



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603-594-1142

-- FILE COPY --

HUDSON PLANNING BOARD MEETING MINUTES August 3, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:07 p.m. on Wednesday, August 3, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Schneiderman 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, Stuart Schneiderman, and Roger Coutu (Selectmen's Representative Alternate, arrived at 9:11 p.m.).

Alternates

Absent: Jordan Ulery (excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury (arrived at 7:25 p.m.).

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo noted that all regular members were present and that no alternates needed to be seated at this time.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo asked if any members were prepared to review any of the minutes he had previously requested them to review.

Mr. Della-Monica addressed the minutes for June 1, 2011, requesting the following change, referring to Page 11, 1st full paragraph, reading "Mr. Della-Monica said he had brought this up, and he then referred to the Fairview property, where all the members had seemed to feel left turns were not a good thing, saying he felt not all of the members were on the same page.". He expressed a belief that the sentence should be divided into two sentences, explaining that all members had been on the same page regarding the Fairview project but not for other left turns elsewhere.

Mr. Schneiderman referenced Page 4, 4th paragraph, noting that it said "Miss Nelson said that was a good question"; he suggested something was missing. Mr. Della-Monica demurred, saying he thought Miss Nelson had said that, as she had not known the answer to the question.

Ms. Merrill referenced Page 10, sixth paragraph, saying "any more" should be one word.

No further changes or corrections being brought forward, Mr. Della-Monica moved to accept the 06-01-11 minutes as amended; Mr. Malley 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).

Ms. Merrill referenced the minutes for June 8, 2011, requesting the following changes:

- Page 5, 8th paragraph—"colocation" should be spelled "collocation."
- Page 6, 6th paragraph, 4th sentence—she suggested that the text reading "because there were no draft motions prepared" should be changed to "because there was no draft motion prepared." Chairman Russo said this might be a grammatical correction but the given text might be what the speaker had said.

-- FILE COPY --

HUDSON PLANNING BOARD Meeting Minutes
August 3, 2011

Page 3

- Page 7, paragraph starting with "Selectman Maddox," 3rd line—she suggested that "buffer" should be changed to buffers." Chairman Russo noted that Selectman Maddox might have said "buffer"; Ms. Merrill acknowledged this to be so.

Mr. Schneiderman referenced Page 9, fifth paragraph, noting that the word "as" had been mistyped as "s" (without the "a"). He then referenced the next full paragraph, suggesting that "nominal" should be changed to "normal"—or that the word should simply be removed.

No further changes or corrections being brought forward, Mr. Barnes moved to accept the 06-08-11 minutes as amended; Mr. Hall 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).

Ms. Merrill referenced the minutes for July 13, 2011, requesting the following changes:

- Page 5, 1st complete paragraph, 4th line—the word "tie" should be changed to "the," so that the phrase reads "fit on the property."
- Page 11, 9th paragraph, 4th line—change "tot his" to "to this" so that the phrase reads "with respect to this waiver request."

No further changes or corrections being brought forward, Mr. Barnes moved to accept the 07-13-11 minutes as amended; Mr. Della-Monica 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 noted that he had not been present at the preceding meeting, saying he would take up the remaining minutes at a later meeting.

VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

VII. CORRESPONDENCE

No items of correspondence received in tonight's handouts were addressed at this time, in accordance with the Board's practice of taking up such items in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

VIII. PERFORMANCE SURETIES

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

IX. WORKSHOP

A. Review of the 2006 Master Plan, Relative to Determining Needed Revisions.

Chairman Russo read aloud the published notice, as repeated above, noting that this topic also had been brought up at the Board of Selectmen meeting the previous evening—adding that some update changes clearly were needed, and adding further that there had been a suggestion that it could be abridged, as the document contained a lot of material that never was used as a tool for planning. He noted that Mr. Seabury had previously suggested that the Planning Board consider updating one chapter each year, as was the practice in some other communities, with the premise that this would make it a living document.

Mr. Della-Monica noted that in the past half-year, while he had been on the Board, the Board had not made much use of the Master Plan in making its decisions, and he suggested that perhaps the Master Plan could be made more user-friendly. Chairman Russo recalled that Mr. Brion Carroll, a former member, had referenced the Master Plan on a regular basis, trying to use it as a map for making planning decisions—and pointing out discrepancies between what was in the Master Plan and what the Planning Board and/or the Town was doing at the time.

Selectman Maddox said the Master Plan was meant to be a guidepost, not a roadmap. He said it was supposed to just give a general direction as to where the Town was going. He said the Board had approved some things that were in the Master Plan, including such things as parking lot waivers, landscaping in the parking lots for commercial projects. He said the Master Plan described what the townspeople would like, questioning if the Board wanted to tell developers they could only build what was described in the Master Plan. He said it was not an instruction manual, but just a guide. He referenced the low-impact development concept as an example, asking if the Board in these economic times wanted to ask developers to spend extra money for that.

Mr. Barnes said the Master Plan was a pretty hefty document—recalling how much work had gone into it, with multiple meetings—but he was not sure how useful it was. He said it contained a lot of data and a lot of information, but he was not sure the Board was actually using it. Noting that one of the goals was “maintaining similar balance between single-family, two-family, and multifamily housing units,” he questioned if the Board knew that this had been done. He contended that the Master Plan contained a lot of things that provided good guidance but which were not being used. If the Board wanted to invest time in this, he continued, the Board should take a look at what it wanted the Master Plan to be and should try to set some guidelines that the Board was willing to use—adding that he felt updating the statistics should not take a lot of time.

He suggested that the references to the Circumferential Highway should be removed, while references to the Bensons Park should be added, but that the Board should not be thinking of rewriting the document unless the Board wanted to refocus it as something that the Board would be dedicated to using.

Chairman Russo noted that one of the comments at the previous evening's discussion was that the Town had to have a Master Plan, like a CIP, so that it could do certain things, so it had to have goals whether or not they were achieved. He then asked if the Board wanted to update the Master Plan so that it could keep moving forward, or did the Board just want to keep producing it on a ten-year basis.

Selectman Maddox said a lot of the update could be done by staff or by contracted personnel, saying he thought the real issue was Chapter I, Introduction and Goals. Noting that Town Planner Cashell "loved" charrettes or visioning processes, he suggested that another approach might be to have a questionnaire available at next year's Old Home Days festival so as to get input from more than just the Planning Board—adding that public input for the last update had been minimal, at best.

Town Planner Cashell referenced the staff report he had prepared for this session, noting that NRPC had all the recent census data for the 2010 census and could update Chapter II, Population and Housing, quickly, and also could do Chapter V, Transportation. He said the Circumferential Highway was now a faded dream, but a replacement "boulevard" was being put on the table, with a lot of discussion and a little excitement about that at the previous evening's meeting. Chairman Russo expressed a belief that a majority of the Selectmen were in support of that idea.

Chairman Russo then asked if updating the Master Plan was something that the Board wanted to do piece-by-piece—pointing out that this might lead to confusion with respect to the title, 2006 Master Plan. He suggested that one approach might be to change the title to Hudson Master Plan with updates on a regular basis, saying this might need some recommendations from Town Counsel s to what was required by State law.

Town Planner Cashell suggested that the Board could take this year to figure out what it wanted to do, noting that there were no pressing Zoning Ordinance changes being proposed. He then suggested that the Board might want to entertain assigning the Conservation Commission with the task of looking through the Natural Resources chapter, and perhaps assigning some other chapters to other people—such as asking Assistant Town Administrator Mark Pearson to look through the Economic Development chapter in conjunction with his role in that area. He noted that the Town of Hudson now had an active Website as an active resource, which had not really been true when the previous Master Plan update was being done, as well as being able to get some help from NRPC. He suggested each Town department might be able to take up applicable chapters, saying the document could be updated that way at minimal costs.

Mr. Tim Quinn, chairman of the Conservation Commission, displayed a copy of the in process Open Space Report, which he said was almost ready for publication. He expressed a belief that this document would fully qualify for that section of the Master Plan (Chapter III, Natural Resources), and he reviewed the general nature of its

contents, commenting on details of the listed topics. He said that the document was essentially complete except that some of the maps were being updated. He noted that significant wetlands felt worthy of being protected were identified, as a result of last year's effort to get a Prime Wetlands designation—adding that the Conservation Commission had spent the last four years updating this publication, and explaining that there had been personnel turnover, difficulty in obtaining data, etc. He said he personally was working now on identifying open lands that had been developed in the past few years but which had been listed as open lands when this document was initiated—adding that one issue with that was matching current lot designations with the old-style lot designations.

Selectman Maddox said this Conservation Commission document might serve as the *Natural Resources* chapter with a few changes. Mr. Quinn concurred, saying there would probably be some extracts of things that did not pertain to natural development.

Mr. Barnes said the Master Plan could reference that publication just as well. Mr. Quinn noted that the entire document was on a disk and could be on the Town's Website.

Mr. Della-Monica expressed agreement with Mr. Barnes's suggestion, saying this meant that the whole document would not have to be changed if the referenced document changed. He then discussed issues with tracking multiple changes of publications, commenting on date-identification systems used by software engineering. Mr. Quinn asked if it would not be sufficient to simply identify it as Master Plan 2006/Revision 1, Master Plan 2006/Revision 2, etc. Town Planner Cashell expressed a belief that the best approach would be to use the title **Master Plan 2006, Updated Through XX**, where XX would be whatever date was appropriate. He then suggested that the Board might consider contracting the General Code firm, saying that group could update it at will.

Chairman Russo said he had seen an instrument in the Community Development offices that dealt with updates, stating staff could handle updates within a week. Mr. Cashell urged that the members not underestimate the importance of General Code in keeping things straight. He acknowledged that General Code was not inexpensive. Selectman Maddox expressed concern about the fact that General Code cost a lot of money; he expressed a hope that updating software being purchased for the Police Department might be able to be used by other departments, such as for this purpose. He then pointed out that the money to cover that would have to be added into the budget to do those things.

Chairman Russo said the Board needed to make a decision as to whether the document could be updated chapter by chapter or would have to be done at one time.

Mr. Della-Monica suggested that some things should be looked at on a different time basis, saying some things needed to be changed every ten years. Mr. Cashell said the Town also needed to be nimble, noting that large-scale projects might suddenly appear, such as development of the Green Meadow Golf Course property.

Mr. Barnes said the Master Plan had to be updated by 2016, saying the work probably would not be started until 2013, so the Board really did not have lots and lots

of time. Selectman Maddox said the Town was already into 2012 money and would soon be budgeting for 2013.

Mr. Quinn recalled that in his former life in business, working on budgets, contingency provisions always were put in to cover possible changes, identified as ECPs (Engineering Change Proposals). As a result, he added, he never overran a budget during his 18 years as program manager.

Chairman Russo asked Town Planner Cashell to check with Town Attorney Buckley about State requirements for the Master Plan.

B. Discussion on Results of the Land-Use Boards' Meeting With the Board of Selectmen on August 2, 2011.

Chairman Russo read aloud the published notice, as repeated above, describing the meeting as having been informative and leading to a lot of discussion. He noted that several Planning Board members had been present, as well as members of other boards.

Selectman Maddox returned to the subject of the inprocess Conservation Commission publication, saying it looked excellent but would have to be reformatted to look like the Master Plan format. Chairman Russo asked when it would be completed. Mr. Quinn said it might be ready by late August but he expected it to be available on the Town's Website by September.

Mr. Malley asked about the discussion that had taken place the previous evening about waivers. Chairman Russo clarified to members who had not been at the meeting the prior evening that Board of Selectmen Chairman Jasper had advised that waivers should be dealt with much earlier in the planning process. Mr. Barnes said it would be a change in the way the Planning Board operated, but he noted that this would avoid the possibility of the applicant making changes if waivers were not granted. He said he was not sure this approach would get the process further down the road, expressing concern that the Board might get bogged down with reconsideration requests.

Mr. Hall said the applicant for the particular case that had been discussed the previous evening. as an example of problems occurring because the waivers were not dealt with early in the process, had gone away not knowing there was a possible problem, because the abutters had not been present for the conceptual review. He expressed a belief that the applicant should have been warned that there was a potential problem with the 100-foot buffer requirement. He said he did not know why the abutters has not been present for the conceptual review, but it had happened, and the project then went through many meetings before that issue was really discussed and the applicant saw the handwriting on the wall.

Mr. Della-Monica expressed a belief that "at the beginning" was a relative term, but anyone wanting a waiver for a 100-foot buffer should be aware that there was a problem after a few meetings in which abutters expressed opposition.

Chairman Russo asked if the Board felt it would be practical to address waivers before proceeding to details. Mr. Hall said that in many cases the Board members could not ask questions or understand what was intended until details had been provided. He suggested it would be hard to vote some waivers up or down until after there had been significant discussion, and he expressed doubt that it would be easy to deal with the waivers right away. He then noted that some applicants felt they did not need the waiver, and discussion had had to take place, going around and around, before resolution could be obtained. He said he did not think the same situation as had been true in that referenced case happened too often.

Selectman Maddox said he thought Selectman Jasper had been trying to say that the Planning Board should not wait until all the iterations of plan details had been done before dealing with the 100-foot waiver.

Town Planner Cashell noted that this Planning Board had conducted two conceptual hearings on that particular project, which he identified as 75 River Road, adding that all of the abutters had been notified by first-class mail, which was over and above what the law required for conceptual reviews—and adding further that he remembered that some of the abutters to that property, who had later been in objection to that plan, had been in the audience for those conceptual reviews and had had the opportunity to speak up, but had not spoken. He suggested that perhaps they did not understand what was being proposed, but that the project had been fully discussed in its entirety—adding that no one seemed to have a big problem with it, and that was when the applicant delved into the expense of developing a site plan and submitted the application. He then pointed out that every particular case was in fact unique, adding that he thought the Planning Board did a great job in deliberating.

Mr. Della-Monica noted that the Board did not have control over abutters' tolerance for a project, and he expressed a belief that one could not have a rule that things would be okay if no one had objected by a certain date in the review cycle. He suggested the Board should have some sort of track on what were deal-breakers, however, with a reasonable test of how long that should be dragged out.

Mr. Hall said he recalled another case in which that 100-foot buffer waiver had been denied and that denial subsequently had been upheld by the courts. He noted that a previous 7-11 store application had also run into a problem because of objections from residential neighbors to what was being proposed, recalling that the applicant in that case had made a number of modifications of his plan in order to appease those neighbors. He said applicants did not always want to hear the answer right away, as they wanted to fish around to find a way to mitigate the issues. He expressed a belief that an applicant wanting to put a fueling station with a convenience store right next to residences should be aware that there might be a conflict. He said the Board perhaps should be cognizant when the process was going too long, but he expressed doubt that there was any magic answer for shortening the hearing process for all applicants. He then expressed a belief that the applicant for 75 River Road had not tried too hard to mitigate his problems, instead saying he would go back and take a look at it but then coming back and saying he could not do anything else. He concluded by expressing a belief that the Board should not force the issue when the applicant was "wishy-washy" about it, adding that there had been a number of unusual circumstances in that case.

Town Planner Cashell noted that he had received an E-mail from the applicant of that project requesting deferral from last week's meeting, but he had not noticed this E-mail on his computer until later that evening, long after the meeting had concluded. He said he had had a lengthy phone conversation with that applicant prior to the meeting, in which he had said that the Board had deferred action in order for the applicant or his engineer to be present and that the Board intended to finalize action on the application at that meeting.

Selectman Maddox noted that Town Planner Cashell was tracking in his staff reports how many times the cases had been before the board, deferred, etc.

Mr. Russo referenced the discussion that had taken place the previous evening about GIS, saying he felt members of the Boards had been vocal on that subject.

Selectman Maddox questioned how many Board members would use laptops if they had them before them. He noted that he had used to bring his laptop but had found he wanted to be part of the discussion rather than looking at his laptop. Chairman Russo noted that conditions might change if Board members had access to the Town's online files.

Mr. Della-Monica said he felt that people who would use laptops or tablets already had them.

Mr. Hall questioned if other communities had their GIS information online. Chairman Russo expressed a belief that Londonderry and Derry did so, saying he thought many others did and that Hudson might be falling behind the times.

Mr. Schneiderman said it would be advantageous to have access to the Town Hall's Wi-Fi network.

Mr. Hall noted that one of the big topics at yesterday evening's meeting was the Circumferential Highway and/or other ways to get relief for the traffic throughout the town. Mr. Hall said the Planning Board had discussed this topic in the past, noting that the Board of Selectmen had taken the first step and had tried to get NRPC involved. He noted that Lowell Road had been reconstructed from Valentino's to Dracut Road, mostly because there had been a corridor study financed with impact fees many years ago, so that the Town could get aid from the State and Federal aid programs. He suggested there was no reason why a similar approach could not be used for the proposed parkway to be constructed in place of the Circumferential Highway. He said something was going to happen someday at Green Meadows, which would be an opportunity to get some money, but not if the community was still arguing about whether there should be a road. He said it took planning and general agreement to get things done, adding that it could be done in sections and not necessarily all at once. Selectman Maddox said he wanted to credit the Planning Board for such past actions, noting the recent changes at the end of Pelham Road as the result of a past Planning Board having obtained that land.

Mr. Della-Monica said he thought the Town had done a spectacular job in getting that Pelham Road intersection completed, noting that he used that intersection all the time and found this to be a tremendous improvement.

Mr. Quinn reviewed other items that had been discussed at the previous evening's meeting.

Mr. Russo noted that discussion of recent warrant articles had been deferred.

Chairman Russo declared a break at 8:39 p.m., calling the meeting back to order at 9:00 p.m.

C. 2011 Zoning Ordinance Review for Needed Edits.

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

Mr. Barnes noted that he had identified four issues that needed to be addressed:

First, he said, HTC §334-16 A, *Exemptions*, had a reference to fences 6 feet or less in height, which he felt was now meaningless and needed to be changed. He suggested it might be best to just strike fences out of that section. Chairman Russo said he wanted to look at why it was that the Town could mandate permits for certain things, but the State could change that. Chairman Russo then expressed a belief that extending fences to eight feet meant that different structural considerations were required, including wind shear, and he suggested a permit should be needed for them—saying he felt it was a safety issue and he wanted to dig into that a little more to see if it were the right decision. Mr. Barnes said the fence ordinance (HTC §334-12) did address some of those issues, and he reiterated his belief that the reference in Item §334-16 A was meaningless. Mr. Malley said he read that section as saying fences over 6 feet high in a commercial zone required a permit, and deleting this reference would mean that a permit was no longer required.

Chairman Russo asked where the Board wanted to go on this issue. Selectman Maddox answered: "Nowhere," saying he did not see that there was a problem that needed to be fixed.

Mr. Hall noted that he had previously said he did not want to dabble with fences right after the voters had made a decision, saying he would just as soon let it lie for a while.

Mr. Barnes said he would like to withdraw his suggestion, saying he wanted to review what Mr. Malley had just said.

Chairman Russo said he felt the general consensus was not to change this at this time.

Mr. Barnes then referenced HTC §334, Attachment 2, *Table of Permitted Accessory Uses*, noting that there was a footnote to the "outdoor inground swimming pools" entry that stated "See §334-12F of this chapter for additional requirements"—but Section §334-12 had had some new paragraphs added in the last election, so that §334-12 F now stated that fences were not subject to setback requirements, whereas the text pertaining to swimming pool enclosures/fences now was identified as §334-12 I. Mr. Hall said Mr. Barnes was suggesting to change the footnote reference to §334-12 I.

Mr. Barnes concurred. Selectman Maddox said he felt General Code just had not caught it. Mr. Hall concurred, saying he did not think the Board needed to go to the voters to get a correction such as this. The general consensus was in agreement.

Mr. Barnes referenced HTC §334-16.1, *Site Plan Approval*, noting that it defined multifamily dwelling units (“defined as any structures containing more than two dwelling units”), which was not provided in the Definitions section (§334-6). He expressed a belief that the definition should be in the Definitions section. Mr. Hall suggested leaving it in §334-16.1, but adding a definition in the Definitions section. Chairman Russo questioned if this would add a page to the Zoning Ordinance, which would cost money. Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, suggested that it would be easy to persuade the voters to accept an explanation that the definition was being moved but it might not be so apt to get a positive vote if the voters assumed this was a new definition being added to §334-6, as many people felt “multifamily” pertained to a higher number and might feel this to be restrictive.

Selectman Coutu arrived at 9:11 p.m. and took his seat at the table as a nonvoting alternate at this time.

Mr. Della-Monica said the voters would not feel it was a difference in the law if told it was being moved. Chairman Russo expressed agreement. Mr. Hall said he had no problem with that, saying the next step would be to write it up and send it to the Town Attorney for review. Chairman Russo again expressed agreement.

Mr. Barnes referenced HTC §334-16 (2) (d), noting that it said “Multifamily residential buildings shall have an average per-unit size of 750 square feet.” He said that this 750-ft² measurement needed a range, defining the minimum that would be allowed. He suggested the wording needed to be worked on. Mr. Della-Monica suggested that the Board needed to look into the reason why it was said that way in the first place, saying some developments might have been allowed to have units of less than 750 ft² so long as other units in the project were larger. Mr. Hall suggested the “average” wording might have come about because of variation for large developments with a large number of units. He agreed that there was a problem with the wording, suggesting it should state that the average should be 750 ft² for projects with so many units. Mr. Della-Monica suggested that there was a problem, alluding to a hypothetical case of a four-unit multifamily home in which three units were 2,000 ft², which would allow the fourth unit to be only 100 ft². Mr. Hall said there definitely was a problem but he was not sure what the solution would be.

Chairman Russo questioned whether it had been a problem—but suggested it should say “an average size of no less than 750 ft².” Mr. Della-Monica expressed a belief that it should specify a minimum size, which was not addressed. Mr. Barnes noted that whole section pertained to minimum sizes.

Chairman Russo suggested this might be a case of a previous Planning Board having simply adopted an ordinance from another community without studying it. He then suggested striking the whole thing, saying it seemed rather arbitrary. Mr. van der Veen demurred, saying there should be a designation of minimum size. Mr. Della-

Monica concurred, but said there should be a bottom number, rather than an average; Mr. van der Veen expressed agreement.

Chairman Russo said he thought it should just state "not less than"; Mr. Barnes expressed agreement, saying he thought the text needed only a small tweak to the language. Chairman Russo then suggested it should read "Multiresidential buildings shall have a minimum average size of 750 ft²." Selectman Maddox questioned what "minimum average size" meant, giving another hypothetical case of a ten-unit building having 7,500 ft², with one unit measuring 6,000 ft², and with the other nine units dividing up the remaining 1,500 ft². Mr. Della-Monica said the text related more to density than to a certain size unit.

Mr. Quinn suggested that the Board simply strike the word "average" from the existing text. Mr. J. Bradford Seabury demurred, saying this would be saying all of the units in the multifamily building had to be 750 ft².

Selectman Maddox suggested the Board needed to look to see what other communities were doing and what made sense. Mr. Hall suggested having Town Planner Cashell talk with Zoning Administrator Oleksak to see how he thought it should read. The consensus of the Board was in agreement.

Mr. Barnes then referenced HTC §193-10 I, noting that it said "Shared driveways are not allowed"; he then pointed out that HTC §275-6 S allowed "the use of a shared access for access to two or more proposed site plans." Chairman Russo noted that this issue had come up recently, in a large project the Board was dealing with.

Selectman Maddox said HTC §275-6 was trying to get shared access between commercial sites, whereas HTC §193-10 pertained to residential sites.

Chairman Russo demurred, saying that HTC §193 was just for "driveways," with no reference to zoning district, saying this issue had been brought up several times.

Mr. Malley asked if it was the intent of §193-10 I to prohibit shared driveways for single-family homes. Mr. Hall said this originated because of creative subdivisions that could not get frontage. He said the original idea of allowing shared driveways was to prevent multiple driveways on busy roads, but the idea had gotten carried away, resulting in such things as seven or eight lots sharing one driveway in odd places. He said he agreed that shared driveways on commercial lots might be a good idea, minimizing the number of driveway cuts and turning movements on a busy road. He then expressed agreement that the intent had been to prohibit shared driveways from residential lots. Chairman Russo noted that the Planning Board could change this, as it was a regulation, changeable through the purview of this Board. Mr. Hall then suggested having Town Planner Cashell speak with the Zoning Administrator to suggest language on how to change that. The consensus was in agreement.

Chairman Russo then referenced HTC §193-10 H, reading "Driveways are not permitted in side or rear setback areas, unless a shared access is required by the Planning Board.", asking what the different was between "shared access" and "shared driveways." Mr. Hall said he felt this was just another example of a change having been made without checking to see what else needed to be changed, and he

suggested asking Town Planner Cashell and Zoning Administrator Oleksak to look at that, as well.

Chairman Russo asked if any other Board members had seen any inconsistencies in the Town Code that they felt should be addressed. Ms. Marilyn McGrath, a member of the Zoning Board of Adjustment, noted that at last week's ZBA meeting, Zoning Administrator Oleksak had said he was looking for guidance about allowing horses on small residential lots. She said another problem was roosters. Chairman Russo asked for specific references to the Zoning Ordinance.

Ms. McGrath noted that she had been watching the broadcast of tonight's meeting at home and had heard Town Planner Cashell state that the abutters had been notified and were present at the initial conceptual, whereupon she had leaped to her feet and come down, because she felt it important that someone from her family address that. She said she had come to this meeting to report that she had not received any notification of the conceptual hearings, acknowledging that she was not a direct abutter, but she had been told by her brother, Gary, that he did not recall receiving any notices about a conceptual review; she said this did not mean that he did not get one, but he had no recollection of having done so. She said her other brother, Kenny, had told her at another time that he had never received any notices about the conceptual reviews. She then stated that none of them had been in attendance at the two conceptual reviews.

Mr. Malley questioned the applicability of the "agricultural uses" section, noting that the issue was having livestock for a primary use on property of less than five acres in size. Ms. McGrath said she felt the Zoning Administrator wanted the language clarified.

Selectman Coutu noted that the question had come up because an unidentified person had asked the Zoning Administrator about having a horse but had not provided any details about the location and size of the property. He suggested that the Zoning Administrator should be asked to provide more information or proposed wording.

Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, said that the issue had come up because Mr. Sean Sullivan, the former Zoning Administrator, had had an aversion to having horses on residential lots and had worded the ordinance amendment to prevent that unless the property owner had more than five acres of land. After Mr. Sullivan had left the Town's employment, he continued, he had gotten into a discussion about this with Zoning Administrator Oleksak, raising the question of why Hudson residents could not have chickens, as had been claimed by a news article in the *Telegraph*. He said he and Zoning Administrator Oleksak had then reviewed the ordinance, noting that it stipulated that livestock could not be raised on lots smaller than five acres as a primary use, and they had concluding that this did not prevent having animals as a secondary use. Mr. Seabury reminded the Board members that he had had a horse on his half-acre lot for considerably more than ten years, with two horses being located there during the year his family had lodged a foreign exchange student from Germany, with the horse appearing to be fully satisfied with the quarter-acre allotted for its use—adding that he knew of other horse-owners in the community who provided much smaller space for their animals.

Chairman Russo stated that the Board should try to give the Zoning Administrator some help if that was what he was looking for.

Selectman Maddox noted that a question had been raised about adding two more alternates to this Planning Board. He asked what the Board members thought about that. Mr. Barnes said he did not recall a time when a case could not be heard because of not having enough members present, and he did not recall ever not being able to have a quorum. He expressed a belief that the present composition of the Board was reasonable and was working.

Selectman Coutu said he and Chairman Jasper had had a discussion today, one subject being the corridor and the other being having a multitude of alternates. He said it had been helpful to him when Chairman Jasper had asked if the Town would be healthy having alternates making a decision if only two regular members showed up; he said that had suggested to him that it might not be a good idea to have five alternates. Chairman Russo pointed out that this could happen to a slightly less degree with three alternates, but the argument had been that there should be seven people making a decision rather than a quorum. Chairman Russo said he had discussed it with some members, concluding that having only three alternates encouraged them to be involved on a regular basis. Selectman Coutu noted there was also an issue of the meetings lasting longer if there were more people talking. He added that he had wanted to be respectful of the request when it was a case of a chairman asking for something.

Mr. Hall said he felt the way it was now worked very well. If the alternates were not engaged and did not attend, he said, it might become an issue, but that had not been the case with this Planning Board, and there really had not been a problem.

Mr. Della-Monica expressed agreement.

Mr. Malley said he did not feel the Board needed any more alternates. Mr. van der Veen concurred, saying he had felt energized as an alternate by feeling that he had a good shot at voting.

Selectman Maddox said he felt it was incumbent on a chairman to do a good job at managing people who were not coming to meetings.

Chairman Russo said the consensus was not to ask for more alternates at this time.

Mr. Quinn commented that he had never had a problem with the Conservation Commission about not having enough alternates, except in the case of two meetings he had had to call off because of totally inclement weather.

Mr. Quinn noted that one of the things discussed at the previous evening's meeting had been transmittal of the new IT regulations about using the IT network. Chairman Russo said Selectman Luzsey, as liaison with the IT, was working on this. Selectman Maddox said the process was ongoing, pointing out that the network had to be protected—adding, however, that he would try to do something about getting GIS access, as this was a tool that would benefit all of the land-use boards.

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. OTHER BUSINESS

Mr. Della-Monica asked if the Board had voted on the 100-foot buffer for Stellar Motors, or if the whole thing had been deferred. Mr. Hall said there had been a vote on that.

Mr. Quinn noted that there had been a question at the previous evening's meeting about whether the Boards had good communication with the Town Attorney and others. He expressed a belief that it was pretty good. Selectman Maddox said a master list of the land-use boards was going to be prepared for distribution.

XIV. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox 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 9:59 p.m.

Date: September 5, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 09-28-11 Planning Board meeting.

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
August 3, 2011**

Page 16

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 09-28-11:

Page 5, next-to-last paragraph—changed “cold” to “could” so that the phrase now reads “the Board could take this year to figure out.”

Page 7 last paragraph, 2nd line — added “a waiver for” so that the phrase now reads “anyone wanting a waiver for a 100-foot buffer.

Page 13, 3rd paragraph, 4th line—remove extraneous second period at end of sentence. Also, changed comma terminatng end of paragraph to a period.