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**HUDSON PLANNING BOARD
MEETING MINUTES
September 23, 2009**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, September 23, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Chairman Russo asked Ms. Quinlan 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, Suellen Quinlan, Vincent Russo.

Members

Absent: Tierney Chadwick, Terry Stewart, and Richard Maddox (Selectmen's Representative). (All excused.)

Alternates

Present: Brion Carroll, Tim Malley, 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 Selectman Massey in place of the absent Selectman Maddox. He then seated Mr. Carroll in place of the absent Ms. Chadwick and seated Mr. Malley in place of the absent Ms. Stewart.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of 09-24-08, asking if there were any changes or corrections. None being brought forward, Mr. Barnes moved to accept the minutes as submitted; Ms. Quinlan seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor except for Mr. Carroll who abstained because he had not been present, and Chairman Russo declared the motion to have carried (6-0-1).

Chairman Russo addressed the minutes for the meeting of 05-06-09, asking if there were any changes or corrections. None being brought forward, Mr. Barnes moved to accept the minutes as submitted; Ms. Quinlan 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. CORRESPONDENCE

No **Correspondence** items were addressed at this time.

VII. PERFORMANCE SURETIES

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

VIII. ZBA INPUT ONLY

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

IX. DESIGN REVIEW PHASE

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

X. CONCEPTUAL REVIEW ONLY

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

XI. OLD BUSINESS

- A. Bockes Road Proposed Retail Develop. Map 145/Lot 001
SP# 04-09 Bockes Road**

Purpose of plan: Construction of a 12,800-ft², single story multi-tenant retail building, with associated access driveway, paved parking, drainage, landscaping and lighting improvements. Hearing. Deferred Date Specific from the 08-12-09 Planning Board Meeting.

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

Ms. Quinlan moved to defer this item to the meeting of November 18th, at the applicant's request. Mr. Carroll 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).

XII. NEW BUSINESS/PUBLIC HEARINGS

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

XIII. OTHER BUSINESS

- A. Update on RSA 674:63 – Small Wind Energy Systems – and Model Ordinance. Deferred Date Specific from the 09-09-09 Planning Board Meeting.**

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

Chairman Russo said he would open it to members of the public for input, except that all members of the public in attendance had left the meeting at the end of the preceding case.

Town Planner Cashell said he had gone over the proposed changes with Zoning Administrator Oleksak, adding that changes suggested by Mr. Oleksak had been incorporated into the draft, printed in bold print.

Mr. Carroll expressed a belief that there should be a way for the inspector to confirm the merit of the proposed installation, adding value to the property—citing as an example that there should be a determination that there would be sufficient wind. Ms. Quinlan said she did not think the Town could do that, under the premise of *caveat emptor*. She pointed out that these systems were not cheap, costing in excess of

\$50,000; she then expressed a belief that all the Board could do would be to apply reasonable restrictions to make sure that the systems did not unduly burden the Town. She noted that the systems were now being sold through Home Depot and could be ordered by mail.

Mr. Carroll said he was concerned that people would put them up just to show that they had money, adding that he believed in energy conservation but wanted any systems erected to be useful.

Town Planner Cashell referenced Section C, Section 2, saying the given text should be modified by adding the word "land" so that it read "signed and stamped by a New Hampshire licensed land surveyor."

Mr. Malley asked if the zoning district in which these things could be placed was not being restricted with respect to zoning district. Ms. Quinlan expressed that a belief that people who wanted to do this, as a supplement to the power company, would be at residential properties, but she did not think there would be a big use in industrial or commercial purposes. She noted that she had recently driven up to Presque Isle, ME, finding that many of the farms she passed had these systems in place.

Mr. Barnes said he would not restrict it to Industrial districts, as industrial users would need very substantial systems, beyond the scope of this proposed ordinance. He noted that residential users would have to have very large lots because of the fall-zone restriction, saying he felt the Town was protected.

Mr. Russo said that a residential use typically was not looking for a "site plan," as called out in Section C.2, saying he felt it should be a plot plan. Selectman Massey moved to modify Section C, Paragraph 2, to strike the word "site plan" and substitute in its place "plot plan." Chairman Russo suggested that a site plan would be needed for a commercial application, however, saying that should be stated. Selectman Massey then moved to revise the text to read as follows: "Applications submitted to the Building Inspector shall include a site plan if a commercial use, or a certified plot plan if a residential use, signed and stamped by a New Hampshire licensed land surveyor." Mr. Hall expressed a belief that the Town Attorney should be consulted to determine how this should be worded—adding that the ordinance had been set up to address residential use, and adding further that something on a commercial or industrial site would need a site plan to begin with.

Town Planner Cashell pointed out that this ordinance was specific to small wind energy systems, saying anything larger would have to go before the Zoning Board of Adjustment. Selectman Massey said he thought Mr. Hall had raised a valid point, saying the text of the proposed ordinance did not specify residential use, and he presumed that a 100-KW system could handle a small business, and a businessman's attorney might argue that no site plan was needed if it were not specified.

Mr. Carroll expressed a belief that it was a question of residential vs. nonresidential.

Selectman Massey said he felt bases would be covered by requiring a site plan for commercial uses. He then revised his earlier proposed text, changing it to read "Applications submitted to the Building Inspector shall include a site plan if a

nonresidential use, and for residential use a certified plot plan, signed and stamped by a New Hampshire licensed land surveyor." Mr. Carroll 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).

Mr. Carroll moved to have Town Counsel review the proposed Small Wind Energy Systems Zoning Ordinance, relative to determining if it complies with NH RSAs on said systems and whether or not it is ready for a public hearing in regard to including same in the 2010 Town Warrant. Mr. Barnes 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 addressed correspondence, noting that the handouts included an issue from the Town Attorney about the proposed ordinance pertaining to electronic signs. He asked the Board members to take a moment to review the attorney's proposed changes.

Mr. Carroll expressed concern about the fact that he was looking at proposed changes but did not have the original text, so could not compare them.

Town Planner Cashell said this would come back before the Board on October 7th; he suggested that the Board forward these changes to the Chamber of Commerce and have it incorporated in the copy available at the public hearing.

Chairman Russo noted that the Town Attorney was looking for some definitions, saying he felt it would be incumbent on the Chamber of Commerce to provide those, since some of this language had been brought forward by the Chamber. He expressed support for Mr. Cashell's recommendation to forward the text to the Chamber of Commerce.

Mr. Carroll asked what the timeline was. Town Planner Cashell said there was plenty of time, saying the deadline would be met for all three ordinances being planned for the 2010 warrant.

Mr. Carroll moved to forward the correspondence from Town Counsel regarding electronic signs zoning amendments, dated 09-22-09, on to the Chamber of Commerce for review and incorporation into the Hudson Sign Ordinance, Article XII. Mr. Barnes seconded the motion.

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

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Mr. Carroll asked if it would be possible to put on the meeting agendas which minutes were to be reviewed at the meeting, so that he could be better prepared— noting that he sometimes became confused because he had to miss many meetings because of this business traveling. Town Planner Cashell expressed concurrence.

Selectman Massey announced that the minor Site Plan Review Committee would be meeting on September 28th (3:00 p.m. this coming Monday) to review a request by True Value for a shed.

XIV. ADJOURNMENT

All scheduled items having been addressed, Mr. Carroll moved to adjourn; Mr. Barnes 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 7:37 p.m.

Date: September 23, 2009

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Suellen Quinlan, Acting Secretary

These minutes were accepted as submitted following review at the 03-05-08 Planning Board meeting.

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The following changes were made in accordance with the Board's review of these minutes at its November 18, 2009, meeting:

Page 1, last line — Changed "Mr. Murphy" to read "Mr. Malley."

Page 5, changed first word from "commercial" to "nonresidential," so that sentence reads "Applications submitted to the Building Inspector shall include a site plan if a nonresidential use,...."