



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES January 23, 2013

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, January 23, 2013, in the Community Development's Paul Buxton meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: None. (All present.)

Alternates

Present: Irene Merrill, Jordan Ulery, and Nancy Brucker (Selectmen's Representative Alternate).

Alternates

Absent: Marilyn McGrath (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

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

V. ELECTION OF OFFICERS

Chairman Russo addressed the need to elect new officers for reorganization of the Board, and he asked for a nomination for the position of Chairman.

Mr. Hall nominated Mr. Russo. Mr. Barnes seconded that nomination.

Mr. Hall moved to close all nominations and to elect Mr. Russo by acclamation.

Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor except for Mr. Russo, who abstained, and Chairman Russo declared the motion to have carried (6-0-1).

Chairman Russo asked for nominations for the position of Vice-Chairman.

Mr. Barnes nominated Mr. Hall as Vice-Chairman. Mr. Della-Monica seconded the nomination.

No other nominations being brought forward, Mr. Barnes moved to close the nominations and to elect Mr. Hall as Vice-Chairman by acclamation. Mr. Della-Monica seconded the motion.

VOTE: No further comment being brought forward, Chairman Russo called for a verbal vote on the motion to elect Mr. Hall as Vice-Chairman by acclamation. All members voted in favor except for Mr. Hall, who abstained, and Chairman Russo declared the motion to have carried unanimously (6-0-1).

Chairman Russo asked for nominations for the position of Secretary.

Mr. Malley nominated Mr. van der Veen; Mr. Hall seconded the nomination.

Chairman Russo asked for a motion to close nominations and to elect Mr. van der Veen by acclamation. Selectman Maddox so moved; 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).

VI. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo said no minutes were listed on his cue card.

VII. CASES REQUESTED FOR DEFERRAL

No requests for deferral had been submitted for this evening.

VIII. CORRESPONDENCE

Chairman Russo noted that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated matter.

IX. PERFORMANCE SURETIES

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

X. ZBA INPUT ONLY

**A. Zachary Tompkins Memorial Field
Map 161/Lot 40 - 9 Industrial Drive**

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

Selectman Maddox stepped down, saying he would be presenting. Chairman Russo seated Selectman Brucker in Selectman Maddox's place.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette Engineering Associates, LLC., appeared before the Board as the representative of the applicants, affixing a sheet from the plan set to the meeting room wall for the purposes of discussion. He identified that sheet as ***Drawing Number 3, Grading Plan, Zachary Tompkins Memorial Field, 9 Industrial Drive, Hudson, New Hampshire***, prepared for the Town of Hudson, 12 School Street, Hudson, New Hampshire, dated May 4, 2010, last revised 01-11-13.

Mr. Maynard said that a meeting had been held last week with Grace management, reporting that the slope of the embankment had been found to be much steeper than had been anticipated, and Grace wanted assurance that the slope would be stable and wanted a 2:1 slope, which pushed the field over. He said there would be a 25-foot intrusion into the wetland setback, and a retaining wall still needed to be built. He said there were boulders on the site that could be used to do that. He said DES had really pushed them into this worst-case scenario, but it did not affect any of the layout, saying other items remained the same, as originally approved. He said they would be going back to the DES soon and expected to be approved. He said the next step, depending on what action the Board took tonight, would be to go to the Zoning Board of Adjustment.

Chairman Russo asked if there were any questions from Board members.

Mr. Barnes asked if there would be any kind of fence at the top of the retaining wall. Mr. Maynard said there was a fence further up, at the top of the hill.

Chairman Russo asked if the retaining wall was in the same position as before. Mr. Maynard said it had been on the buffer line before but had also been pushed 25 feet into the setback area. He said there had been a potential walking/running trail as part of the original plan, but it had been removed because it went on abutting properties, but might come back later.

Ms. Merrill asked if there had been any comments from the neighbors. Mr. Maynard said he did not think so, noting that all neighbors had been notified four of five times throughout the project.

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

Mr. Richard Maddox, 323 Fox Run, said the directives of the State organizations that had met to discuss this proposal were getting this into the situation of building a wall such as at the Lowe's facility in Nashua, when the whole idea was to build a field, not a wall, so this revised plan was just an adjustment to get into the buffer of a wetland that was basically just the drainage from the industrial park, created because the developers had paved the front of the lots and drained everything toward the back—adding that they were not prime wetlands and would be more visible after the field was built and would be further protected by the fence, which would isolate them from use. He said the supporters were about to get \$650,000 from grants from various Federal agencies to remove the asbestos, but there was creep on the schedule, so they wanted to move things forward as expeditiously as possible. He asked for support of this Board to support the plan—adding that the Conservation Commission had had some concerns about getting too far into the wetland setback, with these concerns having been addressed in the stipulations.

Mr. Maynard said the Town Engineer had reviewed this plan. Town Planner Cashell added that there were many engineers involved with the project, adding that Town Engineer Colburn had been at the Conservation Commission meeting and had advised the members on the recommendation they had provided.

Mr. Barnes moved for the Planning Board to forward the following "Input Only" recommendation to the Zoning Board of Adjustment concerning the Zachary Tompkins Memorial Field, located at 9 Industrial Drive, Map 161/Lot 040, Hudson, NH:

The Planning Board has no concerns with the planned retaining wall encroachment into the wetland buffer, nor the proposed 2:1 slopes planned at each end of the football field and along the south side of the parking lot; provided that said changes are implemented using proper construction standards and result in a stable retaining wall and stable, landscaped slopes. Further, said changes shall be reflected in a revised Site Plan that shall be presented to the Planning Board at the time Final Site Plan Approval is sought by the applicant.

Mr. Della-Monica 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).

Selectman Maddox returned to his position as a voting member of the Board, with Selectman Brucker resuming her status as a nonvoting alternate.

XI. PUBLIC HEARINGS

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

XII. OLD BUSINESS/PUBLIC HEARINGS

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

XIII. DESIGN REVIEW PHASE

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

XIV. CONCEPTUAL REVIEW ONLY

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

XV. NEW BUSINESS/PUBLIC HEARINGS

No **New Business/Public Hearings** items were addressed this evening, as the two items scheduled for this meeting were not yet ready and would come back at a later date, presently being scheduled for the second meeting in February.

XVI. OTHER BUSINESS

A. Review Nashua Regional Planning Commission (NRPC) High Resolution Maps

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

Town Planner Cashell reviewed his staff report, noting that Assistant Assessor Jim Michaud had reviewed the maps and noted numerous errors, providing a list of 64 issues; he reported that Mr. Michaud, Town Engineer Colburn, and a few other staff members were working on this, trying to get things cleaned up. He noted that four full-size maps were shown on the NRPC Website, stating that there was a lot of labeling that still needed to be achieved, especially to ensure that all the notable wetlands were identified. He said all of the information also had been forwarded to department heads for their input.

Chairman Russo asked what kind of date NRPC was looking for. Town Planner Cashell said the inputs were wanted by the end of January. Mr. Cashell said he would

leave full-size maps in this room for review during the coming week, saying they could be marked up as the members saw fit.

Mr. Barnes asked if there were other Town employees taking the lead on environmental issues. Town Planner Cashell said he would be the lead person but would be working with all of the staff. Mr. Barnes asked how the information was collected. Mr. Cashell said he would be the lead person but working with all of the Town staff, confirming that inputs to himself via E-mail would be preferable.

Mr. Barnes asked how zone changes would be passed on to NRPC. Town Planner Cashell said NRPC did this on an annual basis, saying the process had been going on for many years.

Selectman Maddox asked what the procedure was for things that had been approved but not yet built. Town Planner Cashell said that was a major issue that staff had been reviewing, adding that he had suggested that Mr. Michaud discuss this with the Town Engineer. He noted that Mr. Michaud often consulted with him to find out what the status was of roads and properties about the town, as the Assessing Department needed to assess properties as accurately as possible. He cited the case of Vista Knolls Terrace, which showed up on the maps as a road even though it had only been roughed in. He said NRPC put such things on the map as soon as anything was approved, saying this particular category had not been properly identified. Selectman Maddox suggested a different dashed line be used for such roads, with a legend. Town Planner Cashell noted that private roads also were a problem.

Chairman Russo asked what Board members should do if they questioned what Mr. Michaud was saying. Town Planner Cashell said they could talk to Mr. Michaud or to himself.

Mr. Della-Monica said one of the issues was that, in order to read the legends on the online maps, one had to scroll back and forth; he suggested that the legends should be on a separate sheet. He noted that a lot of memory was required, as he was currently looking at four of them on his laptop.

Mr. Ulery said he had noted a lot of changes in Mr. Michaud's list, such as Eayr's Pond Road, noting that there were various spellings, and he had seen deeds with the incorrect spelling. He questioned if there would be a relation with Hillsborough Country records. He said he could think of several cases where an incorrect name voided both the mortgage and the deed. Chairman Russo said most people had insurance for that.

Chairman Russo told the members to feel free to contact Mr. Michaud or Town Planner Cashell between now and January 31st.

Town Planner Cashell said some people had been looking at the Land Use Map, instead of the Zoning Map, which confused lay persons.

Mr. Ulery asked if it would be appropriate to indicate on the maps that they were not totally 100% accurate, as a disclaimer. Town Planner Cashell said one would not find total accuracy on these maps, but he noted that there was a disclaimer on the maps and that copies of most of the original plans were on file at Town Hall. Chairman Russo noted that the disclaimer was very small on the maps, in a very small font size; he said there was plenty of room on the map, and he asked Mr. Cashell to see if NRPC

could make it larger. Town Planner Cashell read aloud the disclaimer already provided by NRPC.

B. Review and Discuss the Cost Allocation Procedure (CAP).

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

Town Planner Cashell said he had added this to tonight's agenda because the two site-plan reviews scheduled for this evening had to be deferred to the second meeting in February. He said this was an item having to do with State fees, noting that last year the legislature had amended RSA 674-21 (5), adding a and i, and would require the actual reporting of all impact fees beginning this year. He said he would be making that report and would provide copies to the Board.

Ms. Merrill noted that a condo association representative had been before the Board a few meetings ago saying he did not want to pay school impact fees. She noted that the consultant's report pertained to what was happening right now, but those homes could be sold five times and children could move in with people who were 55 and older. Town Planner Cashell clarified that the school impact fee was only collected once, adding that the Sparkling River consultant would be coming before the Board on February 13th with his report concerning the number of children in all Hudson developments and also in other neighboring towns. He said every Board member would get copies of that report and then decide on whether to go outside for peer review of that report. He noted that the figures in the report could provide a rational nexus for the school impact fee.

Ms. Merrill noted that the homes could be sold five times, so the report was only current. Town Planner Cashell said the Town only had to comply with the law once.

Town Planner Cashell said Salem was probably one of the most progressive communities in New Hampshire, noting that Salem collected a number of impact fees that Hudson did not. Mr. Hall noted that Sparkling River was only objecting to the school impact fee but was paying others.

Mr. Barnes referenced a list of the different accounts in the staff report, asking if the report would provide information on what had come in and what had been spent. Town Planner Cashell answered in the affirmative, saying the accounts were pretty much up to date.

Mr. Ulery noted that the impact fees were specifically designed for new impacts on properties, to fill in the gap of missing revenues to the town. Town Planner Cashell concurred, explaining that the impact fees were to pay for things not covered by property taxes of properties already developed. He noted that Hudson had been in the foreground of the development of impact fees in New Hampshire.

Mr. Della-Monica said the additions to the RSA noted by Mr. Cashell should be k and j, not a and i, so the draft motion should be changed. He then pointed out that impact fees were used for building schools, not maintaining schools, adding that they were based on statistical probabilities that there would be X number of kids living in the buildings over the lifetime of those buildings.

Mr. Ulery said impact fees might seem an extra tax on the developer but in fact reduced the taxes on everyone in the community, spreading out the taxes on a more equitable fashion.

Mr. Barnes moved for staff to provide each Planning Board member with a copy of the Impact Fee Report, as prescribed in RSA Section 674:21.V, Sub-sections (k) & (l). Mr. Della-Monica 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).

Selectman Maddox noted that NRPC would be having its annual soiree with the legislative delegation on February 6th.

Town Planner Cashell announced that the Town Meeting Deliberative Session would be held on February 2, starting at 9:00 a.m., at the Community Center.

Town Planner Cashell noted he had provided an advance copy of the agenda for the February 13th meeting, pointing out that it was a full agenda.

XVII. ADJOURNMENT

All scheduled items having been addressed, Mr. Barnes 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 8:07 p.m.

Date: January 29, 2013

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

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**HUDSON PLANNING BOARD Meeting Minutes
January 23, 2013**

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These minutes were accepted as amended following review at the 02-27-13 Planning Board meetings.

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**HUDSON PLANNING BOARD Meeting Minutes
January 23, 2013**

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The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 02-27-13:

Misspelling of Selectman Brucker's was corrected throughout (Pages 1, 3, and 5).