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**HUDSON PLANNING BOARD  
MEETING MINUTES  
November 4, 2009**

**I. CALL TO ORDER**

Chairman Russo called this Planning Board meeting to order at 7:04 p.m. on Wednesday, November 4, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

Chairman Russo asked Mr. Barnes to serve as acting Secretary in the absence of 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, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:15 p.m.).

**Members**

**Absent:** Tierney Chadwick (excused) and Terry Stewart (excused).

**Alternates**

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

**Alternates**

**Absent:** Brion Carroll (excused).

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Russo seated Mr. Schneiderman in place of Ms. Stewart and seated Mr. Malley in place of Ms. Chadwick. He then stated that he would proceed directly to Workshop Item A at this time.

**VIII. WORKSHOP**

**A. Update on Proposed Amendments to Article XII, Signs, Relative to Allowing Electronic Signs in the Business (B) and Industrial (I) Zoning Districts. Deferred Date Specific from the 10-07-09 Planning Board Meeting.**

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

Mr. Malley stepped down, as he was a member of the Hudson Chamber of Commerce, which was the main proponent of record for this change.

Town Planner Cashell said he had no updates to his staff report, adding that the final draft had been passed through the Town Attorney. He noted that the only change was in Section 334-64 C (7) (7), where Town Attorney Buckley had recommended a change so that section would read "The portion of a freestanding sign that contains an Electronic Changing Sign component shall only be operated during the hours the business associated with the electronic changing sign is open." He also noted that Atty. Buckley had suggested removing Section 334-64 C (11) and putting it in the Site Plan Regulations, including suggesting setting it up as a Conditional Use permit. Mr. Cashell said it was a Building Permit issue, not a Site Plan issue, and he advised against getting into the Conditional Use permit process.

Ms. Quinlan arrived at 7:15 p.m. and took her place at the table, although not yet recognized by the Chairman for the inprocess hearing.

Chairman Russo asked if there were any comments or questions from the Board members. None coming forward, he asked of there were questions or comments from the audience.

Ms. Mary Ellen Davis, 14 Nathaniel Drive, said she had a question whether, if permission were to be granted as a Conditional Use, what would happen if the applicant already had an approved site plan. She suggested that the site should be brought into compliance before any such permit would be granted. Town Planner Cashell reiterated his belief that the "Town need not get into a Conditional Use process for this, adding that the Zoning Code Enforcement Officer had the authority to bring into compliance any site that was not in compliance, and that the Town could resort to litigation if the property owner did not bring it into compliance.

Chairman Russo noted that the Board would not be able to amend the Site Plan Regulations until after the warrant article had been approved. Town Planner Cashell concurred,

Selectman Maddox asked if a property owner had to have a site plan on record in order to get a free-standing sign. Town Planner Cashell answered in the negative.

Mr. Hall asked what would be advertised and provided to the public if the Board voted to send this to a public hearing, saying what would be sent forward would be different from what had been provided to the Board for this meeting. Town Planner

Cashell demurred, saying the full text was in the information packet, starting at page 3. Mr. Hall argued that it would be different in that the portions set bold in this draft to show the Town Attorney's comments would be changed to regular type. Mr. Cashell said this was a new section of the ordinance, not a change. Mr. Hall questioned this, noting that the crossed-out text designated it as being revised. Town Planner Cashell concurred, saying any existing language that was in conflict would be struck out. Mr. Cashell said he could present a final form at the November 18<sup>th</sup> meeting.

Ms. Davis asked if the Planning Board vote would be included in the document prepared for the public hearing. Mr. Hall pointed out that there would be no vote by the Planning Board until after the public hearing.

Ms. Davis asked if the brightness measurement had been validated, to see if it were acceptable. Chairman Russo said he had not done that. Ms. Davis asked if there were an existing sign available that could be viewed for comparison. Chairman Russo said he had hoped that the sign proponents would provide a demonstration, but that had not happened. He suggested that perhaps a field trip could be planned, if a comparable sign could be identified.

Ms. Quinlan acknowledged that this had been a continuing concern, saying the Board did not want to flood the corridor highways with excessive light and she had no idea what 8,000 nits looked like. Ms. Quinlan then questioned if the Zoning Administrator had a nits meter. Selectman Maddox recalled that one of the sign proponents had said the sign at Peter's Auto was 8,000 nits. Mr. Cashell said the illumination expert who had come in with the sign people for previous discussions had argued in favor of a foot-candle measurement. He then referenced a new EMC sign just the other side of Highway 93 on Route 102, saying it was very bright, but had approximately the designated percentage dimensions. He said it should be easy to obtain a list of certain signs for the members of the Board to go look at. Chairman Russo said he recalled one of the proponents having said that following the process would ensure that the sign was within the allowed nits range.

Selectman Maddox asked that Town Planner Cashell and the Chamber of Commerce representative provide a list of signs that were 8,000 nits in light intensity within a 30-mile range from Hudson.

Ms. Davis argued in favor of such a list, saying having multiple signs to look at might help observers to put the brightness in context—adding that the Peter's Auto sign might look very different, where it was surrounded by other signs, than a similar sign would look all by itself. Selectman Maddox said he did not want to hold the Chamber to a shorter distance, as there might not be many within range. Mr. Barnes concurred, reminding everyone that the 8,000 nits level was daytime brightness, and nighttime use would be 1,600 nits.

Selectman Massey noted that Ms. Davis had questioned whether such a sign should be allowed to someone who was not in compliance. He suggested that a future Workshop meeting should look into the question of whether permits should be granted to sites that were not in compliance or which owed the Town money. Ms. Quinlan said her answer to that would be in the negative.

Selectman Maddox moved to defer further discussion to the November 18<sup>th</sup> meeting; Mr. Schneiderman seconded the motion.

Mr. Hall said he would not be present at the November 18<sup>th</sup> meeting; he then asked if the list would be available before the meeting. Selectman Maddox said that could be taken care of after the meeting.

**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 (5–0).

Chairman Russo recognized Ms. Quinlan as having arrived during the preceding discussion, saying she would be seated from this point on.

Mr. Malley also returned to the table at this time, resuming his seat as a replacement for Ms. Chadwick.

**B. Conservation Commission Presentation on a Proposed 2010 Ballot Initiative to Designate Prime Wetlands in Hudson.**

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

Mr. James Battis, 6 Potter Road, and Ms. Sandra Rumbaugh, 39 Beechwood Road, members of the Hudson Conservation Commission, appeared before the Board, providing some handouts, including (1) a copy of NH RSA 482-A:15, *Local Option; Prime Wetlands*; (2) a series of maps showing the location of the wetlands being proposed as Prime Wetlands; (3) a document entitled *Prime Wetlands; Frequently Asked Questions*; (4) a list of 21 wetlands being proposed as Prime Wetlands; and (5) copies of two draft warrant articles. Town Planner Cashell also passed out hardcopies of a PowerPoint presentation that would be shown during the discussion.

Selectman Maddox asked if the Conservation Commission were looking to get this proposed ordinance change on the March ballot. Ms. Rumbaugh responded in the affirmative. Town Planner Cashell said he doubted that the timing deadline could be met, noting that the first public hearing could be no later than January 5<sup>th</sup>, a Tuesday, but it might be possible to do it on January 13<sup>th</sup>—adding that he would check with Town Attorney Buckley. He then expressed a belief that there would be two if not three additional items to come in from the Town's residents, saying they would have to be scheduled, as well.

Chairman Russo asked if the Board had a final version of the draft, as yet. Town Planner Cashell said the Conservation Commission planned to present the final version this evening.

Chairman Russo said he thought the Board had reviewed a lot of material last month. Ms. Rumbaugh said the Conservation Commission was revising the text, based on the comments brought up at that meeting.

Mr. Battis said two articles were being proposed, one being just the Prime Wetlands designation, and the other giving the Prime Wetlands designation with an enhanced buffer definition. He said the distinction between the two articles was the buffers, saying the Conservation Commission was open to either article but had a preference. He then reviewed NH RSA 482-A:15, explaining that the State had some jurisdiction and responsibility for maintaining wetlands identified by the State. He noted the Conservation Commission had initially reviewed the wetlands in the Town of Hudson, identifying 38 candidates for designation as Prime Wetlands. He said the Conservation Commission then contracted with Vanesse-Hagen, which through a year-long process had ranked the wetlands independently, in accordance with State of New Hampshire rules, and the Conservation Commission had then accepted that firm's final report. Since that time, he continued, the Conservation Commission had conducted open site visits to all of the designated wetlands, noting that these sitewalks had been taped by CATV staff personnel. He said those tapes would be shown to the public and the Conservation Commission also intended to produce a brochure explaining how these designated sites were chosen.

Mr. Battis went through a PowerPoint presentation, referencing the Base Map illustration and then the following enlarged maps, identifying the different Prime Wetland candidates on each map. He then discussed the numbering system, explaining that some wetland areas had been divided into different areas because of culverts, roadways, or other reasons. He noted that the next three slides went through those same wetlands, providing a brief description of each one.

Mr. Battis then discussed the first proposed article, saying it was the simplest one, simply adding a definition of Prime Wetlands to the Zoning Ordinance. He noted that the next slide showed that the wetland buffer did not change for non-Prime Wetlands, but that, for those projects that were in the designated Prime Wetlands (and their associated buffer areas), State review and permitting requirements were being added. He clarified that this only pertained to new projects. He then noted that the Conservation Commission's intent, if this were approved, was to provide a revised definition of the Wetlands Buffer during the following year, enhancing the buffer for Prime Wetlands and also modifying the existing 50-foot buffer for lesser wetlands, together with clarification of the rules by which the buffers would be established. He said the advantage for landowners would be that, while the buffer for a Prime Wetland probably would be increased to 100 feet, the buffer for some of the lesser wetlands might be reduced or even eliminated. He identified this approach as Option One.

Mr. Battis then discussed the reasons for having a buffer, saying there was no single number recommended by scientific studies, as it was a function of the soil and vegetation in an area. He said the prime function of a buffer was hydrological stabilization, adding that the buffer intercepted rainfall and improved the storage capacity of the area, as well as improving the filtration of pollutants before the water entered the wetlands before pollution occurred, along with improving the recharging of the aquifers. He noted that the effect of a buffer could have a large impact on abutters, noting that buffers were also important in providing wildlife habitat.

Addressing the issue of what the proper width of a buffer was, Mr. Battis said it was a function of vegetation and soil quality in a given area, noting that the recommendation

for buffers was generally 100 feet or greater, whereas the Town of Hudson currently had only a 50-foot buffer. He stated that the current 50-foot buffer distance was probably based on the chart shown on the right side of the displayed PowerPoint page, taken from *Buffers for Wetlands and Surface waters: A Guidebook for New Hampshire Municipalities (1997)*, which graphed *Percentage of Sediment Deposited in Buffer* against *Distance from Construction* (in feet), indicating that approximately 0.22% of sediment would be deposited at a distance of 50 feet in clay, 0.35% of sediment would be deposited at a distance of 50 feet in silt, approximately 0.87% of sediment would be deposited at a distance of 50 feet in sand, and approximately 0.1% of sediment would be deposited at a distance of 50 feet in fine sand. He then referenced the chart on the left side of the displayed page, taken from *Planner's Guide to Wetland Buffers for Local Governments (2008)*, which charted effectivity of protection provided by buffer distances for various functions, noting that recommended protection ranges were 30 > 100 feet for sediment and phosphorous removal, 100 > 160 feet for nitrogen removal, and 100 > 300 feet for wildlife protection. He pointed out that the 50-foot buffer was adequate for sediment removal but not for nitrogen, and did not protect wildlife, which was why a 100-foot buffer was recommended by most scientific studies.

Mr. Battis discussed the alternative proposed warrant article (Option 2), noting it would affect the buffer distance as well as adding the definition of a Prime Wetland and recognizing 21 such wetlands. He then discussed the implications of this alternative article (last page of slides), emphasizing that current conditions would be grandfathered and that only new projects would be subject to the changed buffer distances.

Mr. Battis summarized his presentation by saying the second article (Option 2) was preferred, but the Conservation Commission would go with whichever the Planning Board advised.

Selectman Maddox asked for and received clarification that the two articles were unique and separate. Mr. Barnes clarified that one pertained to all wetlands, whereas the other just pertained to Prime Wetlands. Mr. Battis said the Conservation Commission would come back with a revised version of the preferred Option 2 article next year, if the Planning Board chose to recommend the Option 1 article this year.

Selectman Massey said everything would be grandfathered to 50 feet if the first article were approved; he then asked if this could mean that someone would wind up in a bind. Mr. Battis suggested it might be a more complex situation than simply passing the second option now.

Ms. Michelle Champion, 7 Chiswick Road, clarified that the 50-foot buffer was relative to the Town's ordinance, but the State designated 100 feet as the buffer for Prime Wetlands. Selectman Massey then asked if it would not be moot to put in a 100-foot buffer, then. Ms. Champion said it would provide for local control, letting the Conservation Commission apply additional stipulations when warranted.

Mr. Hall asked if the Conservation Commission members had a sense of how the State was responding to requests for Prime Wetlands. Mr. Battis said he did not, but he suspected the State would be more sensitive to Prime Wetlands. Mr. Battis said he would attempt to get some information in that regard. Mr. Hall said he had a particular concern about the two areas designated as 17B and 18A, saying it would be very

unlikely that a road would ever be built in the right-of-way of the undeveloped Hudson Circumferential Highway if those two areas were designated as Prime Wetlands. He said the State apparently had decided against completing that highway, but many people, including himself, believed that some sort of roadway through that area would be necessary at some time in the future as a connection between the Sagamore Bridge and Route 111, and that it was his understanding that it would be virtually impossible to get DES permission to build that roadway if those two areas were declared to be Prime Wetlands.

Mr. Malley asked why the Town would want to give up local control to the State. Mr. Battis said the primary reason was the enforcement process, saying the State had much more capability of enforcing wetland protection. He pointed out that none of the present members of the Conservation Commission were wetland scientists, saying they did not always understand the implications of major projects.

Mr. Malley questioned how the State would find violations any faster than local people did. Ms. Rumbaugh said violations usually were discovered because neighbors called in to report that something was happening. She said the level of knowledge of the staff members of the wetlands Bureau was much more extensive, noting that they had a much better understanding of the implications of projects.

Mr. Malley asked if the Conservation Commission had applicants hire engineers and/or scientists to bring forth that data. Ms. Rumbaugh said people coming to the Conservation Commission for a Wetlands Special Exception generally hired a wetland scientist, but these projects would be sent to the State if the proposed warrant article were approved. Selectman Massey noted that in one case, when an individual had clear-cut a significant area off Williams Drive in clear violation of the wetland, that individual had been forced to provide remediation, adding that it was more than the Town could have forced, because the State was brought in, giving more impact.

Mr. Battis said the Conservation Commission had the authority, if it did not believe what the applicant provided, to ask for a second expert opinion at the applicant's expense—adding, however, that to dispute the applicant's engineer might take more knowledge than members of the Conservation Commission had. Pointing out that wetlands and the interconnecting issues were very complex, he expressed a belief that the wetlands were worth protecting and that the Town should take whatever assistance it could get.

Selectman Maddox said he felt the second proposed article (Option 2) would better represent "truth in advertising." He then expressed a hope that the Conservation Commission would be able to explain to the public what all this meant, during the coming year.

Ms. Quinlan noted that current landowners mostly would not be affected by the proposed change from 50 feet to 100 feet for Prime Wetlands, except in the case of new developments or new proposals, and she pointed out that there was nothing currently in the pipeline for these areas being proposed as Prime Wetlands. She said the members of the Conservation Commission had put in a tremendous amount of time and expense to bring this proposal before the Town. She expressed a belief that this

protection would be very important for the Town, saying the State could accomplish that protection better and more quickly than Town staff could do.

Mr. Hall questioned this, saying many people came in asking for a deck or a pool that infringed into the wetland buffer, saying these people generally did not hire experts. Mr. Battis said he could not remember any such cases within the past three years. He said that had been true ten years ago but was not so recently. Mr. Hall said he saw that many of the proposed wetlands were abutting lot lines, and there would be impact to the homeowners behind these wetlands that might want to add a deck, as they would now have to go to the State, which he described as an onerous process; he suggested that people should not take it lightly and presume that all existing conditions would be grandfathered. Mr. Battis responded that the existing uses were grandfathered, and the Conservation Commission had made this clear to the landowners adjacent to each of the proposed Prime Wetlands.

Mr. Barnes said he thought it was about time that the Town did this, saying there were significant wetlands and the voters would have the ultimate decision. He noted that the City of Nashua had done this long ago and operated with graduated buffers.

Ms. Quinlan said she thought about 45% of the proposed Prime Wetlands did not have developed properties up against them; she then identified several of the areas, saying she did not think there were any abutting developments for these. She said the intent was not to force this change down the throat of abutting homeowners. Selectman Maddox asked about Ottarnic Pond, noting that the surrounding area was heavily developed. Ms. Quinlan noted that there already was an organization that was strongly protective of the pond and called for enforcement whenever there was any activity. She stated that the undeveloped preserves in the area of Robinson Pond should be protected, noting that the pond used to be open for swimming all summer long but nowadays was closed to swimming by the middle of July because of its fragility. She then pointed out that expanding the buffer from 50 feet to 100 feet would not get any easier as time went by, arguing that now was the time to do it. She concluded by stating that there had to be some recognition that people who wanted land with a view of the water had to have some responsibility for preserving it.

Selectman Massey said the Board had to focus on the objective, which was not the 100-foot buffer but was the question of whether the Town had certain wetlands that needed to be protected at a greater level than currently existed. He then referenced the Miles Swamp areas, saying they had been rated as having the highest impact. If one agreed that these areas were important, he argued, one had to buy into the fact that additional protection was needed. He likened it to the Shoreline Protection Act, adding that the Conservation Commission had looked at 38 different areas but had winnowed it down to 21, based on independent analysis in accordance with State standards. He reiterated that the issue was not the 100-foot buffer but preservation of the important wetlands.

Chairman Russo said he did not like to relinquish things that he felt he needed to take care of to someone else, and it seemed to him that this was just a quick way to take care of problems by having people deal with the State rather than on a local level. He said he had not heard anything as to why problems could not be handled on a local



level. He said he thought these important areas should be designated as Prime Wetlands, but enforcement should be handled on a local level.

Mr. Malley asked if there were rampant violations. Chairman Russo said it would appear that a lot more protection had been put on those areas concerned with modern development, saying things had gone bad before but it seemed to him that there was a lot more control nowadays.

Mr. Tim Quinn, 1 Fuller Drive, a member of the Conservation Commission, said he could think of two cases where owners had thumbed their noses at the Conservation Commission and had been taken to court, whereupon the State had come down upon them.

Ms. Quinlan said that situation was not changed by an increase of the buffer, saying it meant that the significant areas would be protected, and adding that the Conservation Commission was not advocating giving up control to the State and still would have local control—but would be able to call upon the State for help if there were problems with local enforcement.

Chairman Russo said Mr. Quinn had just said that they went to the State in two cases when they were having difficulty, and he asked what was being changed. Ms. Quinlan said the intent was to increase the protected area around the significant wetlands, not to go to the State. Chairman Russo said his question was why should the Town designate this at a State level to get the State's assistance.

Selectman Massey asked Town Planner Cashell if septic designs had to be signed off by a State agency. Mr. Cashell answered in the affirmative. Selectman Massey then pointed out that State control already existed. He then noted that the time in which matters were in court restricted the Town from doing enforcement, saying the applicant he had discussed before had been stonewalling until the State came in. Chairman Russo said his point was that the process was not broken, saying the wetland areas did not have to be designated Prime in order to make that happen.

Mr. Barnes said the Shoreline Protection Ordinance already protected the river areas, saying the Town did not have much say in that, but this was another case in which the Town could get aid from the State to protect the wetlands.

Ms. Champion said the buffers were critical, saying it was totally up to the Town to enforce local buffers, and this right now included those areas that the Conservation Commission believed should be designated as Prime Wetlands, but the State would assist in those cases if those designations were established.

Mr. Quinn said what was different was resources, as the Town did not have the resources to enforce a STOP WORK order, whereas the State could do that. He pointed out that the only option the Town had if someone were thumbing their nose at the ordinance was to take them to court, but taking anyone to court could take a long time.

Ms. Rumbaugh noted that the two instances that Selectman Massey had referenced were clear violations and were significant, which was why the Town had gone to the State. She noted that the State was already tight with respect to its own budget load and did not have the resources for small things. Chairman Russo responded by

questioning why the Town should throw more work at the State, then, rather than taking care of it locally. He said he believed that buffer protection was needed, but that this increase from 50 feet to 100 feet for Prime Wetlands would be a substantial change. He then expressed a belief that he would probably look into the issue of whether the State agency would get involved in buffer violations.

Ms. Quinlan said the State of New Hampshire did not have a ton of money and would not be out there looking for things to protect. She said what was being discussed here were the important wetlands, and to be able to get help from the State would be important.

Selectman Maddox referenced the Code Enforcement list for the past month, noting that two of the 27 citations pertained to wetlands violations. He then expressed concern about the impact to the homeowners and landowners, saying the Conservation Commission needed to be prepared to address that issue, and he predicted that Candidates Night would be devoted two-thirds to this one issue.

Ms. Quinlan argued in favor of putting the more provocative alternative out there, in order to have that public debate. She said Conservation Commission members would be available at Candidates Night to provide input, saying the most protective ordinance should be put forward, because it was important.

Ms. Champion said she was not asking anyone to do what she was not doing, noting that two thirds of her house lot would be affected by the proposed change.

Chairman Russo asked to what degree the State allowed any intrusion into a buffer, asking what sort of process a landowner would have to go through. He asked how a resident adjacent to Ottarnic Pond would be affected and what type of process would have to be followed. Ms. Champion said one of the big differences was that for Prime Wetlands there were not minimal impacts allowed. She said she currently could put a roadway on her property, for example, as a minimum impact application, but with the Prime Wetlands designation most of those minimal impact things were gone. She said the applicant would have to go for a public hearing at DES, where the possible impact on 14 variables were being examined, adding that DES people would have to come out for a site visit.

Chairman Russo said citizens would want to know how the proposed change would affect them and what their chances would be if they wanted to do something.

Selectman Massey said the Board still had to stay focused on the objective, noting that the Shoreline Protection act was implemented because there was concern about preserving the quality of the water—adding that water was going to be the white gold of the world in the future. He said the issue was whether or not it was important to the Town to designate certain wetlands as important and in need of additional protection, to make it possible for clean potable water and wildlife habitat to remain. He said the 100-foot protection would make it easier to control what was done in those important wetland areas, and it was important to maintain those important wetlands.

Chairman Russo asked where the Board wanted to go. Town Planner Cashell suggested that the Board move to propose the second alternative and send it to the Town Attorney for review.

Ms. Quinlan moved to send the following proposed warrant article (Option 2) to Town Counsel for review and then for a public hearing: at the November 18<sup>th</sup> Planning Board meeting:

Are you in favor of amending the Town of Hudson Zoning Ordinances, Article IX, by changing:

§334-34. Definitions, to include the following definition of Prime Wetlands:

“PRIME WETLANDS – A special classifications of wetlands delineated in accordance with the requirements of RSA 482-A:15, and NH Code of Administrative Rules Env-Wt700. The boundaries of each Prime Wetland in Hudson are illustrated in maps included in the Prime Wetlands Assessment & Designation Hudson, NH, dated May 19, 2009, which also identifies and describes the important values and critical functions that are provided by these wetlands. The Prime Wetland report and maps are on file at the Hudson Town Offices.”

And by changing the definition of Wetland Buffer in 334-34, Definitions, to read:

“WETLAND BUFFER – A zone of noninterference extending one hundred feet (100’) from Prime Wetlands and fifty feet (50’) 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 s surface water body toward the adjacent upland environment.”

Mr. Schneiderman seconded the motion.

Mr. Hall said he would vote in opposition, saying he probably would continue to do so, because of the inclusion of the 17B and 18A areas, as he felt there was a real need and a real possibility that a parkway (which he defined as a limited access two-lane roadway with lighted intersections) could be built through those areas, saying he felt there was a real need for replacing Wason Road as a bypass from Route 111 to the Sagamore Bridge.

Chairman Russo asked if a list of the Prime Wetlands would be included as this went forward. Ms. Rumbaugh said the proposed ordinance referenced the Prime Wetlands Study, which was on the Town’s Website—adding that the Conservation Commission wanted people to go review that study. She noted that hardcopies were available for inspection at Town Hall and at the Rodgers Library.

Mr. Battis said the hardcopy documentation showed the effect of the buffers with respect to adjacent properties.

Chairman Russo asked if people could identify the wetland area if they went to the Website. Ms. Rumbaugh said they were on the map and were listed by Map and Lot number.

**VOTE:** Chairman Russo then called for a verbal vote on the motion. All members present voted in favor except Mr. Hall, Mr. Malley, and Mr. Russo, who voted in opposition, and Selectman Maddox, who abstained, and Chairman Russo declared the motion to have failed (3–3–1).

Selectman Maddox then changed his vote so that the matter could go forward. Ms. Quinlan noted that the intent at this time was simply to send the text to the Town Attorney for review and then to a public hearing, with the actual vote of the Planning Board on the matter to take place after that event.

**VOTE:** Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Mr. Hall, Mr. Malley, and Mr. Russo, who voted in opposition, and Chairman Russo declared the motion to have carried (4–3).

Chairman Russo declared a break at 9:20 p.m., calling the meeting back to order at 9:35 p.m.

Mr. J. Bradford Seabury appeared before the Board, noting that the Planning Board had made an important decision earlier in the meeting with respect to electronic changing signs, with only five members voting. He then pointed out that NH RSA 673:6 authorized the local legislative body to provide for the appointment of five alternate members to *any* appointed local land use board, and he urged the Planning Board to consider requesting the Board of Selectmen to provide two additional alternates for the Planning Board.

**C. Update on RSA 674:63 – Small Wind Energy Systems – and Model Ordinance.**

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

Town Planner Cashell said he had nothing new to add to what was in his staff report.

Ms. Quinlan moved that the Planning Board conduct a public hearing on December 2, 2009, regarding the proposed Small Wind Energy Systems Zoning Ordinance, as favorably recommended by Town Counsel (see Atty. Steve Buckley's legal opinion in the file, addressed to Vincent Russo, Chairman, dated October 22, 2009).

Mr. Schneiderman seconded the motion.

Ms. Quinlan noted that she had recently made a trip to upper Maine and had seen many such windmill systems there, saying she had found that the noise from the giant commercial windmills at the Friendly Hands Farm in Mars Hill was so slight that she could not record it, adding that the sound had been soothing.

**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).

**D. Update on “The Workforce Housing Law – SB 342 – Chapter 299, Laws of 2008.**

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

Town Planner Cashell said there was a possibility that the Board could review this further at the November 18<sup>th</sup> meeting, depending on what happened with the NRPC staff, but the latter had run out of time.

Ms. Quinlan moved to have staff continue working with NRPC staff relative to determining exactly what the Town of Hudson needed to do to accommodate the Workforce Housing statute, and to defer this matter, date specific, to the November 18, 2009, Planning Board Meeting. 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).

Ms. Quinlan noted that the NRPC Executive Council, of which she was a member, would be meeting that night, so she might be tardy. Selectman Maddox suggested that Ms. Quinlan, as a member of the NRPC Executive Council, should contact the NRPC staff and encourage them to work on this issue. Ms. Quinlan said she would call them.

**VI. CORRESPONDENCE**

Chairman Russo noted that a letter had been received from the Assessor.

**A. Letter from Assistant Assessor, Jim Michaud, re: State of New Hampshire Department of Transportation – 2010 Aerial Photography Initiative**

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

Selectman Maddox said this would be a good deal for the Town of Hudson, as it would be piggybacking on the State program. Chairman Russo asked what the resolution was of the current online aerial photographs. Selectman Massey expressed a belief that it was six pixels, saying this 2010 project would be the same. Town Planner Cashell said this update was primarily for Assessing but would help the Fire Department and Police Department, also. Selectman Massey said he understood that this would give resolution as good as or better than that obtained in 2004. Chairman Russo asked what that earlier project had cost. Selectman Massey said it had cost

\$30,000, whereas this would cost only \$9,000, but this would give equal resolution for a far smaller amount of money, because the effort would be bundled with that of other communities, in addition to being piggybacked with the State project at the same time. He said that a capital reserve fund had been created to do this in 2012, but that fund was not currently being populated with sufficient funds because of budgetary restraints, so the Town would not be able to do it on its own in 2012—adding that to take money from that fund would require a warrant article that would have to be passed by the voters. Chairman Russo asked if the \$9,000 would come from that fund or from the Planning Board's fund; Selectman Massey said it would come from the Planning Board's account. Town Planner Cashell said this was one of the things for which impact money was collected.

Ms. Quinlan moved to approve the expenditure of up to \$9,000.00 from the Planning Board's Tax Map Updating Account, and for said expenditure to be used for the purpose of contracting with New Hampshire's Department of Transportation (DOT), relative to that department's statewide 2010 Aerial Photography Initiative Program and the resulting benefit for the Town of Hudson—i.e., updating the Town's Aerial Photography database. Selectman Maddox 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).

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

No minutes of previous meetings were addressed this evening.

**VII. PERFORMANCE SURETIES**

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

**IX. NEW BUSINESS/PUBLIC HEARINGS**

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

**X. OTHER BUSINESS**

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

**XI. ADJOURNMENT**

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Schneiderman seconded the motion.

**-- FILE COPY --**

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**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 9:46 p.m.

Date: November 15, 2009

\_\_\_\_\_  
Vincent Russo, Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
James Barnes, Acting Secretary

These minutes were accepted as submitted following review at the 12-09-09 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes  
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The following change was were made in these minutes at the request of Mr. Quinn, a member of the Conservation Commission, with respect to a comment he had made:

Page 9, second paragraph from the bottom, second line — changed “get” to “enforce” so that the sentence now reads “Mr. Quinn said what was different was resources, as the Town did not have the resources to enforce a STOP WORK order, whereas the State could do that.”