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**HUDSON PLANNING BOARD  
MEETING MINUTES  
June 10, 2009**

**I. CALL TO ORDER**

Chairman Russo called this Planning Board meeting to order at 7: 10 p.m. on Wednesday, June 10, 2009, 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 Mr. Hall to serve as Acting Secretary in the absence of Secretary Stewart and to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** Tierney Chadwick, George Hall, Vincent Russo, and Richard Maddox (Selectmen's Representative), James Barnes (arrived at 7:19 p.m.), and Suellen Quinlan (arrived at 7:49 p.m.).

**Members**

**Absent:** Terry Stewart.

**Alternates**

**Present:** Tim Malley, Stuart Schneiderman, and Brion Carroll (arrived at 7:50 p.m.).

**Alternates**

**Absent:** Ken Massey (Selectmen's Representative Alternate).

**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 absent Ms. Stewart and seated Mr. Malley in place of the tardy Ms. Quinlan

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

Chairman Russo said he would defer the minutes to the end of the meeting , as people were present for the other matters .

**VI. CORRESPONDENCE**

Chairman Russo stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

**VII. PERFORMANCE SURETIES**

**A. Leor Maintenance Surety Bond – Map 185/Lot 33**

**Reference:** memo dated May 13, 2009, from Gary Webster, Acting Engineer, to John Cashell, Town Planner.

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

Ms. Chadwick moved to recommend to the Board of Selectmen the release of the \$31,742.11 (plus interest) pertaining to the 2 -year maintenance bond for the Leor Circle Subdivision, noting that this action was in accordance with the written recommendation of the Acting Town Engineer, Gary Webster (memo dated May 13, 2009). Mr. Murphy 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 (6 –0).

**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**

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

**XII. NEW BUSINESS/PUBLIC HEARINGS**

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

**XIII. OTHER BUSINESS**

**A. Lower Merrimack River Local Advisory Committee (LMRLAC) - Review updated Lower Merrimack River Corridor Management Plan.**

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

Town Planner Cashell noted that LMRLAC personnel were present, with Ms. Kathryn Nelson present to make a presentation.

Ms. Kathryn Nelson, a member of LMRLAC, noted that Bob Robbins, chairman, had not been able to attend this evening. Using PowerPoint slides, she reviewed the makeup of the organization and thanked the Planning Board for its written comments on the group's plan a year ago. Noting that LMRLAC was an advisory group, she said the key to what her organization did was notification, adding that DES had improved and codified the procedure, which included sending notification to LMRLAC for upcoming developments affecting the river, putting the burden on the applicant to make that notification. She said LMRLAC would appreciate being notified by Hudson of upcoming events, noting that some half-dozen Hudson-area developments had been reviewed in the past year. She reported that LMRLAC had updated its checklist, which provided information and guidance, stating that LMRLAC wanted to educate people and provide good guidelines for use of the river.

Mr. Barnes arrived at 7:19 p.m. and took his regular seat at the table at that time, although not yet recognized by the chairman.

Ms. Nelson reported on other activities done this year by LMRLAC, noting that it provided information on its activities on its Web site. She noted that LMRLAC had determined that one of the plans had designed a riverside trail too low on the bank and the group had recommended that it be aligned along the top of the bank. She said a trail plan had been designed, but many of the trail portions were found to be on private property, so it had not been finalized. She expressed appreciation for Mr. Barnes's work as a member of the group, saying the group had to be realistic in the face of resistance from people whose land was already developed—adding that the more appropriate way would be to get the trail identified for land that had not yet been developed. She said the idea had been to have a contiguous trail, but a trail of sections would also be considered viable. She then referenced a Boy Scout project that had been proposed for Merrill Park, saying LMRLAC saw that property as a real jewel but that it needed enhancement.

Ms. Nelson noted that the State had put out a form pertaining to violations on Shoreland properties, and she asked that Hudson make this form available on the Town's Website. She noted that this was the first year of the new Shoreland Protection Act. Noting that Hudson Planning Board had commented on a hope that LMRLAC would provide education on this act, she expressed a hope that a speaker could be obtained from NH DES, saying her group would coordinate that and make it happen if there were interest.

She referenced a brochure that had been produced recently, noting that the Merrimack River, Beaver Brook, Limit Brook, Ayers Pond, Otarnic Pond, Robinson Pond, and Musquash Pond and Musquash Brook, were covered by the Shoreland Protection Act. She then concluded by saying her group was always available for writing letters of support.

Chairman Russo noted that this was a joint meeting with the Conservation Commission and the Zoning Board of Adjustment, and he invited members of those groups, sitting in the audience, to provide any input.

Mr. Bob Haefner, St. John Street, Chairman of the Conservation Commission, noted that just today one of the Merrimack State Representatives had shown him a group of photographs of effluent coming out of the Nashua wastewater treatment plant in Nashua, showing white material, adding that the gentleman had reported that the treatment plant had said that was just air, but he had not believed it, since there were ducks that could not fly—and that he had notified DES seven days previously, with no response having been received as yet. Ms. Nelson said LMRLAC would want to follow up on that, adding that the river coordinator at DES would be the one to contact and that photographs would be helpful. Mr. Haefner identified the Representative who had shown him the pictures as being Mr. Robert L'Heureux, from Merrimack.

Selectman Maddox recalled a boat tour taken down the Merrimack, saying people who had not done it could not realize the quiet serenity of that beautiful resource. He expressed a hope that a meeting could be hosted, noting that Hudson taped its meetings and could provide DVD copies. He said he would ask Hudson's IT people to activate a link with the LMRLAC site. He then asked about the July 12 Riverfront Promenade event in Nashua, as listed on the brochure Ms. Nelson had provided. Ms. Nelson said it was sponsored by the Nashua River/Watershed organization, to celebrate its 40th anniversary. Selectman Maddox said he would get it put on the HCTV calendar if she would send a copy to the Board of Selectmen office.

Chairman Russo asked if the Planning Board needed to take any action. Town Planner Cashell answered in the negative, but noted that new developments on every property near the river would have to visit LMRLAC, saying that was already on the Planning Board's checklist. He then reviewed a few of the areas that Ms. Nelson had commented on, showing an aerial view of Merrill Park on the projection screen, and noting that the trail was a bit overgrown but a canoe or kayak could be launched there. He then referenced the Sparkling River and Waterview Landing developments, noting that the Planning Board had designated a trail layout easement for those two developments. He also noted that the Planning Board had recently procured another easement further up the river, as previously noted by Ms. Nelson.

Chairman Russo thanked Ms. Nelson for her presentation.

**B. Conservation Commission Presentation and Discussion on the Prime Wetlands Study and Proposed Zoning Ordinance Amendments to Article IX – Wetland Conservation District.**

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

Ms. Sandra Rumbaugh, 39 Beechwood Road, and Mr. Ken Dickinson, 12 St. Anthony Drive, appeared before the Board to discuss the Conservation Commission's proposed ordinance changes. Town Planner Cashell noted that he had that ordinance text displayed on the projection screen.

Ms. Rumbaugh reviewed the Conservation Commission's recent project of identifying Prime Wetlands, saying the Conservation Commission now wanted to tighten the language to protect those areas considered of high value. She said she wanted to cover some points but wanted to get feedback from the Zoning Board and Planning Board members present at this meeting, saying she hoped to have a working document by the end of July.

Ms. Rumbaugh noted that the firm hired by the Conservation Commission had identified the areas meeting the requirements of Prime Wetlands, as identified by the state. She asked if members had looked at those areas.

Mr. Hall said he had a concern about the area that was bisected by the proposed right-of-way for the Circumferential Highway. Mr. Dickinson said that would be the 17B area portion of Miles Swamp. Mr. Hall said his concern was that designating that as a Prime Wetland would preclude creation of the Circumferential Highway in the future.

Selectman Maddox said it would be helpful if the Town's map and lot numbers had been included, noting that he used Google Earth and had found it a challenge to identify the properties. Ms. Rumbaugh said she was working on getting the maps onto the Town's Web site, saying IT was not in a position to do it so she was going to do it. She noted that a process was needed for abutters to register concerns and challenges.

Mr. Hall said he did not understand why the map and lot numbers were not included. Ms. Rumbaugh noted that what had been provided was just a very quick list for a point of discussion, saying she could easily put them on but had not done it in time for this meeting. She then reiterated her desire to create a process by which property owners could challenge the designations, noting that there was one property that was over 50% in what would be Prime Wetlands, saying the map could be changed if that property owner challenged that.

Mr. Barnes asked if the list provided in the draft ordinance was the complete list. Ms. Rumbaugh said she believed two areas had not been selected.

Chairman Russo recalled that the VHB personnel had said they did not want anything removed from the list; he then asked why the Conservation Commission had done so.

Ms. Quinlan arrived at 7:49 p.m., during the preceding discussion, and took her regular seat at the table, although not yet recognized by the chairman. Ms. Quinlan took over the duties of Acting Secretary at this time.

Mr. Carroll arrived at 7:50 p.m. and took his seat at the table at that time as a non-voting alternate.

Mr. Dickinson said a small area off Robinson Road, in the powerline path, was felt not to meet the criteria because it was so small —adding that VHB had gone back to take another look at that area . He noted that this had not been one of the areas that the Conservation Commission had originally asked VHB to look at , but that VHB itself had found it, after noticing that it had been identified by New Hampshire Heritage , and adding further that the Conservation Commission had felt it was not a developable property. He said the other area was one of the ponds off Boyd Road, next to the town line, which also was a small area with a disturbed buffer, but it seemed in its description not to be rising to the same level as the others. Chairman Russo asked for the rationale for removing them from the list. Mr. Dickinson said it was disturbance and size, adding that VHB had subsequently come back with more information that suggested the entire list should be kept.

Selectman Maddox asked if the VHB report was final. Mr. Dickinson replied in the affirmative, saying it was now up to Hudson to make of it what it wanted —that is, to determine if “Prime Wetland” was an appropriate designation for these areas.

Chairman Russo recognized Mr. Barnes and Ms. Quinlan as having arrived, noting that they would be seated from this point on, with Mr. Malley resuming his position as a nonvoting alternate.

Selectman Maddox expressed a hope that the information would be on the Web site sooner rather than later.

Mr. Schneiderman said he had concerns similar to Mr. Hall’s with respect to the Circumferential Highway path. Ms. Rumbaugh said she did not have an answer to that at this time, saying the Conservation Commission would have to discuss it. Mr. Dickinson said the Miles Swamp area had gotten the highest ranking, saying the other section across Wason Road was really contiguous with it. He expressed doubt that this would limit construction of the highway or any other development, saying the proposed ordinance was not meant to stop construction. Mr. Hall said his experience was that such a designation would inhibit highway construction, noting that it had happened in the Town of Salem even though culverts had already been installed, with the DES denying a permit until the Town of Salem removed a few hundred feet of the area from Prime Wetland designation —adding that he just wanted to make the Conservation Commission aware of the possible implications.

Mr. Dickinson said he was aware; he then suggested having a joint site walk to review these two properties and some others, as had been suggested at the previous meeting . Noting that he was a landscape architect employed by an engineering firm in the area, he said he was also concerned about the parameters and the implications , but a lot of New Hampshire communities had done this, adding that he was looking forward to getting more feedback.

Mr. Carroll asked if the situation was that certain areas being considered for designation as Prime Wetlands, if the Board agreed to this, would then interfere with construction of the road—and also, if Conservation Commission did not have the right to exclude

something if development fell within those areas. Ms. Rumbaugh said one of the options was that what was sent to the State could have its boundaries changed, saying this was what she meant about giving due process to landowners. She said it was a guide, not an absolute rule. Mr. Dickinson said some other towns had excluded certain plots from their maps.

Mr. Carroll asked if someone could use such exclusion against the Town, asking why the same logic could not be applied to them. Mr. Dickinson said a threshold would have to be established.

Selectman Maddox said he would hope that a video camera could be operated on the site walk. Ms. Quinlan said that HCTV personnel had already offered to do so.

Mr. Haefner said he thought care had to be exercised in crafting the ordinance, saying he was very much in favor of Prime Wetland designation, but he felt there might have to be exceptions for agriculture and timber, so as not to devalue the land of existing property owners.

Mr. Schneiderman noted that there were over 400 wetland areas mentioned in the original report, with Selectman Maddox having suggested that the next sixteen or so could be looked at. Ms. Rumbaugh noted that those additional sixteen areas had not been studied by VHB. Mr. Dickinson said he believed a map could be provided showing those next 16 properties; he then asked if the Planning Board members had read through the proposal to reduce buffers for lower value wetlands as well as increasing them for higher value wetlands. Chairman Russo said he was hoping Ms. Rumbaugh could walk the Board through that.

Ms. Rumbaugh noted there was just one buffer in the Zoning Ordinance at this time, calling for 50 feet, and what the Conservation Commission was proposing was a multi-tiered system, starting at 100 feet for Prime Wetlands, then 75 feet for areas with poorly drained soils, 50 feet for vernal pools and wetlands of less than a quarter of an acre, and 30 feet for lesser wetlands, with a fifth tier for which there would be no buffer. She noted that she had provided a listing, explaining that the Conservation Commission was trying to provide some incentive for developers to not go through the process for a Special Exception if the property met the listed criteria.

Mr. Carroll said he liked the proposal, but added that he got nervous when he saw specific lists, as there were apt to be people who would say that something was not included. He asked if they were planning to propose a catchall comment saying other areas could come in if not included at this time, based on the specific requirements. Mr. Barnes said these were specific because they were exceptions. Mr. Carroll agreed, but said there might be others, and he argued for including language that would allow those to be counted. Mr. Barnes said he felt things could be added in later, if determined to be applicable. Mr. Carroll clarified that he was trying to see if there were some language that would cover it without having to have the ordinance changed in the future.

Mr. Barnes asked why 30 feet had been chosen, rather than 25 feet or something else. Ms. Rumbaugh said these were taken from the ordinance in the Town of Bow. She acknowledged that she did not have a scientific answer.

Mr. William Barnes, 7 Derry Lane, said any time the talk of buffer s came up he got riled , as it eroded the rights of people to use their property. He expressed a belief that the 50 - foot buffer was excessive, and he suggested there was a big difference between public and private property, as such changes devalued private properties. He said there were lots of wetlands in Hudson, and mosquitoes had plenty of places to live, and it did not make sense to him to put a 50-foot buffer on someone owning just an acre of land abutting a brook .

Mr. Schneiderman asked if Mr. William Barnes owned property abutting the properties on the list. Mr. William Barnes said he had not seen the list, but he was opposed in general, as he had a lot of land he could not use because of setbacks, which he felt imposed on his right to use his property .

Mr. Tim Quinn, 1 Fuller Drive, pointed out that the 50-foot buffer already existed on all of the wetlands. Mr. William Barnes said that the Board was discussing possible changes , and his input was to suggest changing the buffer so as to make it easier for property owners to enjoy the use of their property. Mr. William Barnes asked if anyone knew how many acres of wetlands were in Hudson. Chairman Russo referenced the VHB study, saying it was on the Website. Chairman Russo clarified that what was being discussed was the few (41 out of 461) wetland areas that were considered to be important. Mr. William Barnes said there was always the law of unintended consequences , expressing a concern that a law could be written saying one thing but its meaning could be changed along the way . He said he thought protection should be provided to other things as well as to mosquitoes and other things living in a swamp.

Ms. Quinlan said the issue was not mosquitoes but Prime Wetlands that had rare species and which also affected other properties . She said Mr. William Barnes was part of a community and his activities regarding the wetlands might have to be prohibited, as those activities might affect the aquifer and other properties. She noted that the Conservation Commission was not looking to deprive the citizens of the value of their properties but the community had a right to have reasonable controls . Mr. William Barnes said the key word in what she had said was "reasonable," and he did not think a 50-foot buffer was reasonable if it prevented him from doing something that was not going to affect the wetlands. Ms. Quinlan noted that all of this was based on studies by people who had studied wetlands and drafted ordinances for a number of communities, saying it was not a knee-jerk reaction. She reiterated that there were other things than mosquitoes that the Board was trying to protect. Mr. William Barnes said he was not arguing , but he was asking for reasonableness in drafting the ordinance. Ms. Quinlan said they had thought about that, which was why they were now proposing a multi-tiered system, adding that private property owners living next to a brook had to understand that they did not have absolute rights when other properties, the water system, and other things might be affected. Mr. William Barnes said he was hearing contradictions , since some members of the Board were talking about building a road through the wetlands.

Selectman Maddox said he applauded Mr. William Barnes for attending the meeting—but he then noted that he was also a Water Commissioner, and protecting the water quality was also important . He noted that other public inputs were planned .



Mr. Hall said he did not understand the reference to uses and activities described in Paragraph G of the proposed ordinance, since they were enumerated in greater detail on the next page. Ms. Rumbaugh said the next section was talking about setbacks; she then acknowledged that he was raising a good question. Mr. Hall suggested that a list should be made only of the things that could be done—that permitted things should be listed, not unpermitted ones. Ms. Rumbaugh said this was the text she had gotten from the Town of Bow, saying she might have to rewrite that. Mr. Hall said he knew there were a lot of isolated small wetlands that people had problems with having to stay 50 feet away from, and he felt that issue was being addressed. Ms. Rumbaugh noted that soil type and plant life also had to be taken into consideration.

Mr. Quinn said Conservation Commission was not trying to increase the setback from 50 to 75 feet generally, only for locations falling into the WET category, with very poorly drained soils—adding that this was important because the runoff could affect an aquifer. Mr. Hall asked where on the table wetlands that did not have poorly drained soils were being addressed. Ms. Quinlan suggested that would be wetlands greater than a quarter of an acre. Mr. Hall asked if he were saying that wetlands greater than a quarter acre but not having poorly drained soils would have a 50-foot buffer. Mr. Quinn expressed agreement.

Ms. Quinlan said the clear things to be prohibited were waste, compost, buildings parking lots, or chemicals, but there were things that people kept asking for, including docks, which should be included.

Mr. Barnes referenced underground oil tanks for private residences, asking where they fell. Ms. Rumbaugh said that was a good point, suggesting that residential should be broken out from commercial uses.

Mr. Carroll expressed confusion about the table under Paragraph G, saying it would make sense only if the numbers were different from the text. He said the underground tank was the only thing that was relevant, and he then asked if the Conservation Commission planned to change the numbers in the table. Ms. Rumbaugh acknowledged that she had just taken the table out of the Bow ordinance. Mr. Carroll said the table meant nothing, as it did not alter the original state of the buffers except for the 200-foot buffer for underground chemical and/or fuel tanks.

Selectman Maddox suggested the word on either side of the equals symbol should be flipped—adding that he felt the ordinance should expand on houses and buildings and parking lots, to consider the distinction between things on top of the ground and things going into the ground.

Mr. Schneiderman pointed out that “buffer” and “setback” were being used interchangeably in the text, so that the uses in the table on the next page were overlapping.

Chairman Russo suggested adding the tier number language into the descriptions of each category. Commenting on Mr. Carroll’s comments, he said having the chart there might give a reason to change the numbers, as it set precedence and there was some sort of definition. He said the question of residential vs. commercial with respect to the underground oil tanks was a good point, but underground oil tanks raised havoc when

they ruptured and he was not so certain that he would get too lenient with that, as it probably was not tight enough as it was. He then suggested that different types of fuel tanks be investigated, stating that LP storage tanks were absolutely harmless. He suggested that this was just the first of some five or six meetings, expressing a hope that Ms. Rumbaugh would not get discouraged. Ms. Rumbaugh said she had developed some sensitivity in the process of contacting land-owners to examine their property.

Ms. Quinlan spoke in support of Ms. Rumbaugh efforts and the proposed ordinance, saying the Conservation Commission had reviewed and studied many ordinances from different towns and had selected the Bow ordinance as a model because it was similar to Hudson—adding that this was not something that was arbitrary and capricious, with no regard to the individual property owners; she said the Commission had had professionals come in to educate the Commission on the process, adding that was important to everyone in Hudson.

Mr. Hall returned to his concern about increasing the wetlands buffer for non-Prime wetlands, saying he would find it hard to believe that he would not find any poorly drained soils in any of those wetlands—asking if this meant the entire wetland system would have 75-foot buffer if an y area of it had poorly drained soils.

Mr. Dickinson said he felt the wording needed to be changed, saying he felt there was room to limit the redundancy. He acknowledged that he, too, had been caught up in some of the tables.

Mr. J. Bradford Seabury, 4 Meadow Drive, a member of the Zoning Board of Adjustment, stated that he was in general opposed to the idea of taking ordinances from other towns, as he felt Hudson should develop its own ordinances to meet its individual needs. Given that the meeting was discussing an ordinance derived from the ordinance used by the Town of Bow, however, he noted that the Board undoubtedly would be sending the final version to the Town Attorney for review; he then suggested that, since the Town Attorney had been chairman of the Bow Planning Board until recently, the Board might consider asking the Town Attorney to come in early and discuss why the ordinance had been developed as it was and what problems might have ensued.

Mr. Carroll said the reason he had brought up his comments was not to diminish the work but to note that the ordinance was from somewhere else. Ms. Quinlan said a variety of ordinances in other communities obviously had not meshed with Hudson's needs because they had different problems and situations, but this one had. Mr. Carroll reiterated that he liked this one.

Mr. Quinn addressed Mr. Hall's concern, saying the answer was "definitely not," as the definition of a Prime Wetland did not allow contiguous areas to be included. Mr. Hall said he was not talking about Prime Wetlands but about WET areas in G.2 areas; he then read aloud from the text, saying any contiguous wetland system that had any spot in it that was a poorly drained soil would have 75-foot setback applied. Mr. Quinn argued that the fact that the poorly drained soils could not be found everywhere in the system meant that the 75-foot setback could not be imposed on the entire system, saying it would only apply in the area where the poorly drained soils were found. Mr. Hall said the text did not say that.

Ms. Chadwick made a motion to defer further study to the August 5, 2009, workshop, as further work clearly was required. Chairman Russo said he would prefer to continue to receive input, if any. No second being brought forward, Chairman Russo declared the motion to have failed.

Selectman Maddox said the table of uses proposed for the Wetland Conservation District was not much different from the table of uses 15 years ago. He said things evolved, and he felt things would be expanded on. He requested that the Town Planner provide a one-page analysis of the impact that would result from developments coming before the Planning Board in the next few months. Mr. Hall noted that there had not been any new plans for the past several months. Selectman Maddox said he would ask for that input if there were any, so the Board could have practical knowledge instead of theoretical.

Chairman Russo declared a break at 8:51 p.m., calling the meeting back to order at 9:07 p.m.

Mr. Barnes asked if the intent were to completely replace the existing Wetlands Ordinance. Ms. Rumbaugh answered in the affirmative, saying there would be more changes by the time the project was done. Mr. Barnes noted that there was no mention of the Zoning Board or Special Exceptions. Ms. Rumbaugh said the intent of tonight's meeting was to get input, saying that was one part of the proposal. Mr. Barnes said that would be a major change, and he would want to hear from the Zoning Board of Adjustment about that.

Ms. Rumbaugh said she would go on to the uses and activities section. She noted that a Conditional Use Permit was being considered in place of a Wetland Special Exception. Mr. Hall expressed a belief that the ordinance should be written from the point of view of what was permitted, not what was prohibited—adding that the more words put in, the more traps were being provided. Mr. Carroll expressed strong agreement, but then expressed confusion about the table, saying it listed things that were permitted and things that were conditionally permitted. He referenced the issue that had been raised by Mr. William Barnes. Ms. Rumbaugh said someone wanting to do something would come before the Conservation Commission.

Ms. Quinlan expressed a counterpoint, asking why the ordinance should not say that pollution was not permitted—adding that "pollution" should apply to anything that was going to reduce the quality of the water.

Mr. Hall said he did not think bulk storage of chemicals, for example, should be eliminated, but that some thinking had to be done as to what this meant. Ms. Rumbaugh asked if it would be better to break out uses as residential and commercial. Mr. Hall said he did not have an answer for her, noting that above-ground tanks also could be a problem.

Ms. Quinlan said the Conservation Commission had struggled with the fact that different people had a different idea as to what constituted pollution—citing as an example that many residents did not believe that heaps of dead grass could not be dumped in the wetlands, because they were a natural substance, because they did not understand the heaps were full of nitrates and other things... or emptying out a fish tank which they presumed to have natural vegetation in it, with the result that ponds could be

contaminated by the non-native vegetation. She said a lot of people were not educated with respect to this concept, and she felt the pollution category had to be kept in place, as it gave the Board the authority to look at what was being done.

Mr. Barnes said the table had three columns, saying he had concern with the distinctions—noting as an example that residential structures were not permitted in Prime Wetlands column or in the Prime Wetlands Buffer column, but were designated for a Conditional Use Permit in the Wet & Buffer column. He then stated that he could see someone asking for a Conditional Use Permit to put a building in the wetlands, based on this. Chairman Russo said he felt an additional column should be added, so that the table would cover Tiers 1 through 5.

Mr. Carroll asked if the buffer of a Prime Wetland would be different from the buffer of Tiers 2 or 3. He said the distance was different, but he was asking if there were other differences. Ms. Rumbaugh said not all buffers were equal, noting that the buffer protecting a Prime Wetland would be different. Chairman Russo said the tiers were the buffers, to protect the wetlands. Chairman Russo then said the table might end up with six columns, to include the wetland itself.

Ms. Rumbaugh then addressed the concept of a Conditional Use Permit vs. a Special Exception, saying Bow had gone that way because its Planning Board normally had the first view of a development, getting an immediate understanding—whereas the Conservation Commission did not. She said she wanted input, noting that this change would mean the Planning Board would be making more decisions.

Mr. Carroll said he thought the Conservation Commission had the role of influencing the Planning Board, saying the Planning Board members had to trust the Conservation Commission's input, without becoming experts in their own right. Ms. Rumbaugh noted that the Conservation Commission was merely advisory, pointing out that the granting authority right now was the Zoning Board of Adjustment. Mr. Hall said this would involve the Planning Board in a lot of small cases, saying he would have to think about that.

Mr. Quinn said he wanted to reinforce what Mr. Hall had said, saying the Conservation Commission had a hundred years of tradition, but the Planning Board had a bigger schedule and had a tendency to backlog the applicants. He said he felt the applicants would become very dissatisfied about being backlogged.

Selectman Maddox said he wholeheartedly agreed, saying the Conservation Commission people knew wetlands and loved to walk them, but the members of the Planning Board just did not have the time.

Town Planner Cashell said the Conservation Commission someday would be regulatory in New Hampshire, just as they currently were in Massachusetts and some other states. He said it would be fine to work with the Conservation Commission on Conditional Use Permits, but he felt the Conservation Commission currently was working fine with the Zoning Board of Adjustment. He said either way would be fine.

Chairman Russo said he was going to poll the Board on this concept, as this was a significant rewrite of the ordinance.

Mr. Barnes said he would keep it with current setup.

Ms. Quinlan said she thought she would, too.

Mr. Hall said he did not think it would mean that much of a rewrite, but his tendency right now was to leave it as it was. Ms. Rumbaugh said she did not know right now what all the implications of changing to a Conditional Use Permit process would be. Mr. Hall said the more people that looked at it, the better it worked, adding that he felt it would be a substantive change for the Planning Board to be considering setbacks for pools, shed, decks, etc.

Mr. Schneiderman said he felt the Zoning Board was well -equipped to deal with it.

Mr. Malley said he would leave it with the Zoning Board.

Mr. Carroll said he would leave it the same.

Ms. Chadwick said she would leave it the same.

Selectman Maddox said he would leave it the same.

Chairman Russo said he would leave it the same, also.

Ms. Rumbaugh said she was soliciting volunteers from both the Planning Board and the Zoning Board to work on changing this text with her. Mr. Carroll said he would be interested, if it were done electronically, as he could work on E-mails while passing time in air terminals as part of his job. Selectman Maddox moved to appoint Mr. Carroll as the Hudson Planning Board volunteer to help craft the Prime Wetlands Ordinance; 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).

Mr. Dickinson asked if the Planning Board would be interested in a June 20 date for a site walk. Chairman Russo said they would probably get some participation, noting there was an issue with vacations and family weekend activities. He suggested that the Conservation Commission send E-mails advising of the dates, meeting times, and an estimate of how long a time it would take. Mr. Dickinson said the intent would be to utilize public roads and perhaps utility line paths, but not the property itself —noting that the first one would be the Chase Brook Swamp, off Landfill Road, which was the second largest property, and then go on to others. He suggested it would take probably half an hour per area, covering all of them in about three meetings, involving something like four hours each Saturday.

Chairman Russo asked if the public would be invited —and, if so, how? Mr. Dickinson said HCTV would video tape the sitewalks, which would then be shown to the public. He expressed concern about the coordination effort required to have the public participate in the site walks.

Mr. Haefner thanked the Planning Board members for listening and providing inputs and questions.

Chairman Russo reported that he had received a document entitled A Survey of Local Law for New Hampshire and Local Officials, 2009.

#### V. MINUTES OF PREVIOUS MEETING(S) (Continued)

Chairman Russo referenced the May 6<sup>th</sup> and May 14<sup>th</sup> minutes.

Mr. Schneiderman said he had reviewed the minutes and found no issues. No other comment being brought forward, Mr. Schneiderman then moved to approve the May 6 minutes as submitted. Mr. Barnes seconded the motion.

Chairman Russo seated Mr. Malley in place of Ms. Chadwick who had left the meeting during the preceding discussion, along with Selectman Maddox.

**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 (6 –0).

Mr. Schneiderman moved to approve the minutes for the May 14<sup>th</sup> meeting as submitted. 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 ( 6–0).

Chairman Russo asked the Board to be prepared to review the May 27<sup>th</sup> minutes, distributed in this week's information packet, at the next meeting.

#### XIII. OTHER BUSINESS (Continued)

Chairman Russo asked if there were any other business. Mr. Schneiderman announced that the Hudson Seniors would be holding a cookout at Sam's Club as a fund raiser, on Saturday and Sunday, June 13<sup>th</sup> and 14<sup>th</sup>, from 10:00 a.m. to 5:30 p.m. —noting that sponsors, volunteers, and donations would be gratefully accepted.

#### XIV. ADJOURNMENT

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

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
June 10, 2009**

**Page 15**

**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 9:52 p.m.

Date: June 11, 2008

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

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Terry Stewart, Secretary

These minutes were accepted as amended following review at the 07-08-09 Planning Board meeting.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
June 10, 2009**

**Page 16**

The following changes were made in accordance with the Board's review of these minutes at its July 8, 2009, meeting:

Page 4, 4<sup>th</sup> paragraph, 3<sup>rd</sup> line — The word "affluent" was replaced with "effluent."

Page 8, 3<sup>rd</sup> paragraph, 7<sup>th</sup> line — Changed number count of 14 to 41 so that text now reads "the few (41 out of 461) wetland areas that were considered to be important."