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**HUDSON PLANNING BOARD  
MEETING MINUTES  
April 7, 2010**

**I. CALL TO ORDER**

Chairman Russo called this Planning Board meeting to order at 7:01 p.m. on Wednesday, April 7, 2010, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

Chairman Russo asked Mr. Malley 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, George Hall, Vincent Russo, Terry Stewart, and Richard Maddox (Selectmen's Representative), Suellen Quinlan (arrived at 7:08 p.m.), and Tierney Chadwick (arrived at 7:12 p.m.).

**Members**

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

**Alternates**

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

**Alternates**

**Absent:** Dennis White.

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Russo seated Mr. Malley in place of the absent Ms. Chadwick and seated Mr. Schneiderman in place of Ms. Quinlan.

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

**A. 02-24-10 Minutes (distributed in 03-24-10 packet).**

Chairman Russo addressed the minutes for the meeting of 02-24-10, asking if there were any changes or corrections. None being brought forward, Mr. Barnes moved to accept the minutes as submitted; Mr. Schneiderman 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).

**B. 03-03-10 Minutes (distributed in 03-24-10 packet).**

Chairman Russo addressed the minutes for the meeting of 03-03-10, asking if there were any changes or corrections. None being brought forward, Mr. Barnes moved to accept the minutes as submitted; Mr. Schneiderman 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 asked that the members be prepared to review the minutes for the March 10<sup>th</sup> meeting next week.

**VI. CASES REQUESTED FOR DEFERRAL**

No cases had been requested for deferral for this meeting.

**VII. CORRESPONDENCE**

No items of correspondence were addressed this evening.

**VIII. PERFORMANCE SURETIES**

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

**IX. WORKSHOP**

**A. Review Road Conditions and Accident Data on Lowell Road from Wason Rd. to Hardy Drive, Re: Stop & Shop Roadway Improvement Funds.**

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

Town Planner Cashell said he had nothing to add to his staff report at this time, but that he expected a lengthy discussion pertaining to Selectman Maddox's proposal to use some of the remaining Stop-and-Shop money for a study of possible safety improvements for this stretch of roadway including the egress/ingress accessways for Market Basket, Haffner's, and Dunkin Donuts.

Ms. Stewart expressed a belief that this would be the best thing the Planning Board had ever done on this stretch, noting that she had recently witnessed a van, containing many children, trying to turn left coming out of the parking lot, to go south toward Massachusetts.

Town Planner Cashell referenced a recent accident he had witnessed at that same intersection, illustrating on an aerial view how it had come about, because of a left-turn (cross-traffic) egress onto the very busy Lowell Road. He said the Police Department's database indicated that there were in excess of 800 accidents a year along Lowell Road, with 200 accidents already recorded for this year. He said the Police Department had said this actually was a low percentage area for accidents, but this area had the greatest traffic volume on any given day.

Ms. Quinlan arrived at 7:08 p.m. and took her seat at the table at that time, although not yet recognized by the chairman for the inprocess discussion.

Selectman Maddox said money was available for the stretch from Wason Road Hardy Drive and he wanted to use the money to take a look at what issues there were and how they could be corrected. He asked if the Planning Board wanted to look at this, saying he felt some of the money should be used to have VHB (Vanasse Hangen Brustlin, Inc.) look at that stretch for recommendations. He noted that there was currently a five-lane cross-section, which was at the very least very challenging to maneuver. As people tried to get across to the opposite side, he said, it was a challenge. He said the money could expire if something were not done by or before 2013.

Mr. Barnes said the issue was making left turns out of both Market Basket (to go south) and Haffner's (to go north), adding that he would not go straight across. He said there was another option for people coming out of Market Basket Plaza, but the only option for people coming out of Haffner's' was to go onto the private property, adding that he was not sure it was maintained. He said he agreed with Selectman Maddox that something needed to be done.

Ms. Chadwick arrived at 7:12 p.m., and took her seat at the table at that time, although not yet recognized by the chairman for the inprocess discussion.

Selectman Maddox suggested that the existing barrier be extended another 12 feet or so at the intersection. He stated that what really needed to happen was better definition of the turning lanes. He then moved that the Planning Board get a price from VHB to look at the area between Hardy Drive and Wason Road for any improvements that could be done for safety. Mr. Barnes seconded the motion.

Ms. Quinlan said another issue was that an aperture needed to be kept clear at the intersections, noting that the aerial view showed a car waiting in the southbound queue on Lowell Road and blocking access to the Dunkin Donuts property. She said this was wrong.

Mr. Barnes pointed out that no left-turn out was allowed out of that driveway intersection.

Ms. Quinlan said VHB had already done this, saying Marty Kennedy would just reiterate what he had said before. Selectman Maddox noted that the previous study was done in 2000. Ms. Quinlan said Mr. Kennedy had done a thorough review and had spoken about it to the Board a number of times, pertaining to Stop-and-Shop, Wason Road, and other projects. Selectman Maddox clarified that his motion pertained to improvements as applied to safety, and nothing else, saying he was not getting into driveway design.

Chairman Russo asked if VHB had been hired by any of the projects in that area for a traffic study. Ms. Quinlan said VHB was hired to look at the improvement for the intersection of Wason Road and Lowell Road, for Stop-and-Shop. Chairman Russo said he believed that VHB had been hired by one of the businesses, recalling that Ms. McGrath had been opposed to using them for that reason. Ms. Quinlan said the Planning Board had hired VHB for its consultant in that area.

Mr. Hall noted that VHB had done the corridor studies.

Selectman Maddox amended his motion to include having staff provide a list of engineers used by businesses in that area.

Town Planner Cashell said Green Meadows had used GPI and the Planning Board had used VHB, adding that VHB had a long history of working with Hudson with respect to the corridors and was very familiar with this area and would be able to expedite what safety measures were needed, because of its institutional knowledge.

Mr. Schneiderman asked if the Planning Board could not ask the Board of Selectmen to erect signs at the driveways from Market basket and Haffner's to prohibit left-hand turns. Ms. Stewart and Ms. Quinlan said this would be unenforceable. Chairman Russo questioned why this would be unenforceable if approved by the Board of Selectmen. Mr. Hall said a case in point was the 7-11 business across the street from Town Hall, where tickets had been given out but then thrown out of court. Once a site plan had been approved, he said, there was no way of changing it.

Chairman Russo said the only way to prevent left turns would be to put a physical barrier across the way, but this would prevent people going the other way from making turns. Ms. Stewart said those people could go the traffic light and turn in to the Market Basket site, saying this was a real safety issue.

Selectman Maddox said it would be challenging for the Board of Selectmen to do what Mr. Schneiderman had suggested. He suggested that a nonpermanent barrier that the Fire Department could get across could be used, thereby giving guidance to the drivers from Massachusetts and elsewhere. He said he did not want to look at full barriers at this point but wanted to look for recommendations for changes.

Ms. Quinlan questioned how a Jersey barrier could be safer. Chairman Russo said this was why the Board was looking to the experts for advice.

**VOTE:** Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Mr. Schneiderman, who voted in opposition, and Chairman Russo declared the motion to have carried (6–1).

Chairman Russo recognized Ms. Quinlan and Ms. Chadwick, saying they would be seated from this point on, with Mr. Malley and Mr. Schneiderman resuming their nominal alternate positions.

**B. Staff Update on Proposal to Create a CAP Fee for Determining the Feasibility of Constructing a Two-Lane Connector Road Within the Circumferential Highway Corridor — from Lowell Rd. to Rte. 111.**

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

Town Planner Cashell said he had spoken to Marty Kennedy and Bruce Mayberry today, noting that he had included impact fee documentation in the handout package. He said both of the consulted individuals said the proposed roadway was at least ten years out from implementation. If the Board went forward, he said, those consultants had advised that there would only be a 6-year period in which to create the physical improvement. He said he had not discussed this with Atty. Buckley today, but this was dealing with a tight time frame—unless the developers would be willing to waive the timeframe in which to expend those funds.

Mr. Hall said the impact fees could be used for design and engineering studies, which would also take quite a while. Town Planner Cashell agreed, but said the physical improvement would have to be created, as that was what the moneys were collected for. He said the consultants were not against the idea of collecting funds, but both had flagged the issue that any money collected would have to be spent toward the goal of creating the actual physical improvement. He then referenced NH RSA 674-21 (5), saying the Town would be restricted to coming up with the physical improvement within six years. Mr. Hall said he did not know that he agreed with that, saying it would take six years or more to do all the design work and studies, but the Planning Board in the past had (on the approval of a development) asked developers for contribution for a study of things affected by that development. He suggested that the Board could discuss this with Atty. Buckley when the Town Attorney was before the Board at its next meeting.

Ms. Quinlan said this would be looking for a contribution, instead of a CAP fee. Mr. Hall concurred, saying it would be a contribution for a specific study. Ms. Quinlan then asked what was happening with Green Meadow, noting that the Board should be able to extract some money for development on that property to provide a connection between Lowell Road and Route 111. Town Planner Cashell said everyone was waiting, noting that the Legislature and the Governor had yet to act, and that there would then have to be a special Town Meeting, if those other things occurred. He said the Town would then be dealing with a major thing, and it would provide major funding. Ms. Quinlan expressed a belief that something would happen on that property within the next six years, and she questioned if it would be unrealistic to proceed accordingly. Mr. Cashell said the Town might want to invest the funds necessary to bring the preliminary studies and design about, making a ready-to-go project that the Green Meadows development could then help fund. He pointed out that a lot of things would have to happen—adding that something big enough would occur on that property even if the casino plan were not approved. He then noted that an environmental study was of prime importance. He also noted that other sites than the gaming site would also come into the picture, if that development were approved.

Selectman Maddox noted that the legislative liaison had recently given the Board of Selectmen the information that the Planning Board would see the plan before it went to the voters. He suggested that nothing would happen before next March, but for any money encumbered for a specific project, the six years would not start until after that, so it would be eight or more years before any money had to be returned.

Town Planner Cashell said he would get Atty. Buckley up to speed on this subject for next week's meeting.

**C. Staff Update on Existing Road Construction Requirements, as cited in the Planning Board's Subdivision Regulations § 289-28.**

Chairman Russo read aloud the published notice, as repeated above. He suggested that Town Planner Cashell was recommending that the Board take no further action. Mr. Cashell concurred, saying this Board could waive any construction standards in the regulations, such as had been done with Kroe Farm, and he did not think there was any need to go down this road.

No comments or questions were brought forward by members of the Board.

**X. ZBA INPUT ONLY**

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

**XI. OLD BUSINESS/PUBLIC HEARINGS**

No **Old Business/Public Hearings** items were addressed this evening.

**XII. DESIGN REVIEW PHASE**

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

**XIII. CONCEPTUAL REVIEW ONLY**

No **CONCEPTUAL REVIEW ONLY** items were addressed this evening.

**XIV. NEW BUSINESS/PUBLIC HEARINGS**

No **New Business** items were addressed this evening.

**XV. PUBLIC HEARINGS**

No **Public Hearings** items were scheduled for this evening.

**XVI. OTHER BUSINESS**

Selectman Maddox said he had received information from Fire Chief Murray about Bockes Road, which he would give to Town Planner Cashell for distribution in the meeting packet for the next meeting. He said the reason why fire protection was discussed for other parcels was because the applicant did not want to dig a hole on the property, so the Fire Department had said there would be no problem if the cistern were provided off-site. He said the number of gallons would be significantly lower.

Ms. Quinlan said this gave the Planning Board the unenviable job of negotiating between the applicant and the Fire Department, saying the applicant needed to work this out with the Fire Department. She said it might be the case that the applicant's project was too big for that particular parcel, but she did not want the Planning Board to be involved in the dispute, and she wanted them to work out something together.

Selectman Maddox said a representative from the Fire Department would be present that night to answer any questions the Planning Board might have—noting that there were a number of factors, including dependency on the type of construction used.

Mr. Hall said Fire Chief Murray had addressed his (Mr. Hall's) concerns about the applicant's claim that he was being asked to provide a cistern for protection of other sites in the area at today's Highway Safety Committee meeting.

Ms. Stewart asked if the storage facility on River Road had been allowed to have outside storage for vehicles, noting that a sign was posted there advertising that they could store boats and vehicles. Town Planner Cashell said he would review the site plan.

Town Planner Cashell referred to the handout about Smart Commute Week, from May 15<sup>th</sup> through the 21<sup>st</sup>. He said an addendum item for next week's meeting would be the electric car, with the first proposed dealership being the local Subaru dealership. He said the city car had a 40-mile range but a highway car with a 100-mile range would be coming out this summer, adding that the cost would be 3¢ per mile.

Town Planner Cashell referenced the model ordinance documentation he had provided in the handout packet concerning a model ordinance for impervious subsurface zoning. Mr. Barnes said a copy of that had also been sent to the Lower Merrimac River Advisory Committee, but they had not had a meeting yet to discuss it.

Town Planner Cashell said he had just come from the Rockingham Development Association's Visioning Session in Nashua, noting that an economics professor speaking at the meeting had presented some startling statements about the difference between the present economic situation and the previous recession of the early 1990s, with respect to unemployment rate and other issues. He said the Nashua area was faring pretty well, and projections were that things were not going to get any worse than they were right now, with a slow steady recovery projected. He said the Rockingham Development Association's Website provided a lot of good information.

Selectman Massey reminded everyone of Volunteer Appreciation Week and the upcoming Ice Cream Social.

Ms. Quinlan noted that a lot of people were using the sidewalks recently installed in Hudson, saying she felt the town needed to build more. On Saturday or Sunday mornings, she suggested, citizens should pick up the trash being thrown on their yards or in yards across the street, saying she was bugged by the trash she saw on the roadsides.

Chairman Russo said there had been several requests about asking the Board of Selectmen to replace the member who had not come to any meetings since being appointed. He said he would make a recommendation to ask the Board of Selectmen to replace Mr. White if the Board so moved. Ms. Chadwick moved to send a letter to the Board of Selectmen recommending replacement of Mr. White as a Planning Board alternate. Mr. Hall 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).

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Selectman Massey asked Town Planner Cashell to let the Board of Selectmen's Administrative Assistant know about this tomorrow, so it could be placed on the next agenda.

**XVII. ADJOURNMENT**

All scheduled items having been addressed, Ms. Chadwick moved to adjourn; Mr. Hall 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 8:05 p.m.

Date: April 7, 2010

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Vincent Russo, Chairman

J. Bradford Seabury, Recorder

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Terry Stewart, Secretary

These minutes were accepted as submitted following review at the 06-02-10 Planning Board meeting.