph, noting that there was a misspelling of the word "saying" in the statement that Chairman Barnes would take up an item out of order.

Chairman Russo referenced page 12, under **Other Business**, 2nd paragraph, saying the spelling of subdivision needed to be corrected.

Chairman Russo referenced Page 13, 3rd paragraph up from the bottom, noting that the name of Qroe Farm was misspelled.

No further changes or corrections being brought forward, Mr. Barnes moved to approve the 01-14-09 minutes as amended; Ms. Chadwick seconded the motion.

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

Chairman Russo asked that the Board be prepared to review the minutes for the 02-11-09 and 07-09-08 meetings at the next Board meeting. He then asked that they also be prepared to do the 09-24-08 meeting minutes at that same time.

VI. CORRESPONDENCE

Chairman Russo stated that there were items of correspondence received in tonight's handouts, including a confidential memo about projects going on about the town and a memorandum from the Board of Selectmen about the Capital Improvement Program, indicating that future reviews of the CIP plan would be done at a less than annual rate.

VII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

VIII. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

IX. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

X. CONCEPTUAL REVIEW ONLY

No **Conceptual Review Only** items were addressed this evening.

XI. OLD BUSINESS

**A. Tip Top Tree Service (Existing Conditions)
SP# 05-08**

**Map 161/Lot 48-1
6 Clement Road**

Purpose of plan: Site Plan Review, relative to wholesale distribution of bark mulch products. Hearing. Deferred Date Specific from the 02-11-09 Planning Board Meeting.

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

Town Planner Cashell stated that there was a request for extension to the April 8th meeting, based on the medical condition of one of the applicants. Selectman Maddox so moved; Ms. Chadwick seconded the motion.

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

**B. Derry Street Professional Bldg.
(Amended Plan) SP# 15-08**

**Map 174/Lot 23
26 Derry Street**

Purpose of plan: To amend the previously approved plan Hillsborough County Registry of Deeds #35723, to include: existing white fence, exterior lighting, and additional parking along rear. Application Acceptance & Hearing. Deferred Date Specific from the 02-11-09 Planning Board Meeting.

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

Mr. Barnes stated that he would be stepping down from this case, as he had stepped down from it in the past. Mr. Schneiderman stated that he would be stepping down from his nonvoting alternate position, as well. Chairman Russo seated Mr. Malley in place of Mr. Barnes.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, distributed full-size plans to members of the Board, affixing another copy to the meeting room wall. He identified the plan as being **Amended Site Plan for the Derry Street Professional Building, 26 Derry Street**, dated August 12, 2008, last revised 12-05-08 (Rev. 2).

Mr. Maynard said the significant thing from the previous discussion was that the Board did not want 9-ft by 18-ft parking spaces on this site, so he had gone back to 10-ft by 20-ft spaces. He then noted that the Board had suggested another small space could be paved, adding five spaces to increase the count from 12 to 17 spaces. He said the green space would remain above 40%, noting that it was only required to be 35%. He said a waiver had been requested to cover that additional pavement in the setback area (15 feet required; 8 feet proposed).

Mr. Maynard said the 40-foot light poles were gone, with three being removed and another being replaced by a moderate 15-foot light standard for safety. He said there were a series of smaller lights around, functional and decorative in natures. He said the lighting plan showed foot-candles, with the standard being 0.2 to 0.5 as an acceptable lighting level—adding that none of the lights would spread over to neighboring properties, except that there was a slight splashover at the entrance as an additional safety factor.

Mr. Maynard noted that a dumpster would be located in the northwestern corner, adding that it would be fenced. He said the existing drainage system, designed by the applicant's previous engineer, had been designed to handle 100% of the 100-year storm event, so it was oversized, as the regulations called for only a 25-year event—adding that the system had performed adequately in the heavy rainfalls during the past year, so the little bit of additional pavement would not cause problems.

Atty. Jeffrey Zall, legal representative of the applicant, said he wanted to clear up some misunderstandings and explain the length of time it had taken to amend some of the problems and submit an amended site plan. In 2007, he said, Dr. Ebeed had hired Polaris Engineering to prepare the site plan, adding that the site had been a contaminated eyesore before this development but now was a clean modern site, with an attractive building. He submitted some photographs showing what the building looked like before and what it looked like now. He said the Polaris site plan, for reasons he did not understand, did not include a lighting plan, noting that Note 10 said no site lighting was proposed. He said he thought Dr. Ebeed did not understand that some lighting was needed, for safety and reliability. He said the builder had subsequently suggested that Dr. Ebeed provide some lighting for the parking lot, saying he could install 25-foot lighting poles. Atty. Zall said that Dr. Ebeed had not understood that this was not allowed by the approved plan, and the builder had not told Dr. Ebeed that approval was necessary—adding that there was currently litigation in process, with one part of that being that the builder did not build in accordance with site plan approval.

Atty. Zall said the original site plan had underestimated how much parking was necessary, acknowledging that Dr. Ebeed had not realized how much parking he would need. He said Mr. Maynard had redesigned the parking so that it should be sufficient for Dr. Ebeed's needs.

Referring to the fence issue, Atty. Zall said that Dr. Ebeed had presented a picture to the Board at the meeting on April 11, 2007, showing a white vinyl fence, and an abutter, Mr. Tom Donahue, had gotten up and said he would like it to be a color other than white, after which Dr. Ebeed had stated that he did not mind changing the color of the fence. When the plan was approved, Atty. Zall continued, there was no specific condition specified regarding the fence. Atty. Zall said he realized that the Town's ordinances stated that representations made at a hearing became conditions of the approval. When Dr. Ebeed went to Lowes to get a fence, he said, all they had were white fences, so he purchased and installed a white fence, not realizing that was a violation of the site plan. He said Dr. Ebeed first learned that this was a problem in April of 2008, at which time Dr. Ebeed and Atty. Zall had met with the Town's Zoning Administrator on April 29, 2008, with the result of that meeting being that Dr. Ebeed would file an application to amend the site plan and that he would contact the neighbor who had requested that the fence be a color other than white to see if the white fence would be okay with him. He said he had subsequently sent a letter to Town Planner Cashell in May to amend the site plan—adding that they had thought this could be done informally by a letter, but on June 25, 2008, the Planning Board had voted to require a formal as-built site plan to be submitted by August 15th. He said Mr. Maynard had then been retained by Dr. Ebeed and submitted the as-built plan August 15th. On September 10th, he continued, the Planning Board had required a formal application to

amend, to be submitted by October 26th, and Mr. Maynard had filed that plan on October 17th, but the hearing was not scheduled until January, 2009, because of reviews by the consulting engineers and some drainage issues, and it had then been rescheduled because of weather problems and Mr. Maynard's vacation until tonight's meeting.

Atty. Zall noted that some of the Board members had expressed their displeasure at some of the summer and fall meetings at the length of time it was taking, implying that Dr. Ebeed was not taking the matter seriously or was dragging his feet. Atty. Zall said he strongly disagreed with that, saying he had not been able to get up and express his disagreement at those meetings because the hearing kept getting put off. He said he and Mr. Maynard had taken the required actions to get this matter reviewed by the Board.

Atty. Zall said one of the requests was to allow the existing white fence to remain. He expressed a belief that the white fence looked pretty good, saying it fit in with the neighborhood, with at least three other white vinyl fences being located in the immediate vicinity of this building. He then showed a photograph of Dr. Ebeed's fence, then a photograph of the fence directly across the street, which was also a white vinyl fence, followed by pictures of what the original fence looked like. He then stated that Tom Donahue had stated that he was perfectly happy with the white fence, adding that he had provided a letter from Mr. Donahue in which the latter had said he was happy with the fence and did not think it should be removed and that he thought it would be a waste of money to do so. Atty. Zall noted that he had also submitted a petition signed by other abutters and other residents of Hudson stating that they liked the fence that had been installed and thought it should stay. Atty. Zall said it would be a silly waste of money to remove the fence and install a new one, which he said would cost \$15,000, as quoted by Penny Fence in Londonderry. Atty. Zall reiterated that in his opinion and in the opinion of most of the abutters this would be a waste of money. He then concluded his presentation by urging the Board to allow the existing fence to stand.

Chairman Russo opened the meeting for public input and comment, in favor

Ms. Doris Padellaro, 57 Sousa Boulevard, identified herself as a resident of Hudson and also Dr. Ebeed's office manager. She expressed a belief that Dr. Ebeed had done a service to the community by building this building in place of a complete eyesore. She said the lighting was definitely a security issue for both staff and patients, especially during the winter.

No one else coming forward to provide further input, despite another request by the chairman for comment for or against, Chairman Russo declared the matter before the Board.

Ms. Quinlan said she had never meant to argue about the color of the fence, saying she thought the existing fence was an improvement. She said she was glad to know that the lighting was going to be reduced, noting that the site was in front of a residential neighborhood that this Board had been considerate of. She then expressed a belief that the light that had been the biggest problem was the one on the EXIT door, which apparently was shining into someone's living room or bedroom, and she did not know if that had been addressed, but she recalled that a neighborhood resident had

written a letter complaining about that light. Town Planner Cashell expressed a belief that Ms. Quinlan was referring to the EMERGENCY EXIT light on Leslie Avenue, adding that this was a decorative stanchion, standing six or seven feet tall. Mr. Maynard suggested that the Board make a stipulation that he and Town Planner Cashell go out and observe that light early in the evening, saying he would do whatever was necessary to reduce it. He said those were all supposed to be low-wattage lights. Chairman Russo said the lighting plan said there was no light spread from that light, other than onto Leslie Street. Mr. Maynard said it was 0.1 foot-candle, and a homeowner would get 0.2.

Mr. Hall said he had found those lights to be a significant issue, saying there were a total of five of the triple-bulb lanterns—one in the back and four in the front. When he walked up to the front door, he added, he could almost not see the stairs because the light was directly in his face, adding that walking along the path meant that one would be looking right into the bulbs in those triple-light fixtures, which were not shielded in any way.

Addressing the issue of the parking, Mr. Hall said it would not be so bad if there were just one issue, but there were several, which the Board had cautioned Dr. Ebeed about—adding that Dr. Ebeed had come by himself a number of times and it had been clear that he really did not understand the process. He noted that there had been a great deal of discussion about the parking, adding that the Board had asked Dr. Ebeed if he wanted lighting and he had said he did not need any lighting. He said it had been clear that Dr. Ebeed was not familiar with the process but it made things a bit frustrating when the Board asked questions and then the opposite happened from what had been testified at the hearing.

Mr. Hall asked if there were any offices in the basement of the new building. Mr. Maynard answered in the negative. Mr. Maynard said he had gone through the plans and the five additional spaces being proposed at the rear should cover Dr. Ebeed's operation, in his professional opinion. He stated that piggy-back parking was no longer being done. Mr. Hall said maintaining the drive lane was compounding the problem, noting that the Board had already granted a large number of waivers for this site. Mr. Maynard said the parking was per number of square feet, not per practitioner, but each practitioner needed one space for himself, one for his employee, and a couple, minimum, for patients. Mr. Hall acknowledged that his biggest concerns about the site were the post lanterns and how bright they were. Mr. Maynard said there were options, saying the lights could be removed, or there could be down-cast shading.

Ms. Chadwick asked about timers, asking when the lights would go on and off. Mr. Maynard said they would be shut off by eight o'clock in the evening, stating there was no need for the lights to be on while Dr. Ebeed was not operating.

Ms. Chadwick then noted that it had been stated that there was only the one abutter concerned about the fence; she said it was her understanding that there were people on this Board concerned about the fence. Ms. Quinlan expressed agreement, saying there had been members of the Board who had expressed concern because there had been representations made about what the color of the fence would be, as well as a number of other abutters who had indicated they would like to have a fence colored

other than white. Mr. Maynard said the immediate abutter was the one who had made the statement about a color other than white, and that immediate abutter, who was the one most impacted, now said he was very comfortable with the fence and it looked good. He then contended that it was the direct abutters the Board was supposed to address. Ms. Quinlan demurred, saying all the abutters on Leslie Street had to drive by twice a day—adding that she was not fighting about the color of the fence but was concerned about the issue of fairness. Mr. Maynard said there were vinyl fences all over town and a white fence was pretty normal.

Selectman Maddox said this was one of those sites that served as a lightning rod for the Board. He said Dr. Ebeed clearly had been to college but had never attended a Planning Board meeting before and had had to struggle through it a number of times. He noted that the Board had not believed the parking was adequate when Dr. Ebeed brought the plan in. He then noted that the Board had asked Dr. Ebeed if he were going to have outside lighting, and he had said he was not—but then had put up lighting that Fenway Park would envy. He acknowledged that the Planning Board normally did not get into the question of what color the fences would be—but added that, in his more than ten years of experience on the Board, fence coloring had elicited the most concern from neighbors. He then said that the Board had been trying to work with both the applicant and the neighbors, as it always did, and one of the neighbors had asked if the fence could be other than white, and the applicant had agreed, so it came down to keeping one's word—adding that he felt he ought to get into the fence business if people were paying \$15,000 for a fence that long. He said he agreed that the development had made it a better site, but he pointed out that it was getting a lot more traffic and a lot more use. He then pointed out that light was not supposed to shine off the property, but the way the existing lights were set up it just glared out. Mr. Maynard objected that the lights were not on; Selectman Maddox demurred, saying they had been left on when the site was first occupied. Mr. Maynard then determined that Selectman Maddox was talking about the “decorative” lights on the building, and he declared that the light from those lights did not go beyond the property line. Selectman Maddox expressed strong disagreement, whereupon Mr. Maynard said one could see the lights but they did not glare until one got close to them. Mr. Hall expressed disagreement, saying the light were so bright that one could not look at them, from off the property. Selectman Maddox asked what size bulbs were in the light fixtures; Mr. Maynard professed not to know. Selectman Maddox said he agreed with Mr. Hall that the lights were glaring. Selectman Maddox then noted that the Board had based the parking on the information that Dr. Ebeed had provided, adding that he did not want to see any more encroachment toward the neighbors than what already existed. He then concluded by making an unintelligible statement about the lighting plan.

Mr. Maynard said it was unfortunate that, when an applicant came in by himself and clearly had no expertise in the subject matter, the Board did not tell that applicant to go hire an engineer. Selectman Maddox and Mr. Hall both stated that they had in fact done so. Mr. Maynard said it was unfortunate that a few things were not done right; he then contended that there was still over 40% of green space and that the small intrusion for the additional parking spaces would not be seen by the abutters, but added he would go look at the lighting one more time.

Ms. Stewart stated that she had seen the piggyback parking from the day the business opened until it became a public issue, when the vehicles all disappeared. Mr. Maynard said Dr. Ebeed had told him he did not do that. Ms. Stewart asked what had been done to reduce the number of cars parked there. Mr. Maynard contended that the parking had previously not been done efficiently. Ms. Stewart questioned whether the Board could have assurance that, if the Board approved the amended plan, the over-parking situation was not going to come back. Mr. Maynard suggested that the Board would make it a stipulation that there absolutely would not be any piggyback parking, with no parking on the grass or in the side street.—adding that he had gone over these issues with the applicant, who now knew better.

Selectman Massey asked if he understood correctly that the lights no longer were going to be incandescent but instead would be fluorescent, equivalent to 60 watts incandescent. He then noted that the plan showed 15-watt fluorescent bulbs, asking if that were Mr. Maynard's representation. Mr. Maynard said this was what he understood existed today, saying this was why he had volunteered to go revisit the site. He then asked if the lights were too bright, still.

Ms. Chadwick said it appeared from comments from the Board members that the lights were too bright, and she suggested that they ought to be revisited. She then expressed a hope that there was not a representation on these presented plans that Mr. Maynard could not validate. Mr. Maynard said one of his staff members had looked at all of the fixtures and that was what was reported on the plan—adding that, if the lights were too bright, he would have to go do something.

Ms. Chadwick said she would feel happier if a note were added to the plan saying these lights would not be lit after 8:00 p.m. Mr. Maynard suggested that could be made a stipulation of approval—but added that it could also be a note on the plan, saying that was his intention.

Mr. Hall stated for the record that his comment about how bright the lights were pertained to when the poles were still up at 40 feet, and he had not seen them turned on since then, if the bulbs were changed to something that was less than what had been there to begin with—but they were still fixtures that were not shielded and which shined directly out, and the Planning Board was opposed to that type of light fixtures for site lighting anywhere. He said having that many lights that close together was inappropriate. Mr. Maynard expressed agreement that the lights should be shielded, saying any light nowadays in any town needed to be shielded.

Chairman Russo asked how tall the standards for the decorative lighting were. Mr. Maynard said they were five to six feet.

Ms. Chadwick called for a point of order, saying the Board had not accepted this site plan but had gone into discussion. Chairman Russo concurred and asked if there were a motion to accept the amended site plan application. Ms. Chadwick so moved; Ms. Quinlan seconded the motion. Ms. Stewart called for a point of order, suggesting that the motion should be in the wording provided in the Town Planner's draft motion.

Ms. Chadwick moved to accept the amended site plan application for the Derry Street Professional Building, located at 26 Derry Street, Map 174/Lot 023. Ms. Quinlan seconded the motion.

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

Chairman Russo expressed concern about the possibility that the already changed light bulbs could subsequently be replaced by improper ones, saying he agreed the lights needed to be hooded down.

Atty. Zall said he thought he could solve it, saying the decorative lighting was not necessary—saying he would leave them up there but they would not be lit at all.

Ms. Chadwick said she was now confused, noting that the office manager had testified that the lighting helped everyone see. If these lanterns were not being lit and the 40-foot poles were gone, she asked, what lighting would exist in the parking lot? Mr. Maynard said the three light poles had served no real purpose, adding that there were lights on the door, lights on the building, and lights in the front, adding that the decorative lights were extra.

Mr. Hall stated that, if the decorative lighting were not necessary, he would much rather have those fixtures gone. He expressed concern that someone might put the bulbs back in, some years in the future, so he would rather have them gone.

Dr. Ebeed said the lights had been a birthday present from the staff and he had put them there because he liked his staff. He said he did not want to bother anyone; he then stated that he would not turn the light on at all, adding that it had not been on since the last meeting and that he just wanted to make everyone happy.

Mr. Malley expressed concern about leaving the lights disconnected, saying someone could later reenergize them. Chairman Russo said the Board would like to take care of them long-term, so that it did not become a problem in the future.

Selectman Maddox said he thought the lighting plan needed to be addressed by the applicant's engineer, saying he would feel more comfortable if the engineer went to the site, lit everything up, and saw what the foot-candles really were. He said he was now suspicious of what was on the lighting plan, if the bulbs did not match up—adding that he had gone by the first time the lights were turned on and it was bright. He then stated that the Board did not want the people who lived there at night to have to deal with excessive lighting—adding that it would be nice if Mr. Maynard came in with a copy of the \$15,000 quote, so the Board could make that go away. Selectman Maddox then made a motion to defer date specific to March 25th. Town Planner Cashell asked if that were enough time; Mr. Maynard noted that the input would have to be submitted by Tuesday of the following week. Selectman Maddox then revised his motion to defer date specific to April 8th; Ms. Chadwick seconded the motion for the purposes of discussion.

Speaking to his motion, Selectman Maddox said the Board needed time to review the package that had just been handed to the members tonight, adding that the other side needed time to do whatever they were going to do.

Ms. Quinlan asked if the parking could be resolved definitively tonight. Ms. Chadwick suggested that a note be added to the plan, to make it perfectly clear that the applicant was never again going to do any piggy-back parking, with parking on Leslie Street being prohibited. Mr. Maynard asked that she make a formal motion.

Town Planner Cashell asked if Mr. Maynard intended relocating the dumpster. Mr. Maynard answered in the affirmative. Ms. Chadwick noted that she could not make a motion, as there was a motion to defer on the table; she then requested Selectman Maddox to withdraw his motion, so that the Board could get something done on the plan tonight. Selectman Maddox demurred, saying he felt the Board should deal with the plan as a package. Ms. Chadwick then withdrew her second for the motion to defer.

No other member offering to second the motion, Chairman Russo said the Board would continue with the hearing. Ms. Quinlan said she wanted to get something done. Ms. Chadwick then moved that the Planning Board approve the request for waiver of HTC §275-8 B (25), *Parking within rear setback*, with the additional provision that there be added to the plan a note which states that the applicant agrees that there will be no parking on Leslie Street and that there will be no tandem parking on this site.

Ms. Quinlan seconded the motion, and Chairman Russo asked for discussion.

Selectman Maddox expressed a belief that this was premature, saying he thought the applicant should come back with the results of his research, so that the Board could see what the parking requirements were, as there were two dentists, one hygienist, and one other, adding that adding more parking would just add more people in the building. He noted that the Board had originally been told that 12 parking spaces were more than enough and that the business was never going to need that many, so he felt the Board needed to know who was going to be in that building and why 17 spaces were required.

Ms. Quinlan asked Town Planner Cashell if he felt the parking was adequate. Mr. Cashell said the Town did not know what was going on every given day, but added that he had not noticed any tandem parking when he had driven by the site during the preceding three months and it appeared that the parking was adequate. Ms. Quinlan expressed a belief that the Board would never be able to get parking needs down to an exact science.

Mr. Hall said he would abstain from voting on the motion, saying he did not see why the Board should make a motion about tandem parking, which the Board had never done before, and he did not see how the Town could control how people parked. Chairman Russo expressed agreement, adding that he had a problem with the idea of prohibiting parking on Leslie Street, because Dr. Ebeed could not control where his clients chose to park, even with signage—adding that Leslie Street was a public street, which meant that any such requirement would have to go to the Traffic Safety Committee. Mr. Hall, a member of that committee, expressed agreement that Dr. Ebeed could not arbitrarily post signs preventing parking on Leslie Street, adding that it

was not part of the Planning Board's purview to forbid parking on that street and that the Road Agent would have to recommend any such restriction to the Board of Selectmen. Chairman Russo then asked Ms. Chadwick to change her motion to exclude the portion pertaining to not allowing parking on Leslie Street. Ms. Chadwick agreed to do so. Chairman Russo then stated that he also agreed with Mr. Hall about not having a note prohibiting tandem parking, saying it was really unnecessary. Ms. Chadwick then modified her motion again, removing that provision, so that the motion would read simply that the Planning Board approved the request for waiver of HTC 275-8 B (25), *Parking within rear setback*, Ms. Quinlan, the seconder, expressed readiness to agree with that change, making it a friendly amendment.

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

Selectman Maddox again moved to defer further review of the Derry Street Professional Building amended Site Plan application, date specific, to the April 8, 2009, Planning Board Meeting. Ms. Chadwick seconded the motion.

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

**C. St. Joseph's Medical Center (Amended)
SP# 01-09
Road**

**Map 105/Lot 12
206 Robinson**

Purpose of this project is to amend the previously approved St. Joseph's Medical Center Non-Residential Site Plan (HCRD #36224). Specifically, the amended site plan has been revised to utilize the existing CAP fee credit on the property. Hearing. Deferred Date Specific from the 02-11-09 Planning Board Meeting.

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

Town Planner Cashell reminded the Board that this item had been deferred from the February 11th meeting in order to let the applicant inscribe more details on the plan, noting that there were now 33 notes on the plan.

Ms. Chadwick called for a point of order, noting that Mr. Barnes had returned to his place at the table but that Chairman Russo had not seated him. Chairman Russo then announced that Mr. Barnes would be seated from this point on, with Mr. Malley resuming his nominal position as a nonvoting alternate.

Mr. Jeff Merritt, PE, Mr. of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the

property owner, reminded the Board that he had been before the Board in February to discuss amending the application so as to use the existing CAP fee credit pertaining to this property, noting that the existing CAP fee credit amounted to \$122,300 attached to the property, as a result of a previous application for a shopping center which had not been constructed. He said that the Board had asked that Note 33 on the plan be modified, first to better document the establishment and subsequent reduction of that CAP fee credit, so as to preserve the research that had been done by Keach-Nordstrom, and also to expand the note such that the remainder of the CAP fee credit, amounting to \$22,598.72, would be attached to Lot 8 for future development of that lot, only. He then read aloud the revised note and offered to address any questions.

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

No questions being brought forward, Ms. Chadwick moved to amend the **St. Joseph's Medical Center Site Plan, 206 Robinson Road, Map 105/Lot 012** (originally approved by the Planning Board on April 9, 2008, and recorded at the Hillsborough County Registry of Deeds as Plan #36224), and replace the same with the Site Plan entitled: **Amended Non-Residential Site Plan St. Joseph's Medical Center Map 105 Lot 012, Hudson, NH**, prepared by Keach-Nordstrom Associates, Inc., dated: December 5, 2008, revised through February 24, 2009, consisting of Sheets 1 through 20 and Notes 1 through 33, in accordance with the following terms and conditions:

1. The original above-cited St. Joseph's Medical Center Site Plan and associated Development Agreement shall be superseded by this amended approval and associated Development Agreement, both of which shall be recorded at the Hillsborough County Registry of Deeds.
2. All stipulations of approval shall be incorporated into the Development Agreement.
3. The Architectural Plan-of-Record, depicting the proposed building, is entitled: St. Joseph's Medical Center, Hudson, New Hampshire, prepared by Dennis Mires, PA, dated February 18, 2008 and consisting of Sheets A.01 & A.02.
4. All improvements shown on the Site Plan-of-Record, including Notes 1 through 33, shown on the Master Site Plan Sheet, shall be completed in their entirety and at the expense of the Applicant or his assigns.
5. The cost allocation procedure (CAP) amount of \$99,701.28 is hereby waived in accordance with Notes 24 and 33 inscribed on the Master Site Plan Sheet, leaving a credit balance of \$22,598.72, which shall remain exclusive to the Merchants Square Site Plan development site. [Note: the Merchants Square includes Map 105/Lot 8/]
6. Prior to the issuance of a final certificate of occupancy, an LLS-certified "As-Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms to the Planning Board approved site plan.
7. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with NH DES requirements for such systems.

8. The applicant's engineer and/or contractor shall contact the Town to schedule a preconstruction meeting, which will be held with Staff prior to starting construction.
9. This approval is contingent upon the applicant receiving approval by the Town to install municipal water service to the proposed medical office building.

Mr. Barnes seconded the motion.

Selectman Massey expressed a belief that the situation with respect to the remainder of the CAP-fee credit would be clearer in the future if Stipulation 5 read that the remainder would remain exclusive to Map 105/Lot 8. Ms. Chadwick expressed agreement, saying she would amend Stipulation 5 to read as follows:

5. The cost allocation procedure (CAP) amount of \$99,701.28 is hereby waived in accordance with Notes 24 and 33 inscribed on the Master Site Plan Sheet, leaving a credit balance of \$22,598.72, which shall remain exclusive to Map 105/Lot 8.

Chairman Russo expressed concern about the statement at the beginning of the motion that the new plan would replace the previously approved plan. Following discussion, Ms. Chadwick agreed to revise the wording so as to substitute "to supplement same" in place of "replace the same."

Mr. Barnes, the seconder, agreed to both of these changes, making it a friendly amendment.

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

Chairman Russo declared a break, calling the meeting back to order at 8:46 p.m.

XII. NEW BUSINESS/PUBLIC HEARINGS

A. Cryan Property LLA & 3-9 SB# 01-09

Map 217/Lots 3-8

18 Empire Circle

Purpose of plan: To relocate the lot line between lots 3-8 and 3-9 on tax map 217, to dedicate an additional 3,106 S.F. to lot 3-9. Application Acceptance & Hearing.

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

Chairman Russo asked if the application were ready for acceptance; Town Planner Cashell answered in the affirmative.

Ms. Chadwick moved to grant Application Acceptance for the Lot Line Adjustment application for 18 Empire Circle Map 217/Lots 3-8 & 3-9. Ms. Quinlan seconded the motion.

Selectman Maddox noted that Mr. Cashell's staff report said the waiver requests were not correct. Mr. Cashell said the applicant was going to correct them prior to receiving endorsement of the waivers from the Board—adding that applicants for lot-line relocation plans technically did not need to ask for waivers, anyway.

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

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, said the application concerned the lot line between two of the lots on the Empire Circle cul-de-sac, which had been developed about three years previously, adding that the frontage of the lots would be unchanged but that the line would shift 34.45 feet at the rear to add property to Lot 8 from the adjoining undeveloped lot, adding that both lots remained in compliance but the owner of Lot 8 simply wanted a little more land.

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

Ms. Chadwick asked about the driveway and garage location. Mr. Tom Krieden, owner of Lot 3-8, said the driveway was on the right, with the garage at the eastern side of the home.

Mr. Barnes asked if the language of the easement, which was for utilities only, was being changed. Mr. Basso said a driveway was not needed off Empire Circle, as all of the lots on the Tod Graham subdivision would be serviced from the new road, so the driveway component was being removed from the easement. Mr. Barnes asked if changes would be needed because the lot line originally ran down the center of the easement but now there would be only a slight triangular area of Lot 8 in the easement. Mr. Basso said the easement location would not change; he added that the two lots would have to be conveyed in accordance with this lot-line change, and the revised easements would be coming into the Town with the plan for recording.

Selectman Massey asked why water was needed in the utilities, saying he was not aware of any request for extension of water from the Empire Circle development. Mr. Basso said the request had been brought through the Water and Utilities committee months ago, to extend water into the Allyson's Landing subdivision. He then described the water distribution paths that had been approved.

Ms. Chadwick asked if the waivers were needed. Mr. Basso said he had been asked to do them in the past, so he had submitted them, saying all of this information

had been submitted as part of the original Empire Circle subdivision, but there was no place in the lot-line application to reference these things.

Ms. Chadwick moved to approve the following waivers, with the provision that the proper waivers should be reflected in Note 10 of the plan:

1. HTC 289-26 (B) (10) --- HISS Mapping
2. HTC 289-6 D --- Traffic Study
3. HTC 289-20 C --- Storm water Management Report

Ms. Quinlan seconded the motion.

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

Chairman Russo asked the Board's pleasure.

Ms. Quinlan moved to approve the plan entitled ***Lot Line Adjustment Plan, Cryan Property, Map 217/Lots 3-8 & 3-9, 18 Empire Circle, Hudson, NH***, prepared by Keach-Nordstrom Associates, Inc., dated: January 8, 2009 (no revision date), consisting of Sheets 1 and 2 and Notes 1 through 10 on Sheet 1, per the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.
3. Prior to Planning Board endorsement of the Plan, the applicant shall amend it by properly citing the three approved waivers and correct the misspelling of the word "feet" in Note #5, Sheet 1.

Ms. Chadwick seconded the motion.

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

XIII. OTHER BUSINESS

A. Request for Return of CAP Fees

Town Planner Cashell referenced the items in the handout packet. Referring to a letter from Suburu of Nashua, requesting that their CAP fees be returned with interest, Town Planner Cashell said he had gone over this issue with Acting Town Engineer

Gary Webster, who had said the money should be transferred into the Lowell Road Corridor account, as the work had been done and the money had been spent out of that account. He noted that he had prepared two draft motions, subject to the Board's desires, with one being to direct him to review the matter and report his findings and the other to defer the matter to the March 26th meeting.

Ms. Chadwick asked if there should be a third motion about drafting a response to Suburu. Town Planner Cashell said he would send a letter, based on whatever action was taken at tonight's meeting.

Mr. Hall noted that the Suburu letter was from an attorney, adding that he did not believe the Planning Board had gotten into making motions about CAP fee moneys prior to this. He expressed a belief that staff and the Town Attorney should be working on a response, and the Planning Board should not be involved, as it had not been involved with the Burns Hill Road project or others. Town Planner Cashell demurred, saying the Planning Board had gotten involved in the Burns Hill Road project, as Mr. Sullivan, the Zoning Administrator at that time, had made a determination that the applicant for that project was not entitled to a return of CAP fee money. Mr. Hall said he would like to have a recommendation from the Town Attorney after staff had done analysis, if the Town Attorney felt the Board should make a motion. Mr. Cashell noted that Atty. Buckley had previously suggested a warrant article such that the Planning Board would make decisions on any CAP fee refunds.

Mr. Hall moved to have staff review the status of the Subaru of Nashua and the Danato Realty Trust CAP fee of \$39,634.83 (plus interest) in consultation with the Town Attorney and report on his findings to the Planning Board. Ms. Quinlan seconded the motion.

Selectman Maddox said he had discussed this subject with the Assistant Town Administrator. He expressed a belief that the procedure should be the same as for impact fees, in that staff, if it felt money should be returned, should recommend to the Planning Board to make a favorable recommendation to the Board of Selectmen.

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

B. Planning Board discussion on Zoning and Planning Board issues.

Selectman Maddox noted that all of the recommendations by the Planning Board with respect to the warrant articles had been followed by the voters. Noting that the two signage articles the Planning Board had recommended against had been voted down, he said he felt the Planning Board now should come up with some acceptable signage ordinance changes, working with the business community.

Selectman Massey said he felt the Planning Board should ask the Board of Selectmen to ask the Town's delegation to the General Court to draft a statute that

would change the dates by which petitioned zoning articles had to be submitted to the Planning Board, as the current legislation said the last date on which petitions could be filed was the last date on which the Planning Board could actually act, so that the Planning Board was faced with having to make a decision on the night it received the petition, without any ability to do due diligence, and with any citizens who might be in opposition to the petitioned changes not having an opportunity to be heard.

Mr. Hall said he did not think it was a problem, as the only thing the Planning Board could do when it received a petitioned article was to schedule a public hearing, which was usually held two weeks later, and he did not see what difference it would make to change the dates on which petitions would be closed.

Mr. Hall referenced the Board of Selectmen's recommendation for a CIP program, saying he would like to schedule that for a workshop meeting, with the Town Attorney being invited in to discuss the proposed changes. He noted that most department heads came in with requests for the current year, not for the following six years.

Mr. Hall then reported on his mission pertaining to impact fees for the schools, saying he had had a couple telephone conversations with the Superintendent of Schools, as well as one meeting, and it appeared that quite a bit had been happening. He noted that the current Superintendent came to Hudson at just about the same time as the improvements to Memorial School and the construction of Hills Garrison, at which time the School Board had taken all of the school-impact fees that had accumulated up until that time. He said there were about 20 bonds, not one, and trying to pay one off from the impact fee money did not work out very well. He said that the intent now was to refinance all of the bonds. Another issue, he noted, was the Town Attorney's previous comment that the School District should be able to calculate the amount of money that was appropriate to the school's use, but the Planning Board had previously had Mr. Mayberry redo his calculations in 2000, based on the School District's actual cost figures. Mr. Hall said he felt the process was now on track, saying he would be meeting with the School Board and that organization's consultant on the following Monday and that he would stay on this to make sure that things got done.

Ms. Chadwick expressed thanks on the part of the Board for Mr. Hall's having spearheaded this effort.

Selectman Massey referenced the February 24th code Enforcement list, saying he wished to commend the staff, saying this now represented what Selectman Maddox had previously been asking for, in that it provided a track of code enforcement and gave the current status for each item. He noted that the new version was much easier to read.

Returning to the matter of the CIP program, Selectman Maddox said everyone had been saying for a number of years that the CIP process was broken. He said everything was not going to be fixed this year, but he felt this Board should look at the existing study and make a recommendation for 2011—but that the next CIP Committee, instead of going through the whole process, should study what other communities were

doing and then invite the Budget Committee and other people who said the process did not work to come in and discuss the program, to see if there were changes that could be made to move this program from “It’s a waste of time; it’s a joke; it’s a lot of work to do and does not mean anything” to somewhere forward of where it was now.

Mr. Hall said he did not think the system was broken, except that staff and department heads were not encouraged to have a 6-year plan and hence did not plan six years out, which was what the CIP program was for. He said that it was not the program that was broken, but the theory that the Town did not have to plan for the future. If the Town did not have a CIP program, he pointed, out, the Town would wind up not having impact fees. He then stated that he would like to hear from the Town Attorney before the Board decided to change anything—adding that he would not have a problem with not doing it every year, but he would first want assurance that it would not jeopardize the impact fee program to do that.

Mr. Barnes said he agreed with most of what Mr. Hall had said, but he felt there was a real need to have some forward looking years, rather than a little bit this year and a little bit the next, with empty space beyond that. He expressed a belief that most of the complaints that the process was broken were focused on how projects were rated, the voting criteria, etc., but he had not heard any suggestions on how to improve that. He said he had taken a look at what was done in surrounding towns, saying he found it amazingly similar to what the Town of Hudson had been doing. He said he would like to look at some suggestions on different ways to rate the projects. He noted that the Town Attorney’s memorandum was referencing a new document, called ***Rational Development of A Municipal Services Plan***, adding that he would like to hear information about what would be in such a document. He then pointed out that Atty. Buckley was saying that the Town had to do this every year, saying he felt the Board needed guidance on that, as well.

Town Planner Cashell said Atty. Buckley was scheduled to speak with the Board at the April 1st workshop meeting, to discuss impact fees, the wind energy legislation, and to go over the CIP process with the Board. He said the CIP process was not broken, saying the Town had been following the letter of the law on what it was required to do. He noted that not one of the top seven projects on the previous year’s CIP report had made it to the warrant except the fire station issue, which had been defeated—noting that he had included in tonight’s handouts a copy of a memo he had written to Mark Pearson, giving the status of the items that had been ranked in last year’s CIP study. He proposed keeping a close eye on those projects, which would have to be implemented in the near future to keep the Town progressing, adding that the Planning Board should be trying to shepherd these projects onto the Town Warrant and recommend them to the Board of Selectmen. He said he would recommend that the Board do a CIP this year, but size it up for the next three years, but with a strong emphasis on moving the implementation of the selected projects forward. He said the CIP Committee was doling the job, but the process was not providing for a follow through of the actual implementation—adding that the Town had to grapple with the reality that it had to start approving these before that whole list started to pile up.

Ms. Chadwick said she appreciated the need of having to do it this year but she echoed the sentiments that it had to be changed first, saying maybe the Planning Board

needed to step back and determine what the Board wanted to see come out of the CIP process—adding that the past practiced had been to send the CIP Committee off but the Board did not then shepherd it into some direction. She concluded by saying she felt there should be a new focus next year.

Town Planner Cashell noted that the Planning Board had plenty of work just in implementing the seven projects selected last year, many of which would take more than a year to be implemented, even if it did not do a CIP this year.

Selectman Massey asked if expenditure of impact fee moneys on sewer and water projects had been considered when the impact fee program was put together. Mr. Hall said that could be done if there were sewer and water projects in the CIP program. Selectman Massey said the reason he was asking was that the moneys to pay for sewer and water projects did not come from taxes but from rate payers. Mr. Hall said impact fees had been collected for water studies, but there had to be a plan in place for what the project was, to figure out who was responsible for paying for it, with the increase in growth that the project would sustain—adding that first the Town had to identify the scope of the project and then it had to pay a consultant to figure out how a CAP fee could be applied, and to whom.

Selectman Massey said the reason he had asked was that, if impact fees could not pay for sewer and water projects, he would hold that those projects should be ranked separately from other municipal projects. He then noted that all of the sewer and water projects now under consideration were to fix existing problems, not to expand capacity. Mr. Hall said impact fees could not be charged for those sorts of projects. Selectman Massey said that was his basis for arguing that such projects should not be ranked with other municipal projects—adding that such things tended to get ranked at the bottom of the list, when in fact they were the most critical things for the rate payers.

Selectman Maddox said the warrant this year had been as lean as the Board of Selectmen could make it, but the voters had still voted “No” on everything—adding that there had not been any sense in putting articles on the warrant that the Selectmen knew were not going to be supported. He said it came down to how much money Hudson wanted to put into infrastructure, in conjunction with what the bond payments were—adding that the CIP Committee looked at these things and rated them as “nice” with no thought as to how much these things were going to cost, with the CIP projects for one year having added up to an unrealistic \$37,000,000. He pointed out that highway projects jumped to the top of the list because they got State aid. He said the issue was that the participants did not believe the process worked, noting that the Budget Committee had not had an active representative on the CIP Committee for some three years, and that the School Board representative also did not come to the meetings. He said the Board needed to find a way to get people to be stakeholders in the process, adding that one such way was the dollars that the projects would cost.

Ms. Chadwick said she agreed with Selectman Massey that sewer and water projects should be dealt with separately, since they were paid for by the rate users. She said rating the projects on the basis of what money was available should not be the way to do it, adding that she felt the reason things were done this way was because

the Budget Committee was not sitting there, talking to the Board about the financial aspects of these projects, which she felt was needed in order to fix the system.

Mr. Hall said he agreed with what Selectman Maddox had said, but he did not think it was the CIP Committee's job to figure out how the costs were spread out. He suggested that the Board of Selectmen instead should be telling the department heads to put things out three or five years. He pointed out that only the things submitted for the next fiscal year could be ranked, and he then expressed concern that the Selectmen were telling department heads they could not put projects in the CIP unless they had a complete plan for expenditures down to the last nickel, when the department heads did not have the money to develop such a plan—adding that the department heads should be putting in projects five to ten years out, so that the Town would know these expenses were coming, but the CIP Committee could not be told they had to figure out what was going to be supported for the next-coming year, and it was not the CIP Committee's job to do that. Selectman Maddox responded that this was why he felt all of the stakeholders had to be in the room at the same time, to have that discussion. Mr. Hall responded that all the Selectmen had to do was read the CIP Report—adding that the Town of Hudson had not invented this process, but had copied it from some other community which had started it many years ago.

Town Planner Cashell said everyone had to be aware that the CIP Report was only an advisory document to the Board of Selectmen and the Budget Committee, to help them prepare for the following year's budget and to size up what the infrastructure needs were. He pointed out that having money available, so that there would be little expense to the taxpayer, was one of the criteria by which projects were ranked. He expressed a belief that the law required towns to do this way too much, saying there was no need to do a CIP every year and that going through the process every three years would be much more practical. He said the minimum number of years to do a CIP, under the law, was six years, adding that it could be a 10-year plan or a 20-year plan or whatever the Town wanted to do.

Selectman Massey said that Mr. Hall had touched upon what he had always felt to be the Achilles' heel of the CIP process, which was that the Board of Selectmen ultimately had to make the decision on what got done, and that it also was the Board of Selectmen that made the decision as to what was going to be on the warrant this year or the following year. He said he had always felt that, before the department heads went to the CIP Committee to talk about what they wanted to do, the department heads first ought to be talking to the Board of Selectmen to get some guidance, so that the projects could be put in the proper sequence or the proper financial packages. He then pointed out, however, that the Board of Selectmen would not be able to focus on such things much before April of any given year, because up until that time the Board of Selectmen would have been focusing on the upcoming budget cycle. To make this work, he said, the department heads should be talking to the Board of Selectmen in April or May about what they wanted to do, with the CIP Committee being convened after that time, in June—adding that there would be more stakeholders that way, as the Board of Selectmen would then be endorsing what was coming before the CIP Committee, and endorsing it in some level that made sense to everybody.

Selectman Maddox pointed out that there were two other entities that could change the whole dynamic, as the Board of Selectmen did not control the Library or the School Department. He said coordination of all three groups was needed, in combination with the Budget Committee. Selectman Massey expressed agreement. Selectman Maddox suggested that a certain dollar amount, such as \$2,000,000, should be projected for capital improvement projects each year, saying it would be a lot easier to select the projects if the dollar amount available was known. He said there were a lot of things that could be talked about, and that he thought this was what the CIP Committee should be working on this year.

Town Planner Cashell said the CIP statute did require the Board of Selectmen to instruct on an annual basis if they wanted the CIP Plan constructed, adding that the Planning Board could not go off on its own and do it, but that the Planning Board needed to have the Board of Selectmen vote to have the Planning Board do it. Right now, he said, the Planning Board appeared to be dealing with a recommendation that the Board *not* to do it, but it was not a directive. Selectman Massey demurred, saying it was not a recommendation not to do it, but a recommendation to take this current CIP and make it be next year's plan, as well.

Ms. Chadwick responded that the memorandum from the Board of Selectmen to the Planning Board recommended that the Planning Board consider doing the CIP on a less-than-annual basis. She said she agreed that there was not a specific directive, but her interpretation was that the Board of Selectmen was saying not to do the CIP on an annual basis. Selectman Maddox suggested that a lot of this would be cleared up when the Planning Board talked with the Town Attorney at the workshop meeting.

Chairman Russo noted that Mr. Barnes had provided a handout, asking if Mr. Barnes wished to speak in this. Mr. Barnes said this was just for information.

XIV. ADJOURNMENT

All scheduled items having been addressed, Ms. Chadwick moved to adjourn; Mr. Barnes seconded the motion.

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

Chairman Russo then declared the meeting to be adjourned at 10:55 p.m.

Date: May 9, 2008

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

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**HUDSON PLANNING BOARD Meeting Minutes
March 11, 2009**

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The following changes were made in accordance with the Board's review of these minutes at its January 18, 2009, meeting:

Page 4, 2nd paragraph under Subsection B — Inserted missing word “stated” between “Mr Barnes” and “that.”

Page 5, 3rd paragraph — corrected typographical error “pan” to be “plan.”

Page 5, 4th paragraph — corrected typographical error “Loews” to be “Lowe.”