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HUDSON PLANNING BOARD

MEETING MINUTES

June 11, 2008

I. CALL TO ORDER

Chairman Barnes called this meeting of the Hudson Planning Board to order at 7:05pm on Wednesday, June 11, 2008, in the Community Development Meeting Room in the Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Barnes asked Ms. McGrath to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, George Hall, Richard Maddox, Marilyn McGrath, Suellen Quinlan, and Terry Stewart

Members

Absent: Vincent Russo, Excused

Alternates

Present: Brion Carroll, Tierney Chadwick, and Kenneth Massey

Alternates

Absent: None (all present)

Staff

Present: John Cashell, Town Planner

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Recorder: Trish Gedziun
(In temporary place of J. Bradford Seabury)

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes announced that he would seat Mr. Carroll in place of Ms. Quinlan who had not yet arrived at the meeting, and he seated Ms. Chadwick in place of Mr. Russo who was excused.

V. MINUTES OF PREVIOUS MEETING(S)

February 27, 2008

There were no changes made to the February 27, 2008, meeting minutes.

Ms. McGrath made a motion to approve.

Ms. Chadwick seconded the motion.

Chairman Barnes called for a verbal vote, and he then stated that six of the Board members were in favor of approving the minutes, and one member had abstained from the February 27, 2008, meeting as submitted. (6-0-1)

March 26, 2008

There were no changes made to the March 26, 2008, meeting minutes.

Ms. McGrath made a motion to approve.

Mr. Carroll seconded the motion.

Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of approving the minutes from the February 27, 2008, meeting as submitted. (7-0-0)

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VI. OLD BUSINESS

**A. Continental Paving, Inc.
SP# 04-08**

**Map 100/Lot 003
22R West Road**

Purpose of Plan: To show a proposed 20,000 square foot industrial building along with the associated site access, parking, closed and open drainage, landscape and lighting improvements. Hearing deferred date specific from the April 23, 2008, Planning Board meeting.

Mr. Hall announced that he would step down from the case.

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

Mr. Tony Basso, of Keach-Nordstrom Associates, 10 Commerce Park North, Bedford, NH, representing the applicant, addressed the Board, stating that the applicant had previously received Application Acceptance from the Planning Board and the Zoning Board of Adjustment had approved a Wetland Special Exception.

Mr. Basso stated that although CLD (Costello, Lomasney, and deNapli, Inc.) had not yet responded to the revised plans, the applicant had replied to the Initial Comments Report, dated April 9, 2008.

Mr. Basso stated that the applicant had also received NH DES site specific comments which had also been responded to.

Mr. Basso stated that although a preliminary design was available, the final structural design for the Con-Spans was not complete.

Mr. Basso stated that the reason only a preliminary design was available was because the crossing had to be opened up and a Geotechnical Engineer had to bore along the crossing to establish the load bearing characteristics of the soil. Mr. Basso further stated that he did not want to open up the crossing prior to receiving site plan approval.

Mr. Basso asked the Board to grant a conditional approval which would have allowed the work to be done in the crossing.

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Mr. Cashell commented that the applicant was amenable to the proposed schedule and he was in support of the applicant's request.

Mr. Cashell also stated that he would ensure that the applicant would not receive a building permit until the noted issues were resolved.

Ms. McGrath asked Mr. Cashell to confirm that what he suggested was that both the building permit and the occupancy permit would be withheld until the town's consulting engineer certified that both bridges were complete. Mr. Cashell stated that was correct.

Ms. McGrath commented that she was concerned that a building permit would be erroneously issued and asked what procedure(s) would be put into place to ensure that would not happen.

Mr. Cashell replied that he would oversee any paper work pertaining to permits and Mr. Sullivan would oversee that duty in his absence. Mr. Cashell stated that he and Mr. Sullivan would keep an open dialogue with regard to the case and again, ensured the Board that he would not allow the permit to be erroneously issued.

Mr. Maddox asked if a decision had been made with regard to how the water would be brought to the site.

Mr. Basso replied that the applicant was willing to add a dry water main in the roadway and the fire department had informed him of the amount of volume that was needed. Mr. Basso said that fire protection would be provided, but he was not sure of which method would be used – noting that the fire department would have to sign off on whatever method was chosen.

Ms. McGrath commented that she wanted to make sure the contractor replaced any landscape materials that died or did not appear to be healthy in perpetuity. Mr. Basso agreed to put a note on the Master Plan which reflected that.

Mr. Maddox asked when the applicant could expect to see a response from CLD regarding the revised plans. Mr. Cashell replied that he expected a response within a few days.

Mr. Maddox stated that he was not comfortable with the applicant having not one, but three reasons for requesting a conditional permit.

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Mr. Carroll asked when the applicant would decide on which method would be used to bring the water to the site. Mr. Basso replied that the decision would be made within the next month.

Ms. McGrath made a motion to approve with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. All improvements shown on the Site Plan-of- Record, included notes 1-19, shown on sheet 1 of 23 (Master Site Plan) shall be completed in their entirety and at the expense of the applicant or his assigns.
3. A Cost Allocation Procedure (CAP) amount of \$14,400.00 shall be paid prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a final Certificate of Occupancy, a L.L.S. certified “As Built” site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
5. Maintenance of the on-site drainage system shall be constructed and maintained in compliance with NH DES requirements for such systems.
6. Prior to the Planning Board endorsement, the Site Plan-of- Record shall be subject to final engineering review and approval.
7. Prior to the issuance of a building permit for the proposed 20,000 square foot industrial building, the Planning Board shall receive, in writing, a favorable recommendation from it’s engineering consultant, relative to his/her satisfaction with the construction plans for the two proposed “Con-Span Bridges”, which are depicted on the Site Plan-of-Record.
8. Prior to the issuance of an occupancy permit for said building, the town’s consulting engineer shall certify that construction for both bridges is complete.

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9. Note is to be added to the plan (Note #19) stating that any landscape plantings that fail to thrive shall be replaced in perpetuity.
10. Note #11 to be corrected to include that there shall be no blasting and/or ramming activities on Saturdays or Sundays.

Ms. Stewart seconded the motion.

Chairman Barnes asked if there were anyone who wished to discuss the motion. There were none.

Mr. Maddox stated that he felt the Planning Board should have all the information before a decision was made – noting that all the information pertaining to the case was not made available to Board.

Mr. Maddox also stated that based on the testimony from Mr. Basso, he would reluctantly vote in favor of the applicant.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of approving the Site Plan. Chairman Barnes declared the motion to have carried. (6-0-0)

Chairman Barnes noted that Mr. Hall returned to his seat as a full voting member of the Board.

VII. NEW BUSINESS

- A. **S.L. Chasse Welding & Fabricating** **Map 110/Lots 37 & 38**
SP# 02-08 **Christine Drive**

Purpose of Plan:

- a) **Sub-divide parcel “A” from Map 110, Lot 37 and consolidate it with Map 105, Lot 14.**
- b) **Consolidate remaining Map 110, Lots 37 & 38 into one lot.**
- c) **Define Drainage Easement to benefit Map 110, Lots 38 & 39.**
- d) **Define Access Easement “A” & “B” as shown on attached plan.**

Application Acceptance & Hearing.

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Mr. Carroll made a motion to defer the case with the stipulations that the abutters shall be re-notified and the Public Hearing re-advertised in accordance with the requirements of RSA 676:4.

Ms. McGrath seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of deferring the case, with the noted stipulations, to June 25, 2008. Chairman Barnes declared the motion to have carried. (7-0-0)

C. Hudson Library (Revised) Map 138/Lot 089
SP# 07-08 Derry Road/Rte. 102

Purpose of Plan: To amend the existing site plan approved in February 2008, by adding 2,352 square feet of additional basement area and to modify the proposed building elevations and sign details. Application Acceptance & Hearing.

Ms. McGrath stated that although she did not feel she had a conflict with the case, for the record, she wanted to express that she had been in discussions with the Library Building Committee regarding a memorial to Ann Seabury.

Ms. McGrath also stated that she would step down if there were any Board members' present that felt she should. There were no members' present who made that request.

Mr. Maddox made a motion to accept the application.

Ms. Stewart seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of accepting the application. Chairman Barnes declared the motion to have carried. (7-0-0)

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

Mr. Patrick Colburn, of Keach-Nordstrom Associates, representing the applicant, addressed the Board, stating that the subject site had been before the Board several times

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and the applicant was before the Board again because there was a slight modification in the plan.

Mr. Colburn stated that the building elevations were adjusted and the applicant was also requesting an additional basement expansion.

Mr. Colburn stated that in February 2008, the Board had approved an additional 1,000 square feet for a basement expansion which would be used for storage.

Mr. Colburn stated that the applicant was presently requesting a total of an additional 2,300 square feet for the basement expansion which would be used for an archive room as well as storage for library materials.

Mr. Colburn stated that the only other change to the project since February 2008 was to the proposed 5-foot walkway. Mr. Colburn elaborated that the Hudson Fire Department had informed the applicant that there needed to be a diesel generator that had to sit on a concrete pad for the emergency sprinkler systems.

Mr. Colburn also stated that the mechanical engineer had requested three additional concrete pads to place A/C units.

Mr. Colburn stated that the applicant (the Library Trustees) were ready to commence with construction just as soon as the Planning Board approved the request.

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

Chairman Barnes asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application. No one came forward.

Chairman Barnes then declared the matter before the Board.

Mr. Carroll asked if there were anything which would ensure that the expansion of the basement would not turn into meeting rooms or classrooms because that would overburden the parking lot.

Ms. Stewart made a motion to approve to amended site plan with the following terms and conditions:

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1. The amended Building Elevation Plans, which include a rendering of the free-standing exterior sign, are entitled: George H. and Ella M. Rodgers Memorial Library, prepared by Adams & Smith LLC, 55 Thomas Road, Swampscott, MA, 01907, dated: May 9, 2008, and consisting of sheets 1 & 2.
2. All improvements shown on the Amended Site Plan-of-Record, including notes 1-14 shown on sheet C1 shall be completed in their entirety and at the expense of the applicant or his assigns.
3. The amendments approved, herein, shall be exclusive to (i) adding 2,352 square feet of basement area for the purpose of storage only and (ii) modifying the building elevations and sign details, as shown on the above cited plan renderings.
4. Prior to the issuance of a final Certificate of Occupancy, a L.L.S. certified “As Built” site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
5. Maintenance of the on-site drainage system shall be constructed and maintained in compliance with the NH DES requirements for such systems.
6. All terms and conditions of approval cited in the previously approved Amended Site Plan-of-Record, dated February 2008, and the original Site Plan-of-Record, dated March 2007, shall remain in effect.

Ms. McGrath seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of approving the Amended Site Plan-of-Record. Chairman Barnes declared the motion to have carried. (7-0-0)

**D. Nottingham Square Site Plan
SP# 12-06**

**Map 204/Lot 73
Lowell Road**

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Purpose of Plan: To amend Site Plan to include outdoor seating at Valentino's Restaurant. Application Acceptance & Hearing.

Ms. McGrath made a motion to accept the application.

Ms. Stewart seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of accepting the application. Chairman Barnes declared the motion to have carried. (7-0-0)

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

Mr. Tony Basso, of Keach-Nordstrom, representing the applicant, addressed the Board, stating that the request was to amend the original site plan to show seasonal outdoor dining seating at Valentino's restaurant. Mr. Basso further stated that the seating would consist of six tables along an existing covered walkway and have a total of twenty four seats.

Ms. McGrath stated that she was familiar with the property and was concerned about the safety of patrons exiting the site as there were vehicles that made straight shots into the parking area located on the side of Valentino's where the applicant wanted to place the outdoor seating while cars were exiting the site (along the front of Valentino's) thus causing conflicting traffic movements.

Ms. McGrath further stated that she felt it was not only a danger for the patrons, but a liability for the owners.

Mr. Basso replied that some type of a sign, such as a Left Turn Yield sign, could be installed on the end cap of the island.

Mr. Carroll commented that he felt some type of protection needed be installed around the perimeter of the proposed outdoor seating.

Ms. Stewart pointed out that some type of protection had to be placed around the perimeter of the outdoor seating area in accordance with New Hampshire's state law.

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Mr. Basso replied that the applicant would install a pressure treated railing around the perimeter of the outdoor seating.

Ms. McGrath made a motion to approve the Amended Site Plan with 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 above cited Amended Master Plan.
2. All terms and conditions of approval cited in the Site Plan-of-Record and Development Agreement, as approved by the Planning Board on April 21, 2006, and having a Hillsborough County Registry of Deeds – Plan No. 35085, shall remain in effect.

Ms. Stewart seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of approving the Amended Site Plan application. Chairman Barnes declared the motion to have carried. (7-0-0)

Recorders Note: Ms. Quinlan arrived at 8:31pm.

VIII. OTHER BUSINESS

Mr. Hall announced that he would step down from the discussion regarding the review of the Mammoth Green Agreement.

Chairman Barnes returned Mr. Carroll to his seat as a non-voting alternate member of the Board and he then seated Mr. Carroll in place of Mr. Hall who had stepped down.

A. Review of Mammoth Green Agreement

Mr. Carroll stated that he had reviewed the agreement and made his comments available to the Board.

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Ms. Chadwick stated that if there were any section(s) of the agreement that were vague, they needed to be clarified.

Ms. Stewart stated that she too felt any vagueness needed to be clarified.

Ms. Quinlan stated that she felt the situation was unique in that the original promisor had an untimely death and his company dissolved as a result of that. She further stated that she did feel that the successors ever had an understanding of what the vision of the project was or what the town expected the project to look like.

Ms. Quinlan further stated that she felt the Board should consult with Attorney Buckley for direction.

Mr. Maddox commented that he felt that it should be clearly referenced in the Development Agreement that the Board waived road length, granite curbing, etc., that the town wanted the project to be open-spaced, farm type in appearance, and that the minutes from any meeting that Qroe Farms made presentations at should also be referenced.

Ms. Quinlan stated that she felt the conditional site plan approval should be revoked based on the fact that the former President of Qroe Farms had passed away and that any contractual agreements that existed dissolved at the time of his death.

Ms. Chadwick pointed out that was not possible because it was not recorded and the current applicant had to be invited to attend any meeting regarding the potential revocation of the conditional site plan.

Ms. McGrath made a motion to defer the case to seek legal counsel.

Ms. Chadwick seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that all of the Board members were in favor of deferring the case to seek legal counsel. Chairman Barnes declared the motion to have carried. (7-0-0)

Chairman Barnes returned Mr. Carroll to his seat as a non-voting alternate member and Mr. Hall returned to his seat as a full voting member.

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B. Collection of Impact Fees

Mr. Hall made a motion to request that the chairman of the Planning Board write a letter to the Town Attorney requesting an opinion concerning the collection of impact fees assessed for school construction and how those past and future fees were expended and for what purpose.

Ms. McGrath seconded the motion.

VOTE: Chairman Barnes called for a verbal vote, and he then stated that five of the Board members were in favor, that Mr. Maddox was opposed, and Chairman Barnes abstained. Chairman Barnes declared the motion to have carried. (5-1-1)

IX. ADJOURNMENT

All scheduled items having been processed, Ms. Stewart made a motion to adjourn the meeting.

Ms. McGrath seconded the motion.

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

Chairman Barnes declared the meeting to be adjourned at 9:26pm.

Date: June 21, 2008

Recorder: Trish Gedziun

James Barnes, Chairman

These minutes were accepted as amended following review at the 09-10-08 Planning Board meeting.

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The following changes were made in accordance with the Planning Board's review of these minutes at its September 10, 2008 meeting:

Page 2, Section IV — For clarification, the paragraph was changed from “Vincent Russo stated that he would be seated in place of James Barnes, who was excused, and he seated Brion Carroll in place of Marilyn McGrath, who was also excused.” to read as follows: “Vice-Chairman Vincent Russo stated that he would serve as Acting Chairman in the absence of James Barnes, who was not able to be present this evening, and he then seated Brion Carroll in place of Marilyn McGrath, who was also excused.