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**HUDSON PLANNING BOARD  
MEETING MINUTES  
April 23, 2008**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:05 p.m. on Wednesday, April 23 2008, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

Chairman Barnes asked Mr. Carroll to serve as Acting Secretary and to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** James Barnes, Vincent Russo, Richard Maddox (Selectmen's Representative) , and Terry Stewart (arrived at 7:12 p.m.) .

**Members**

**Absent:** George Hall (excused), Marilyn McGrath (excused), and Suellen Quinlan (excused).

**Alternates**

**Present:** Brion Carroll, Tierney Chadwick, and Ken Massey (Selectmen's Representative Alternate) .

**Alternates**

**Absent:** None. (All present .)

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** None. (Minutes were transcribed from video broadcast.)

**IV. SEATING OF ALTERNATE S AND ANNOUNCEMENTS**

Chairman Barnes seated Mr. Carroll in place of the absent Mr. Hall and seated Ms. Chadwick in place of the absent Ms. Quinlan, noting that this resulted in five voting members being present at this time .

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**V. MINUTES OF PREVIOUS MEETING(S)**

Chairman Barnes addressed the minutes for the meeting of March 5, 2008, asking if there were any changes or corrections. None being brought forward, Mr. Russo moved to accept the 03-05-08 minutes as submitted; Mr. Carroll seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, and Chairman Barnes declared the motion to have carried (5-0).

Chairman Barnes addressed the minutes for the meeting of March 12, 2008, asking if there were any changes or corrections.

Mr. Barnes referenced Page 3, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line, requesting that the word "no" be changed to "not," so that the phrase would read "Mr. Maynard said he did not know where that came from."

No further changes or corrections being brought forward, Mr. Russo moved to accept the 03-12-08 minutes as amended; Ms. Chadwick seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, and Chairman Barnes declared the motion to have carried (5-0).

Chairman Barnes requested the members to be prepared to review the 03-26-08 and 04-02-08 minutes at the May 14<sup>th</sup> meeting. He then noted that the agenda stated that the Board had received the 02-26-08 minutes in the March 26<sup>th</sup> packet but that he did not recall having seen them, and he asked Town Planner Cashell to check on the status of those minutes.

**VI. CORRESPONDENCE**

Chairman Barnes noted that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

**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. CONCEPTUAL REVIEW ONLY.

A. Ottarnic Pond Co-op

Map 175/Lot 03  
12 Ferry Street

**Purpose of Plan: To construct a municipal sewer pump station. Reference memo dated 02-26-08 from Gary Webster to John Cashell. Deferred Date Specific from the 03-26-08 Planning Board Meeting.**

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

Town Planner Cashell said he had nothing new to add for updates other than what was in the staff report.

Mr. Gary Webster, Acting Town Engineer, address the Board, noting that there were 31 mobile homes in the park . He reported that the Community Development Department had done a study and obtained a Community Development Block Grant, with the Sewer Utility also contributing , to put in a pumping station to serve those 31 units with sewer and town water. He noted that the mobile park had Town water at this time but with very poor pressure, so new lines would be installed, with the forced main being tied in at a manhole on Adelaide Street through a 4 -inch line. He then pointed out details of the project on a plan posted on the meeting room wall , noting that the proposed pump station would be approximately the same setup as currently installed on Glen Drive . He identified the drawings as ***Ottarnic Pond Co-op, Hudson, New Hampshire, Water Sanitary System Improvements***, saying the pump station and the Ferry Street roadwork connection to Adelaide Street would be done in June, and noting that Road Agent Burns would then resurface the road.

Ms. Stewart arrived at the meeting at 7:12 p.m. and took her seat at the table at that time, although not yet recognized for the inprocess hearing.

Mr. Marty Risley, the design engineer, from CHA (Clough Harbor and Associates, LLP), discussed the history of the mobile park, noting that the homeowners had formed a cooperative and purchased the property from the previous landlord . He said the existing septic systems were substandard and failing. He noted that no additional connections would be involved. He confirmed that the pump station would be very similar to the one on Glen Drive, with the same pump mechanism, so that maintenance would be facilitated with interchangeable parts, with one parking space being provided for maintenance visits.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, Chairman Barnes asked if members of the Board had any questions.

Mr. Russo noted that the pump station would be close to Ferry Street, and he asked if any landscaping were being proposed to help conceal it. Mr. Risley said none was proposed at this time.

Mr. Russo raised some questions concerning the meaning of some unlabeled lines on the plan, and Mr. Webster and Mr. Risley identified each such line, locating the stream, the wetback line, the shoreland protection line, and the setback line to Mr. Russo's satisfaction.

Mr. Carroll noted that the project would be adding sewage to the main line, and he asked if the responsible personnel had reviewed that and expressed approval. Mr. Webster said the project had already been to the Sewer Utility, noting that this would be a separate sewer district, with the allocation having been approved.

Mr. Carroll noted that staff had asked if the Planning Board would determine if site plan review would be required for this project. Chairman Barnes clarified that the question was whether the Board would accept this as a conceptual or would require a full formal review.

Mr. Russo said there were several homes in wetland areas in this park, and he was not so sure he wanted to let this go as a conceptual, saying he would feel much more comfortable if this were done through a professional engineering firm. Selectman Maddox said this project was only before the Board with respect to the pumping station, saying the mobile park was being shown just as a reference. He noted that the costs would be borne by the residents of the mobile park, not by the taxpayers, adding that there was a time limit on the Block Grant, and going through a full site plan process would extend beyond the available time. Mr. Webster said he had been told that the grant would be lost if the project were not done this year.

Ms. Stewart asked Selectman Maddox if any other previous projects, whether for the Town or the School District, had not gone through site plan review. Selectman Maddox said the Board had gone both up and down, reiterating that the issue before the Board was simply to locate the pump station structure. He said he would not have a problem with a stipulation that a site plan for the park should be processed within the next two years, but he did not want these residents to lose a quarter-million-dollar grant just because the Board wanted to see a site plan.

Ms. Stewart asked how long the project had been in process. Mr. Webster said the Board of Selectmen had approved the project in 2004, but State approval had been granted this very day, with the grant being limited to one year from that date. Mr. Webster then noted that the Glen Drive pump station had been shown just as a plan for the pump station, with no reference to the homes in that development.

Chairman Barnes asked if all of the 31 units would be connected to the system. Mr. Webster responded in the affirmative, saying every one would be tied in. Chairman Barnes asked what would happen to the existing septic system. Mr. Webster said most of them would be abandoned, either being filled with sand or crushed.

Mr. Carroll said it seemed like overkill to require a site plan, but the Board would have to agree that it was waiving the requirement for a site plan for some reason; he then asked if the grant money time were based on when the job was started or when it was finished. Mr. Webster said the funds would be in the Town's hands when the project went out to bid, presumably before the end of May, saying the Town would have to have the funds before the bids could be awarded. Mr. Carroll asked how

long it would take to develop a site plan; Mr. Webster said there was nothing in the files. Town Planner Cashell said the same people were not here tonight as had been before the Board two weeks ago; he noted that the Town had been told that every one of the leaching systems in the mobile park was failing, so this was a water quality issue affecting Ottarnic Pond. He said the Board was simply dealing with the 200 ft<sup>2</sup> building, saying the Board had previously agreed to hear this as a conceptual plan, which would allow the cooperative to pull a Building Permit for the pump station. In order for the residents to accommodate the full planning process, he continued, would take at least two months —adding that all the Board would be doing by approving this conceptual plan would be to allow the cooperative to record the easement plan so that they could get a building permit for the pump station. He then confirmed that there was no existing site plan for the mobile park on record.

Selectman Massey pointed out that the mobile park residents would not be before the Board if the pump station were not going in, saying they would just open the connection to the street lines. Town Planner Cashell noted that all abutters were notified of the hearing by first-class mail.

Ms. Jamie Poliquin, 122 Ferry Street, the treasurer of the cooperative, said the cooperative had been trying for two years to get this project started.

Mr. Carroll said the Board needed to be shown hardship in order to allow a waiver of HTC 275-8.B; he then asked what the hardship was. Ms. Poliquin said the hardship was the failing septic systems, which had to be pumped out on a weekly basis, with thousands of dollars also being spent to replace water lines while waiting for this project, because the existing lines were vetted in gravel rather than sand and were breaking. Mr. Carroll suggested that the form showing hardship ought to be filled out before the Board voted on the issue, arguing that the Board had to be able to quantify why the Board did not insist that a site plan be provided, as was required of other applicants.

Mr. Russo said the overall plan showed homes in wetland buffers and wetland areas, and he had a feeling that excavation into the wetland buffers would have to be done. He said he would be comfortable if the Board were just dealing with the pumping station building, but he was hearing that the project had to be going right now, but he was hearing nothing about the sewer and water lines. Ms. Poliquin said this had all been engineered. Mr. Russo said the Board did not want to have someone going into the property with an excavator and tearing up the buffers in the back yards without knowing where they were going. He argued that a subcontractor would have to take certain measure for certain areas, saying he would be leery if he were a subcontractor asked to do this. Mr. Webster noted that at the next sheet in the package showed the manholes and the connections to all of the units, adding that they were not in the buffer, and also that the location of the pump station had been moved out of the buffer. Chairman Barnes noted that the board had not received those engineering plans. Mr. Risley confirmed that they had a fully engineered plan for the sewer and water system, noting that this plan had been approved by NH -DES. Mr. Russo said he was okay with it if they had a full engineering plan for the whole community, as now the Board was just being asked to waive the plan for the

pump station location. Selectman Maddox said all the water and sewer lines would be going down the private roads and would not be in the back yards.

Mr. Risley said no sewer or water line work was proposed in the buffer, adding that the only work in the buffer would be a small amount of paving in an existing parking area.

Chairman Barnes asked if the sewer system would be a private sewer system. Mr. Webster said the Town would own it and maintain it. Selectman Massey said a betterment district would be created, similar to what had been done in the Glen Drive area. He noted that Community Development Block Grants normally were 80%/20% arrangements, but this had been requested as a 50% match, with the State subsequently having provided another 20%. He said the homeowners would be paying through a loan, similar to what had been done for the Glen Drive betterment district—adding that the only reason the block grant had been obtained was that the cooperative had been willing to front 30% of the money.

Ms. Stewart noted that Mr. Hall was not present this evening, and she asked if Mr. Hall's previous questions about elevation had been answered. Town Planner Cashell said the flow leaving this site would go down Adelaide Street and tie into the main trunk at that point. Mr. Webster said Mr. Hall had been asking about the difference in elevation, explaining that this was why the pump station had to be put in—adding that he had given Mr. Hall a package answering his questions, with that package including copies of the engineered plans.

Mr. Russo said it would have been nice if the Board had received a copy of the engineered plans. He then moved to approve the request to waive HTC 275 -8.B, *Engineering Site Plan*, for the proposed Ottarnic Pond Cooperative Sewer Pump Station. Ms. Chadwick seconded the motion.

Mr. Carroll said he continued to have concern about the need to document justification for granting the waiver, saying he would like to have the Board receive the waiver request form, filled out to list the hardships that Ms. Poliquin had previously listed. Ms. Poliquin said the form would be submitted the following day. Mr. Carroll then moved to amend the motion so as to require the applicant to submit a waiver form to document the reason for granting the waiver, and for the form to be delivered to the Town Planner no later than April 24, 2008. Selectman Maddox seconded the motion, saying there should be something on paper for the record.

**VOTE:** Chairman Barnes called for a verbal vote on the amendment motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

Chairman Barnes asked if there were any further discussion on the amended motion. None was brought forward.

**VOTE:** Chairman Barnes called for a verbal vote on the amended motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (5 -0).

Chairman Barnes noted that he had received a request to take Item XII.A out of order. No objections were raised.

Chairman Barnes at this time (7:55 p.m.) recognized Ms. Stewart, stating that she would be seated from this point on.

## XII. OTHER BUSINESS

### A. 31 Flying Rock Road – No Driveway Permit

**Reference:** memo dated 04-02-08 from Gary Webster to John Cashell.

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

Town Planner Cashell said he had nothing new to report but he had asked Chairman Barnes to take this item out of order because Gary Webster was present and would like to address the Board with respect to this matter.

Mr. Gary Webster, Acting Town Engineer, said he had been inspecting a nearby property and had noted a new three-car garage being built on this property, with no driveway permit having been given, to his recollection. He said he had returned to Town Hall and reviewed the site plan, finding that the driveway to the garage was in the sideline setback. Mr. Webster said there had been communication between the property owner and Town Engineer Sommers before Mr. Sommers left, adding that he had written the referenced memo to Town Planner Cashell because he had requested the property owner to file a driveway permit application and this had not been done. He said the property owner had subsequently come in for a driveway on Monday of this week, but the matter still had to be addressed by the Planning Board, because the driveway was in the setback and it was the only way to access the garage.

Mr. John Tompkins, 31 Flying Rock Road, the property owner, said he had not known of the requirements before, adding that he was concerned because, if he had known, he could easily have moved the garage addition to a suitable spot. He said he had not foreseen this to be a problem.

Mr. Russell Vigeant identified himself as the builder, saying he had been on the job when Mr. Webster came by. He said that Community Development Director Sean Sullivan had given the go-ahead for the project, and the building had gone up, but then Mr. Webster had shown up and said there was a problem. He said he had then called Director Sullivan, who had said that Mr. Vigeant needed to address it with the Planning Board before going any further on the driveway, but then the winter had come early, so they had left it alone to continue with the building project, and now wanted to finish the driveway. He said he had talked to Director Sullivan a couple times during the process, and Director Sullivan had said he had to go in front of the Planning Board because of the setback. Had they known of the problem, he said, they could have shortened the building or brought it forward.

Mr. Tompkins, Mrs. Tompkins, and Mr. Vigeant expressed confusion as to what the problem was, saying the building was 21 or 23 feet from the lot line. Chairman Barnes said the driveway had to be inside the 15-foot setback, as well. Mrs. Tompkins said there was no way to accomplish that, saying the driveway went right up to the lot line.

Town Planner Cashell said the angle of the entranceways to the three-car garage meant that it was impossible to get in or out of the garage without going onto the adjacent property, adding that the Tompkins ultimately would need a formal easement to extend the driveway so that they could get in and out of the garage.

Mrs. Nicole Tompkins said they actually did not go onto the neighbor's property, just up to the line, saying they had shortened the garage as much as they could just to get her truck out. Mr. Tompkins concurred, saying they did not need to go onto the abutting property. Town Planner Cashell noted that the Tompkins had had to grant an easement to the neighbor for his driveway. Mr. Tompkins said they were on good terms with the neighbor and he would have been here tonight to speak in support except that he was away on a business trip.

Ms. Chadwick expressed a belief that the Board needed to hear from that neighbor, saying she wanted to hear how he felt about it.

Selectman Maddox asked if Mr. Vigeant were saying that Director Sullivan had told him to go ahead with the construction. Mr. Tompkins said he had the permit to build. Selectman Maddox asked if the Tompkins had submitted a drawing showing the setback. Mrs. Tompkins said they had Maynard & Paquette, Inc., prepare a plan.

Selectman Maddox asked if Mr. Vigeant built often in the Town of Hudson. Mr. Vigeant said he did so occasionally. Selectman Maddox suggested that Mr. Vigeant should know, therefore, that there was a 15-foot setback requirement in Hudson. Mr. Vigeant expressed agreement, pointing out that Richard Maynard, who had drawn the plan, also would know that. Selectman Maddox expressed concern that the building was built, with a foundation being poured, saying that should have been checked at some point. Mr. Vigeant said the building foundation had been checked. Selectman Maddox suggested this would be a question for staff, at some point.

Mr. Carroll said the addition itself did not disturb the setback, saying Maynard & Paquette may not have considered the driveway. He expressed concern that there might be new residents in the future, after the Tompkins and their neighbor left, who might become agitated about the location of the driveway and would want to know how it happened, so the friendship between these present neighbors was irrelevant. He then suggested that a formal waiver be requested, with some type of notation establishing the use as only for a driveway.

Ms. Chadwick asked if the Tompkins did not also have to go before the Zoning Board of Adjustment. Town Planner Cashell answered in the negative, stating that in this town the Zoning Board of Adjustment did not issue variances for side setbacks for driveways, which were the purview of the Planning Board. He then reiterated that the Tompkins would need an easement from the abutter if they crossed over the lot line.



Selectman Maddox suggested that the easiest way would be to work out a lot -line relocation with the neighbor, so that each side would give up an eighth of an acre. Mr. Tompkins said the neighbor actually drove across their land, adding that they already had a few easements on their property. Selectman Maddox expressed a belief that the Tompkins should talk with Mr. Maynard and the Board should talk with staff. Mr. Cashell said he had explained the easement and lot -line relocation possibilities to the Tompkins at the counter. Mr. Carroll said he would suggest that an agreement be worked out with the neighbor to define what the neighbor was using and what the Tompkins were using.

Chairman Barnes said some work needed to be done to figure this out. Mr. Tompkins asked how much land he would actually need. Selectman Maddox said they would need 15 feet from the lot line to the driveway. Mr. Tompkins said that would encroach on the neighbor's driveway, which was only 10 feet from the Tompkins' lot line.

Mrs. Tompkins asked if it would make any difference if she paved the driveway, expressing confusion about the requirements. Chairman Barnes said the site plan regulations required a minimum 15-foot setback between the driveway and the side lot line. Mrs. Tompkins asked if she would need a permit for a basketball court. Chairman Barnes said she probably could put up a hoop for a grassed basketball court, but she could not put a driveway there. Mrs. Tompkins asked if she could put in pavement, so that she could turn around. Chairman Barnes said that would be part of the driveway; he then expressed a belief that the Tompkins needed to get a professional involved, saying the Board would be willing to work with them, but the neighbor had to be involved and he thought they also should get some legal and engineering professionals involved. Mr. Tompkins questioned why a lawyer should be involved; Chairman Barnes said an attorney probably would be needed for an easement, but an engineer might be sufficient for a lot -line relocation, but there were a couple issues involved, as the two driveways were so close together and so close to the side lot line.

Mr. Vigeant asked if an easement would suffice, or if the Board wanted a lot -line adjustment. Chairman Barnes said this was up to the property owners. Mr. Tompkins asked which would cost him the least amount of money. Town Planner Cashell expressed a belief that an easement would be the least expensive way.

Mr. Carroll said there were three different ways for the Tompkins to proceed: (1) to get an easement to trespass on the neighbor's property, as long as doing so would not cause a problem with the neighbor's setback restrictions; (2) to resurvey and relay out the land borders, being careful not to cause an encroachment; or (3) to work with a land engineer to get a site plan requesting a waiver for the encroachment of the driveway.

Mr. Russo said giving the applicants options was very risky, saying they needed to hire an attorney or a land surveyor, but he did not feel it was correct for Mr. Carroll to be putting out things that might or might not be correct. He said the property owners needed to hire a professional, saying they needed to explore their options—adding that going cheap might not be the best solution.

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Mr. Tompkins asked if someone could give him an exact answer that would solve their problem. Chairman Barnes answered in the negative.

Mr. Tompkins asked how the Building Permit had gotten approved, saying he felt he was taking the heat for a mistake that was made somewhere else. Selectman Maddox said that question would be asked the following day. Mr. Tompkins said he did not think it was fair. Mrs. Tompkins said it was a \$100,000 mistake; she then expressed a belief that she was going to lose her house over a driveway, and she burst into tears and left the room.

Mr. Tompkins asked if someone could give him a solid answer, saying he did not have money to throw around. Chairman Barnes said no one on the Planning Board knew how this Building Permit had been approved, saying the two members of the Board who were Selectmen would take that up. Mr. Tompkins said he did not want to point fingers at anyone, but he wanted the problem solved, adding that he had been hoping he would get a clear answer as to what he had to do.

Selectman Maddox said Mr. Thompson was here to give an explanation, but the Board could not give him a solid answer, based on the facts before the Board. Selectman Maddox then asked if Mr. Tompkins were planning on keeping the second driveway. Mr. Tompkins answered in the negative, saying the original driveway was gone.

Chairman Barnes said there were several ways to resolve the matter, but the Planning Board could not tell Mr. Tompkins what he had to do. Town Planner Cashell said the issue had been caused by others, but it was up to the Planning Board to make a decision. He said who had done what would have to be determined, and then the Planning Board would have to make the ultimate decision. Chairman Barnes concurred, saying the Board had to act as a jury, and Mr. Tompkins would have to give the Board a proposal, after which the Board would say "Yes" or "No," but the Board could not tell him what to do.

Ms. Chadwick asked if Mr. Tompkins or his builder had a copy of the code. Mr. Tompkins answered in the negative. Ms. Chadwick suggested that they get a copy of the regulations, which would make it a little easier to figure out where they went wrong and what needed to be corrected.

Mr. Carroll said it was his belief that people came before the Board not knowing some things, and if the Board could give them options so that they would not walk away blind as to what their next step was, he thought that was part of the Board's responsibility. Selectman Maddox said the Board members should not be giving opinions, noting that an attorney might offer still different opinions.

Mr. Tompkins asked what his next step should be. Selectman Maddox suggested that he seek proper legal advice. Mr. Tompkins expressed thanks and then left, with Mr. Vigeant.

Chairman Barnes returned to the regular agenda order.

X. OLD BUSINESS

A. 90 Derry Street (Pharmacy)  
SP# 12-07

Map 165/Lot 151  
90 Derry Street

**Purpose of Plan: Construction of an 11,940 +/- S.F. pharmacy with single drive-through bay, with associated parking and landscaping. Hearing. Deferred Date Specific from the 04-09-08 Planning Board Meeting.**

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

Town Planner Cashell said there was nothing new to report, other than what was included in the staff report.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, Arista Development, appeared before the Board, noting that he was accompanied by Ms. Deb Brewster, from T.F. Moran, Inc., and Mr. Scott Weymouth, from Arista Development. He reviewed the past hearings, noting that the last waiver request had been approved at the 03-12-08 meeting, with the only remaining question being with respect to some design details regarding the right-turn-in from Derry Street. He said T.F. Moran, Inc., had done some design changes in response to comments made at that last hearing, relating to the flow of traffic and the parking spaces adjacent to the right-turn-in access, with those changes being shown on the plan-set that had been timely submitted to the Community Development Department, along with changes or corrections to the plan notes.

Ms. Deb Brewster, project engineer at T.F. Moran, Inc., distributed copies of the large plans, noting that the Board had requested her to try to make improvements in the right-turn-in access that would deter northbound traffic on Route 102 from turning left into that access point or from exiting from that accessway to go north. Using a PowerPoint display, she explained that the parking spaces north of the right-turn-in access had been angled to promote the one-way circulation, deterring vehicles from heading out that in-bound accessway. She also noted that the sidewalk along the front of the building had been curved and extended, softening the radius to promote left-turn circulation and deter right-turn movements. In addition, she continue, they had introduced a skewed STOP condition at the accessway point for traffic approaching the accessway via the onsite path of flow, with an EXIT LEFT sign an a LEFT TURN ONLY sign, with the striping on the road curving to the left to guide traffic around the corner of the building, with these changes allowing them to lengthen the driveway, giving up a parking space in the northward area, with the parking space now moved to the front of the building, so that there would be 13 parking spots along the front, with the relocated space, directly adjacent to the STOP bar being reserved for the store manager. She also noted that the driveway had been narrowed from 18 feet wide to 13 feet, with an offset orientation pushing its traffic northward. She expressed a belief that these changes would make it very difficult, if not impossible, for patrons to egress out of the site via that accessway. In addition, she pointed out, landscaping was being added to the peninsula of land

leading to the STOP bar, so that it would be difficult for onsite drivers to see the driveway, without restricting sight distance to the south. She showed pictures of the proposed plantings and then presented an overlay view showing the improvements on top of the previous plan, as well as a new rendering showing all the changes.

Ms. Brewster said the applicant's commitment to the landscaping still held, saying the applicant would put \$5,000 in escrow in case the adjoining condominium development wished to accept that landscaping, and she then submitted a legal document testifying to that commitment. Chairman Barnes asked if the applicant would be willing to have that commitment added as a condition of approval, receiving affirmative responses from the applicant's representatives.

Chairman Barnes asked if there were any questions from the Board.

Mr. Carroll expressed a belief that this was a very good job of re-engineering of the accessway.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward, he asked if members of the Board had any comment. No comments or questions were raised.

Mr. Russo moved to approve the Site Plan entitled **Retail Development Tax Map 165, Lot 151, 90 Derry Street, Hudson, NH**, prepared by T.F. Moran, Inc., 48 Constitution Drive, Bedford, NH 03110, dated July 27, 2007, last revised April 1, 2008, consisting of Sheets 1 through 25 and Notes 1 through 63, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. All improvements shown on the Site Plan -of-Record, including Notes 1 -63, shown on Drawing No. C1.1, Sheet 2 of 25, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. A cost allocation procedure (CAP) amount of \$22,067.40 shall be paid prior to the issuance of a Certificate of Occupancy.
4. In addition to the above CAP amount, the applicant shall contribute the sum of \$50,000, with this sum to be deposited into the Corridor Improvement Account and used exclusively for future roadway improvement projects associated with Route 102 (Derry Street).
5. 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.
6. Maintenance of the onside drainage system shall be constructed and maintained in compliance with NH -DES requirements for such systems.
7. This plan shall be subject to final engineering review and approval.
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. Prior to the issuance of a final certificate of occupancy, the applicant shall deposit the sum of \$5,000.00 with its counsel (who shall confirm its receipt with the Community Development Department), which funds may be used by the Abbott Farms Condominium Association for plantings (on the condominium land) for screening to be located near or adjacent to the westerly side of Map 165, Lot 151. Any funds not used within 12 months after the issuance of a final certificate of occupancy shall be returned to the applicant.

Ms. Stewart seconded the motion.

Selectman Maddox said he would not vote in favor of this motion, as he felt the proposal was still too big for the lot. He expressed concern that approving this plan would be telling developers they could just keep grinding away. He then expressed concern about the Board having granted so many waivers for this plan, questioning how the Board in the future could tell other developers not to do those things. He concluded by saying the Board should have voted to deny this plan months ago.

**VOTE:** No further comment being brought forward, Chairman Barnes called for a hand vote on the motion. All voted in favor except for Selectman Maddox, who voted in opposition, and Chairman Barnes, who abstained (4 -1-1).

Chairman Barnes declared a break at 8:45 p.m., calling the meeting back to order at 9:02 p.m.

## XI. NEW BUSINESS/PUBLIC HEARINGS

<b>A. Landfill Road Site Plan SP# 04-08</b>	<b>Map 100/Lot 003 Landfill Road</b>
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**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. Application Acceptance & Hearing.**

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

Town Planner Cashell confirmed the plan was ready for Application Acceptance

Selectman Maddox moved to accept the Site Plan application for the Continental Paving, Inc. 20,000 square foot industrial building, located at 22R West Road, Hudson, Map 100/Lot 003. Ms. Stewart seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6 -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, reminded the Board that he had been before them a few months ago for ZBA Input with regard to this matter. He reviewed details of the property, noting that it was abutted on three sides by Chase Brook and other jurisdictional wetlands, and saying what was being proposed was a 20,000 -ft<sup>2</sup> building, expandable to 57,000 ft<sup>2</sup> in the future, with the parking and loading being set up for that future expansion, so that it would not have to come back. He noted that the Zoning Board of Adjustment had granted the Wetlands Special Exception. He reported that the Town had asked that he do the engineering design for the bridge and the geo-tech work, so he was just present to get application acceptance and answer any questions. He noted that the State permits were all applied for and pending.

Chairman Barnes noted that normally he would have a public hearing at this time, but there was no one present other than the applicant's representatives, so the public hearing would be held in the future, when Mr. Basso came back with the plans.

Selectman Maddox said he had heard that Mr. Basso might be wanting to run water down to the site. Mr. Basso said he had not had much conversation with his client about that, but it had occurred to him that it would be possible, since the recently approved hospital had brought a line out to that area. Selectman Maddox suggested that Mr. Basso simply add it to the bridge design, so it would be there for future use. Mr. Basso said he could do that, as a dry main—noting that a lot of water main could be run for the equivalent cost of the 50,000 -gallon cisterns that the Fire Department was now asking for.

Chairman Barnes asked if the proposal were to build in all the parking for the 57,000-ft<sup>2</sup> future expansion at this time. Mr. Basso answered in the affirmative.

Chairman Barnes referenced Sheet 7, asking if there were detention basins in the future expansion area. Mr. Basso said they were not actually detention basins, saying he would simply grade the property to collect the storm water, but the grading would be sized for the whole future expansion.

Chairman Barnes asked about a review comment from CLD (Costello, Lomasney, and deNapoli, Inc.), the Board's consulting engineering firm, that the flow off the property would be increased. Mr. Basso said he was going to try to tighten that up, but that what CLD was talking about was a tiny infinitesimal decimal increase—and that it would be flowing to the surrounding wetlands, most of which his client owned. He said the increase was measured at the point of runoff, not at the property line, which was in Litchfield, but that he would address it and hopefully reduce the mitigation. He then discussed how the figures were calculated, saying the advent of computers meant that the calculations were now run out to the nearest hundredth.

Selectman Maddox questioned why the Fire Department was suggesting the building would need annual assembly inspections. Mr. Basso confirmed that the intended use was industrial, not manufacturing.

Selectman Maddox asked why the site was not given an address on Old Landfill Road. Town Planner Cashell said the Fire Department had assigned the West Road number. Mr. Basso said he did not know, saying that there had been some confusion about the status of Old Landfill Road but that he thought it was a Class 5 roadway.

Chairman Barnes asked if there were a CAP fee. Ms. Stewart noted that it was referenced on a separate sheet. Mr. Basso clarified that the CAP fee was just for the basic building, saying they would come back for recalculation when the expansion became reality.

Chairman Barnes asked how long it would take to do the bridge design. Mr. Basso suggested that he come back for the first meeting in June.

Selectman Maddox moved to grant the following waivers, saying they seemed to be nothing out of the ordinary:

- 1) HTC 275-9 (D) -- Fiscal Impact Study
- 2) HTC 275-9 (C) -- Noise Study
- 3) HTC 275-8 B (11) & 9(H) – HISS Mapping

Mr. Russo seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6-0).

Selectman Maddox moved to defer further review of the Continental Paving, Inc., Site Plan application, date specific, to the June 11, 2008 Planning Board Meeting. Ms. Stewart seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6-0).

## **B. Public Hearing – Winter Maintenance Bond – Article VIII C – Street Disposition Awareness – HTC §289-40F.**

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

Chairman Barnes opened the meeting for public input and comment, in favor or opposition, at 9:20 p.m., noting that the purpose of the hearing was to receive input on the proposal to add Subparagraph F, as follows:

Prior to the issuance of a building permit for any dwelling or other habitable structure on an unaccepted street, the developer/owner of such a street shall be required to post a winter maintenance bond with the Town. The winter maintenance bond shall be separate from the

subdivision performance bond and any escrow fees that the developer establishes with the Town. The winter maintenance bond shall be designed to reimburse the Town for the potential cost of maintaining an unaccepted street, should said party of responsibility fail to do so in a manner deemed acceptable by the Town Road Agent, resulting in the Town being forced to use the Emergency Lane Stature (i.e., NH RSA 231:59-a) to maintain the street.

Noting that no one was present to speak on this matter, other than the Board members and staff, Chairman Barnes closed the public hearing at 9:21 p.m. and then asked if members of the Board had any questions.

Selectman Maddox moved to adopt the change, as read by the Chairman. Ms. Stewart seconded the motion.

Mr. Carroll asked how the winter maintenance bond would be calculated. Town Planner Cashell said it could vary each year, depending on plowing costs, and would be recommended by the Road Agent.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6-0).

## **XII. OTHER BUSINESS.**

Chairman Barnes noted that **Other Business Item A** had been taken up earlier, out of order.

### **B. Review Article XII – Signs – of the Town’s Zoning Ordinance.**

#### **Deferred Date Specific from the 04-02-08 Planning Board Meeting.**

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

Town Planner Cashell noted that the Board had gotten involved with this because of the situation with the Aranco gas station. He then referenced the two proposed amendments listed in his latest staff report on this matter, clarifying that the first proposal was not a standalone paragraph but simply a sentence that would be added to the existing HTC §334-60 H, reading as follows:

Except for automotive fuel stations, with or without general retail, the allowed freestanding or primary sign that includes advertising fuel prices may include non-flashing and/or nonmoving illuminated numbers exclusive to fuel prices.

Chairman Barnes questioned the acceptability of adding this, saying it did not read right with the existing text.



Selectman Maddox asked if this were input from Director Sullivan. Town Planner Cashell answered in the negative, saying Director Sullivan was not yet ready to present anything to the Board for this meeting. Selectman Maddox then moved to defer this matter until the Board received something from Director Sullivan, since Director Sullivan was the person who had to deal with the signs. Ms. Chadwick seconded the motion.

Mr. Russo expressed concern about giving an exception for fuel stations, contending there were many other businesses that had a right to an illuminated sign and might want to advertise a special, adding that he thought that would be fair and just if the sign were not moving and not animated. He expressed agreement that the Board needed to get some input from Director Sullivan.

Mr. Carroll said he had thought Hudson (i.e., the Planning Board) did not want electronic signs, and he had thought the intent was to make the electronic sign ordinance more restrictive. He said the given proposal seemed to be a band-aid approach. He then asked if the intent were to ban electronic signs or to let them leak in in such a way that the Board could control what the signs did. Chairman Barnes said the Board was trying to find a way such that certain uses, such as the Aranco gas sign, or the more "entertaining" one further south on Lowell Road, would be prevented.

Ms. Stewart said she thought the Board was looking for something that was a little bit of Londonderry's sign ordinance and a little bit of Salem's. She then read pertinent portions of those ordinances aloud, saying the intent was to restrict the moving signs.

Ms. Chadwick questioned why the fuel stations needed an exception, saying the sign did not have moving parts.

Selectman Maddox said the Aranco sign was allowed because of a corrective action, because the application had not been fully seen when submitted. He suggested that this might be a matter in which the Planning Board should seek expert help from someone who dealt with this regularly. He suggested the motion on the floor would take care of the matter for now. Mr. Carroll questioned what the deferral was for. Chairman Barnes explained that the Board was looking for some input from the Zoning Administrator.

Town Planner Cashell said the issue was being able to control the content of the signs, and the Board was trying to get some control of that mechanism. He said his proposal was an attempt to address the Aranco switchable-sign situation. Mr. Carroll questioned why the Board had reviewed all the ordinances from other communities if the Board members then were going to sit back and let someone else tell them what to have as an ordinance. Chairman Barnes said the Board wanted input from the Zoning Administrator as to what was enforceable and what he would like to see in the sign ordinance, using that input as an additional source.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6-0).

Ms. Stewart suggested that the Board could move forward with respect to the other ordinance. She then moved that the Board forward the proposal to add the proposed subsection K to HTC §334-60, as follows:

No sign shall include nudity, images of or references to specific sexual conduct or activities, images of or references to specific anatomical areas, images of or references to instruments, devices, or paraphernalia which are designed for use in connection with specific sexual conduct or activities.

Ms. Chadwick seconded the motion.

Mr. Russo confirmed that this was an addition, not an amendment.

Chairman Barnes asked if the Zoning Administrator had looked at this text. Town Planner Cashell responded in the negative.

Selectman Massey expressed a hope that the definitions defined nudity; he then expressed a belief that nudity was in the eye of the beholder.

Ms. Chadwick asked if she could move to defer action on this proposal until the definition that Selectman Massey had mentioned had been confirmed and the Board had spoken to the Zoning Administrator about his thoughts with regard to this issue. Selectman Maddox seconded the motion.

Ms. Stewart said she wanted a date specific in the motion. Selectman Maddox said he would be calling Director Sullivan in the morning, and he expressed a belief that the Board would receive an input very quickly. Chairman Barnes suggested that the Board defer this matter without a date specific, for now, noting that it could be brought up under other business if it seemed to be hanging on.

**VOTE:** Chairman Barnes then called for a hand vote on the motion. All members present voted in favor except for Ms. Stewart, who voted in opposition, and Chairman Barnes declared the motion to have carried (5 –1).

Chairman Barnes noted that the joint workshop with the Zoning Board of Adjustment and the Conservation Commission would be held on May 7<sup>th</sup>. He asked how the agenda was coming. Town Planner Cashell listed the items he had so far, consisting just of the shoreland protection act and the prime wetlands study. Chairman Barnes said ZBA chairman Seabury had sent an E-mail listing some items prior to his departure for a trip; he said he would forward that to Mr. Cashell.

Selectman Maddox requested that an invitation be extended to the Lower Merrimack River Advisory Council. Chairman Barnes expressed agreement, noting that the Council had just finalized a river coordination management plan. He said he would convey the invitation to the Council at that group's meeting the following evening.

Selectman Maddox asked if proposed agenda items should be sent to Chairman Barnes. Town Planner Cashell said they should be sent to the Planning Secretary, Ms. Lavoie, by next Tuesday (April 29<sup>th</sup>) at the latest. Chairman Barnes suggested that the items should be sent to himself, saying he would then get them to Ms. Lavoie.

Chairman Barnes reminded the Board that the Spring Planning Conference would be held this coming Saturday.

Ms. Stewart said she and Mr. Russo had been examining the Zoning Administrator's zoning determination, as provided in the information packet, and that they were unable to find where Director Sullivan had gotten the decision, as the decision pertained to horses but all that the referenced ordinance (HTC §334-21) addressed was motor vehicles. Chairman Barnes said the Table of Permitted Uses, located in the back, was part of that section. Mr. Russo said he agreed that there was a reference there, but he was at a loss to understand how housing two horses as pets or for personal use had anything to do with agricultural uses.

Chairman Barnes said the question was whether boarding two horses on a residential lot constituted an agricultural use. Mr. Russo expressed agreement.

Ms. Chadwick expressed a belief that that this would not be the case.

Town Planner Cashell suggested that this should be discussed at the joint meeting or at a workshop. Mr. Russo expressed agreement but noted that the Zoning Administrator had deemed having two horses was an agricultural use. Ms. Chadwick noted that she had two sheepdogs, questioning what the difference was.

Chairman Barnes referenced an E-mail that Town Planner Cashell had sent out the previous week regarding an NH-DOT meeting pertaining to the Sagamore Bridge intersection. He asked that Board members review that, noting that Marty Kennedy would be at the May 14<sup>th</sup> meeting and had been specifically asked to address that meeting. Town Planner Cashell said the meeting had been very important and had brought to light a lot of issues, and he hoped Mr. Kennedy would be able to explain them.

Town Planner Cashell asked if the May 14<sup>th</sup> meeting would be held here (at the Community Development Department meeting room). Chairman Barnes answered in the affirmative.

Mr. Carroll asked if the Board would be getting something from Mr. Kennedy prior to that meeting. He then asked if the Board could suggest that Mr. Kennedy give the Board something to review in preparation. Selectman Maddox said the NH-DOT correspondence indicated concurrence, suggesting it was a response to an input that Mr. Kennedy had provided to NH-DOT. Mr. Carroll said he had a problem with that, inasmuch as he did not know what Mr. Kennedy had said or how he had said it.

Selectman Massey expressed a desire not to repeat history, saying Mr. Kennedy would not have anything unless the Board explicitly advised him what the Board wanted. He said that his expectations for the May 14<sup>th</sup> meeting was that Mr. Kennedy was supposed to critique the traffic information that had been supplied by the applicant and come back and tell this Board what was good, bad, or indifferent about it. He expressed a belief that the Board had to make it very clear to Mr. Kennedy what the Board expected from him. He said this had to be put in writing. Town Planner Cashell said he would send Mr. Kennedy an E-mail before leaving tonight, to make sure that Mr. Kennedy was clear on that.

Chairman Barnes said specific directions would be given to Mr. Kennedy, noting that he would have time to prepare for the meeting —adding that part of that would be for Mr. Kennedy to give the Board copies of his memo to the NH-DOT, along with his analysis.

Selectman Maddox noted that all members of the Planning Board were invited to the second annual volunteer appreciation day, an ice cream social to be held at 7:00 p.m. at the Hudson Community Center on May 1<sup>st</sup>.

Selectman Maddox stated that the Board of Selectmen had pointed out that the CIP fell within the bailiwick of the Planning Board. He declared that the CIP process was a failure, not because of the lack of hard work by the volunteers serving on the CIP Committee but because of the nature of the program, itself. He described the CIP process as something that gave the Planning Board the ability to extract money from the developers for the Town, the library, and the schools, saying he felt that aspect had worked out well, but the other side of the picture was to be able to plan expenditures over the coming years, and he felt the process had failed in this —partly because the Planning Board was working in a vacuum, partly because the Budget Committee felt the process was broken and did not want to be part of it, and the School Board representative never showed up. He said the Town needed a plan that explained where the Town of Hudson believed its expenditures for the next six years were going to be. He expressed a conviction that this needed to be resolved, saying it currently was skewed toward road projects because of the matching funds from the State. He said the current CIP Committee chairman, Ms. Chadwick, was willing to go to the Budget Committee and he was willing to go to the School Board to see if something could be done to fix the problems. He suggested that one approach might be to research what other communities were doing, noting that the Board of Selectmen had now handed the Planning Board the responsibility of dealing with the problem. He said he would be looking for input from members of the Planning Board, stating that there was significant money available to the Town if this were done properly.

Ms. Chadwick said there were some serious infrastructure issues because of the priority that the roadway projects obtained, as Selectman Maddox had said. She said it was frustrating to the Police Department and the Fire Department, adding that it was necessary to make the residents of Hudson aware of where the structural

issues were and also to get the Budget Committee and the School Board to take the process seriously and join in to make it work for the town. She said she would welcome Selectman Maddox and any members of the Planning Board to come to the Budget Committee with her. Chairman Barnes asked if Town Planner Cashell had any examples of how other communities handled the CIP process. Mr. Cashell said he thought there must be something in the files. Chairman Barnes asked if the NRPC (Nashua Regional Planning Commission) would have anything. Mr. Cashell said he thought the best route would be to go see what other towns were doing. Chairman Barnes suggested that Town Planner Cashell look at similar towns: Londonderry, Merrimack, etc.

Mr. Carroll asked if the question were how to calculate the CIP values, or setting up and budgeting and allocating of moneys for real capital improvements. Ms. Chadwick responded in the negative, saying the issue was a combination of being able to prioritize properly within the town and also being able to get some input from the Budget Committee and the School Board to understand what else would be coming down the pike. She said the need was to get everyone on board, rather than just the few people who were actually on the CIP Committee. Chairman Barnes noted that the School Board was talking about a 10 -year master plan, for example, but none of this was appearing anywhere in the CIP discussion. Ms. Stewart noted that neither the School Board representative nor his alternate came to the CIP meetings. Selectman Maddox expressed a belief that this sort of discussion needed to be held with all groups present, suggesting that the citizens should say that this was an important process and that nothing should be allowed to become a bonding issue unless it had gone through the CIP process, which might get the School Board to take notice and also get the other departments to think of this as a serious process. He noted that, if there were fair and equitable ranking, the citizens could see what the potential expenditures might be for all of Hudson's expenses, not just the Town's needs. Until that came about, he suggested, organizations apparently felt it was better to avoid the CIP process so as not to be ranked low on the scale.

Mr. Carroll asked if the Planning Board were responsible for CIP definition and allocation, but did not have the power to say that the town would not pay if departments did not participate. He said he did not understand why the Planning Board could not say: if you're not on the list, you're not on the list. Chairman Barnes said it was the Budget Committee that made that determination.

Town Planner Cashell pointed out that the CIP was a State statute, with every town in the state required to put together a CIP report annually, but it was only an advisory document to the Board of Selectmen and the Budget Committee, and it was up to those organizations to figure out the final priorities, depending on whether the Town had the money or the bonding capacity. Ms. Stewart noted that the School Board could write a warrant article for any construction project it wished, without regard for whether it was or was not in the CIP, as could the Board of Selectmen.

Mr. Russo asked Mr. Cashell how long the Planning Board could continue to collect impact fees for a nother department that did not participate in the process before someone, such as a developer, could claim they were not being treated fairly because the department in question was not following the practice. Mr. Cashell said

most of the fees being collected were CAP fees, and the Town was doing a good job of spending those moneys on roadway projects; he suggested that it would be difficult for a developer to argue that the other departments were not following through. He pointed out that the School District was spending a great deal of money, citing the School District's master plan for a multi-complex development as an example. Mr. Russo questioned how fees could be collected for that if the projects were not being put into the CIP process. Town Planner Cashell said it was up to the Planning Board to make the CIP process as viable a process as possible, so that every department would be utilizing the process and not going willy-nilly. He pointed out that the Police Department would not get an addition to the police station until the citizens voted it in, noting that the Library had been in the same situation until the Rodger brothers decided to fund it. He said the Police Department might have better luck if they put the addition into the CIP process, noting that the Library Trustees were putting their proposed addition, not planned until 2018, into the process, because they were thinking ahead.

Mr. Russo suggested that the Planning Board talk to Atty. Buckley about this, to ask such questions as whether the Board should stop collecting impact fees that were not being addressed. He suggested that the Planning Board might be collecting too much in impact fees for the School District, since the school population was decreasing. He then predicted that some developer might claim that that this was not a fair process.

Town Planner Cashell noted the Hudson's impact fees system had already been challenged in court; he then expressed agreement that it might be time to reanalyze the system. Mr. Russo suggested that someone with a big project, such as the Green Meadow project, might very well want to challenge this system. Chairman Barnes said that project currently did not have housing and therefore would not be paying much for a School impact fee.

Mr. Carroll said the CIP process was like a barking dog with no teeth, hence a nuisance. He said the money for the School District was being set aside in a tagged account, questioning why the School District should be allowed to access the money without participating in the process. Selectman Maddox suggested that this be discussed in the upcoming joint meeting with the Board of Selectmen.

Ms. Chadwick said she had been surprised to learn that the School District was getting access to these impact fees moneys but the money was not going to the public safety departments, such as the Police Department and the Fire Department, so there was no money for them to look towards as a way of offsetting their expenditures. Selectman Massey noted that the Board of Selectmen or the School District could not spend money out of the impact fees until there had been a recommendation from the Planning Board. Mr. Carroll suggested that the process ought to be that the School District should have to come to the Planning Board for impact fee money rather than submitting a warrant article for the ballot, adding that money should be allowed to be extracted from the fund only if the School Board had submitted the applicable project to the CIP process; he then said that the CIP Committee needed to have teeth. Selectman Massey expressed agreement.

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**XIII. ADJOURNMENT**

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

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

Chairman Barnes then declared the meeting to be adjourned at 10:21 p.m.

Date: May 5, 2008

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James Barnes , Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Brion Carroll , Acting Secretary

These minutes were accepted as submitted following review at the 0 7-23-08 Planning Board meeting.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
April 23, 2008**

**Page 24**

The following changes were made in accordance with a late discovery that the Board's review of these minutes at its July 23, 2008 meeting had overlooked a misdating:

Page 1 — The year date of this meeting in the opening paragraph was changed from 2007 to 2008.