



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES November 3, 2010

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:09 p.m. on Wednesday, November 3, 2010, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Della-Monica to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Mr. van der Veen 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, Glenn Della-Monica, Tim Malley, Vincent Russo, Ed van der Veen, Richard Maddox (Selectmen's Representative), and George Hall (arrived at 8:04 p.m.)

Members

Absent: None. (All present.)

Alternates

Present: Stuart Schneiderman and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Schneiderman in place of the tardy Mr. Hall. He then announced that the Board would be electing new officers tonight to fill positions that had been held by members who had resigned.

V. ELECTION OF OFFICERS

Chairman Russo suggested the first position to be addressed should be that of Vice-Chairman.

Selectman Maddox moved to nominate Mr. Hall; Mr. Schneiderman seconded the motion.

Mr. Barnes moved to close nominations. Mr. Schneiderman seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion to close nominations. All members voted in favor, and Chairman Russo declared the nominations to be closed by unanimous vote (7-0).

Mr. Schneiderman moved to vote Mr. Hall as Vice-Chairman by acclamation. 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).

Chairman Russo then addressed the position of Secretary.

Selectman Maddox moved to nominate Mr. van der Veen as Secretary; Mr. Schneiderman seconded the motion.

Mr. Barnes moved to close nominations and to elect Mr. van der Veen by acclamation. Mr. Schneiderman 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)

No minutes of previous meetings were addressed this evening.

VII. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting.

VIII. CORRESPONDENCE

No items of correspondence had been provided for this meeting.

IX. PERFORMANCE SURETIES

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

X. WORKSHOP

A. Lower Merrimack River Corridor Management Plan & Low Impact Development Guidebook Presentation by Nashua Regional Planning Commission.

Chairman Russo reported that the NRPC group had asked for postponement.

Town Planner Cashell suggested that the date be changed to December 1st.

Chairman Russo noted that this would be a workshop item so no motion to defer would be necessary.

XI. ZBA INPUT ONLY

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

XII. OLD BUSINESS/PUBLIC HEARINGS

No **OLD BUSINESS/PUBLIC HEARINGS** 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 ONLY** items were addressed this evening.

XV. NEW BUSINESS/PUBLIC HEARINGS

A. Amend Article IX, § 334-34, Definitions, to Include a Definition for “Prime Wetlands” and Amend the Buffer Zone Requirements Within the Existing Definition of “Wetland Buffer.”

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

Chairman Russo noted that members of the Conservation Commission were present, and he asked if they wished to make any preliminary remarks. Mr. Timothy Quinn, chairman of the Conservation Commission, said they would speak during the public hearing.

Mr. Barnes moved to open the public hearing; Mr. Schneiderman seconded the motion.

Chairman Russo declared the public hearing open at 7:16 p.m.

Mr. Timothy Quinn, 1 Fuller Drive, chairman of the Conservation Commission, said he wanted to give an overview. He then discussed the history behind the Conservation Commission’s decision to look into the question of prime wetlands, noting that the group of 405 bodies of water had been narrowed down to 38, adding that subsequent to many meetings with the Planning Board and with the Board of Selectmen, the Conservation Commission now wished to proceed with just 13 of those bodies of water, which were of high value but would impact only some 28 landowners—adding that this was about as low a number as they could get to without devaluing the concept of prime wetlands. He explained that existing structures in the prime wetlands would be grandfathered but new work would have to go through a permitting process. He then concluded his presentation by clarifying that the purpose was to be proactive with respect to preserving water quality in the town.

Ms. Sandra Rumbaugh, 39 Beechwood Road, a member of the Conservation Commission, said her motivation had started while watching a Planning Board meeting on television, at which a member had commented about concern about water quality along Wason Road. She said she had then had her own water tested, finding she had to make some adjustments, which had got her started in looking to help the Town. She said the Conservation Commission took a multi-prong approach, actively protecting water with water testing and also commissioning a study on watersheds to find where they were and how they were impacted by development, as well as how prime wetlands were impacted by the homeowners.

Ms. Michelle Champion, 7 Chiswick Road, a member of the Conservation Commission, said the Conservation Commission had been working at this for a year and a half and had presented to the Planning Board as much information as it could,

taking the Board's objections into consideration for refinement of the original plan and narrowing the prime wetlands down to those they felt were the most important—noting that she herself was one of the 28 affected landowners. She commented on the need for buffers to protect these wetlands, saying this restriction of property rights was intended for the greater benefit of the town as a whole, giving the narrow set of the most important wetlands a greater amount of protection and a greater level of scrutiny. She pointed out that landowners impacted by this would still have a way of proceeding, saying they were trying to create a set of regulations that protected those specific wetlands for greater water quality—especially of the water that all of the townspeople shared. She noted that one of the concerns that had been raised was that people would have to pay a lot of money in order to get a permit, adding that the Conservation Commission had found this was not necessarily true, as one, as one could go to NH-DES before filing an application and talk to them in an attempt to figure out how to do something on the property without impacting the wetlands. She expressed a belief that people should not have a right to do something that would have a serious impact on the water that all of the citizens shared. She then concluded by saying she was asking the Planning Board to let the voters of the town decide whether they wanted to protect some property owners at all cost or were willing to accept a greater amount of scrutiny for the benefit of all.

Mr. Jim Kewgley, 5 Thurston Road, said he was compelled to come tonight to speak in favor of this study, saying he had looked at it and was impressed by its methodology and thought it was fair and balanced. He described details of the proposal, saying he did not understand the full scope of the Board's function, but he thought this would be a useful tool for the Board to use in order to see what were some of the crown jewels of the Town's waterways, to have a vision of how to protect the wetlands for everyone. As a property owner, he said, this would allow anyone to use this as a frame of reference about any particular values of any particular wetland with respect to what a property owner might want to do. He described a hypothetical case in which this might be useful to a property owner wanting to do something, saying he had been very impressed by it and hoped the Planning Board would embrace it.

Mr. Ken Dickenson, 12 Anthony Drive, a member of the Conservation Commission, said one of the reasons the Conservation Commission had embarked on this, some three or four years ago, was that prime wetlands could be used as an effective land-use development tool to promote better development patterns throughout the community. He said the terminology might seem overbearing to someone who was not familiar with it, but that he thought people going through the process would find it was fairly reasonable. He said most homeowners would not be affected by this at all.

Chairman Russo asked if anyone wished to speak in opposition or with questions. No one else coming forward, Chairman Russo asked for a motion to close the public hearing. Mr. Della-Monica so moved; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion to close the public hearing. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Chairman Russo referenced the draft motion. Mr. Schneiderman then read that motion aloud, as follows:

"I move to approve for the 2011 Town Warrant, the following zoning amendments:

Amend Article IX, Section 334-34, *Definitions*, to include the following definition of Prime Wetlands:

'Prime Wetlands': A special classification of wetlands delineated in accordance with the requirements of RSA 482-A:15, and NH Code of Administrative Rules Env-Wt700. Only the following wetlands delineated in the Prime Wetlands Assessment & Designation Study of Hudson, NH (hereinafter "Prime Wetland Study"), dated May 19, 2009, are hereby designated Prime Wetlands: 1B, 5A, 5B, 8, 14A, 15A, 15D, 17A, 18B, 20C, 20D, 20E, 23/24. The Prime Wetland Study delineates the boundaries of each Prime Wetland and also identifies and describes the important values and critical functions that are provided by these wetlands. The so-designated Prime Wetlands are subject to this definition and associated ordinances. NOTE: the aforementioned Prime Wetlands Study is on file at the Hudson Town Offices and can be viewed there or by visiting the Town's website at <http://www.hudsonnh.gov> and then going to the "Resources" section of the Conservation Commission webpage.

And by amending the definition of Wetland Buffer in § 334-34, *Definitions*, to read (added language shown in bold print and deleted language shown in bold-strikethrough print):

"Wetland Buffer – A zone of noninterference extending ~~fifty (50)~~ **one hundred (100)** feet from ~~the edge of a wetland area~~ **Prime Wetlands and fifty (50)** feet from the edge of all other wetland areas, or areas of poorly drained or very poorly drained soils, or from the top of the bank of a surface water body toward the adjacent upland environment."

Mr. Barnes seconded the motion.

Chairman Russo asked for discussion.

Mr. Barnes noted that this project had been going on for quite a while, with a lot of work being done, and he felt it was now time for the Planning Board to move this on to the warrant, to hear from the townspeople. He noted that several nearby communities had a prime wetlands ordinance, adding that he thought it was time for Hudson to proceed.

Mr. van der Veen said this proposal had gone from something he had considered far-reaching and overbearing, and he was happy to see that changed. He said the Town of Hudson encouraged developers to use well water, and there was a need for this amendment to feed those wells.

Mr. Della-Monica said he had been following this, saying he was curious as to whether it would have been possible to expand the scope so as to include some of the other wetlands that had been dropped, using a two-pronged approach, such as by designating partial protection for some wetlands that were not being included. He asked if that had been brought up.

Mr. van der Veen said the definition was a State legal definition. Mr. Della-Monica said there was nothing to say the Town could not create an ordinance that provided extra protection for other wetlands, since the object was to preserve. Mr. van der Veen suggested that could be project for the Conservation Commission.

Mr. Malley said he was not going to vote in favor, as he did not feel things should be moved to the State level.

Selectman Maddox noted that the Board had asked if the Town would be better off by better enforcing the 50-foot buffer.

Mr. Schneiderman said this proposed ordinance had been worked on for years, starting out with hundreds of wetlands, which were reduced to dozens and then reduced further as people were able to come together to decide on what was the most important as a starting point, for safety and health as well as natural beauty of the town. He said he wanted to encourage everyone on the board to allow the voters to decide.

Chairman Russo expressed appreciation for the efforts of the Conservation Commission members, noting they had made a lot of compromises, and saying he thought it was time for this matter to go before the voters. He said his biggest concern had been the education of the townspeople and the landowners, so that they would know what was coming before them. He said the vote he would take did not reflect on tier efforts, but he felt there was more that could be done on a local level.

VOTE: No further comment being brought forward, Chairman Russo called for a voice vote on the motion. Mr. Schneiderman, Mr. Barnes, and Mr. van der Veen voted in favor; Mr. Della-Monica, Mr. Malley, Selectman Maddox, and Mr. Russo voted in opposition. Chairman Russo then declared the motion to have failed (3–4).

Chairman Russo said he knew the Conservation Commission members knew what they had to do in order to get this matter to the ballot, adding that he strongly felt the voters should make the decision.

XVI. OTHER BUSINESS

Town Planner Cashell noted that he had included in the meeting packet a proposed motion with respect to correction of the minutes of October 6, 2010, to correct an incorrect statement he had made with respect to how the land calculations were derived at with respect to the Parkland Terrace II project. He read from the minutes, saying he had since then gone over with Town Engineer Gary Webster how sewer allocations were determined, as discussed on Page 2 of his memo. He reviewed that process, saying the minutes should reflect the correct process.

Selectman Massey noted that he was the one who had been quoted in the minutes, saying he was concerned that someone at some future time might compare the minutes with the video tape. He said he would prefer to have an entry in bold print

saying "(Note: in a subsequent meeting it was determined that the correct answer should have been that business has a higher calculation than residential). He expressed concern about challenges to the integrity of the tape if the incorrect statements were simply deleted.

Selectman Maddox said this was revisionist history at its best. He said that was what was said, and he expressed objection to deleting things out of the meetings.

Chairman Russo said as of November 3rd, this correction has been made, and the correction would be in the minute of this meeting. He said the minutes had to reflect what was said, saying he did not feel that the Board needed to go any further.

Selectman Massey said this was equally acceptable to him.

Mr. Barnes concurred, saying the minutes were supposed to be a record of what happened at a meeting. He said the minutes of this meeting would be on file.

Town Planner Cashell said this would never have slipped by if the Board had discussed sewer allocations, which were not within the Planning Board's jurisdiction. Chairman Russo said he would take it that no action was necessary with respect to the minutes and that the minutes of this meeting would reflect on the error made in the previous meeting.

Selectman Maddox announced to the television audience that there was still time to sign up to be appointed to this Planning Board or to the Zoning Board of Adjustment, or other organizations. He expressed a belief that the Planning Board was the most important board in the town.

Chairman Russo at this time acknowledged that Mr. Della-Monica had been appointed a full member of the Planning Board; he expressed thanks to Mr. Della-Monica, saying he hoped that Mr. Della-Monica would get much out of it.

Chairman Maddox noted that the furniture for the Community Development Meeting Room was on order, saying he had met with IT with respect to the projector, and their adjustments seemed to be going quite well. He said the new goal was to bury the wires currently suspended from the ceiling. He then expressed a desire to have the Planning Board vote to spend the money to bury the wires and put down new carpeting, saying it was about \$11,000 for the carpeting and \$2,000 for the rewiring.

Selectman Maddox asked about the Law Lecture series. Chairman Russo expressed admiration for the just-completed series, commenting on some of the things he and other members of the Board had learned.

Town Planner Cashell at this time returned with documentation pertaining to the outfitting of the room. He said the carpeting/electrical work would be \$9,975, and it would be a request from the Planning Board to expend that amount of money, adding

that the carpeting, including the hallway, and replacing, would be \$8,100, and the electrical work was not to exceed \$1,875, including all of the electrical outlets. He noted that the Town already had a wireless service available for any member who wanted to bring in computers.

Selectman Maddox moved that the Planning Board request of the Board of Selectmen a figure not to exceed \$10,000 for carpeting/electrical work as outlined by Mr. Cashell. Mr. Malley seconded the motion.

Mr. Barnes asked when this work would be done. Selectman Maddox said his reason for expediting the request was to get that work done before the new furniture came in, so it would probably be sometime next month.

Mr. Hall arrived at 8:04 p.m. and took his seat at the table at that time.

VOTE: Chairman Russo then called for a verbal 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).

XVII. ADJOURNMENT

Chairman Russo welcomed the new Vice-Chairman (Mr. Hall) and then offered to entertain a motion to adjourn. Mr. Barnes so moved; Mr. Malley 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).

Chairman Russo declared the meeting adjourned at 8:06 p.m.

Date: September 24, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Mr. van der Veen, Secretary

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

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**HUDSON PLANNING BOARD Meeting Minutes
November 3, 2010**

Page 10

The following changes were made in accordance with the Board's review of these minutes at its November 9, 2011, meeting:

Page 1, **Members Present** listing — added second "n" character to Mr. Della-Monica's first name.