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**HUDSON PLANNING BOARD
WORKSHOP MEETING MINUTES
June 3, 2009**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7: 06 p.m. on Wednesday, June 3, 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 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, Terry Stewart, and Richard Maddox (Selectmen's Representative) .

Members

Absent: Tierney Chadwick and Suellen Quinlan .

Alternates

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

Alternates

Absent: Brion Carroll .

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. Quinlan and seated Mr. Malley in place of the absent Ms. Chadwick .

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of April 8, 2009, asking if there were any changes or corrections

Mr. Barnes referenced Page 3, 3rd stipulation of the motion, saying "silk fencing" should be "silt fencing."

Mr. Barnes noted that Stipulation 5 of that motion referred to an address of 1 Wall Street; he noted that the property was located at 1 Clement Road.

Mr. Barnes referenced the next -to-last paragraph on that same page; noting that the text read that no one had come forward to speak from the public but this statement was followed by comments from Mr. Maynard and others; he suggested that some rewording was needed.

Mr. Barnes referenced Page 7, 2nd motion, pointing out that the text said Selectman Massey was speaking to the motion but that it had been Selectman Maddox who had made the motion and was speaking at that time.

Mr. Barnes referenced Page 14, 4th paragraph, 2nd sentence, stating that the name of Lowe's Home Improvement store was misspelled.

Mr. Schneider referenced Page 12, the paragraph before the second vote; he noted that there was a statement about him saying that the Board had to make timely decisions; he said he had preceded that statement with the point that the last time the Board had visited the subject case the Board had spoken for two hours about porta-potties, which was an example to prove his point. Chairman Russo requested the recorder to listen to the tape and include that text.

No further changes or corrections being brought forward, Mr. Barnes moved to accept the 04-08-09 minutes as amended; Mr. Hall seconded the motion.

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

Chairman Russo addressed the minutes for the meeting of April 22, 2009, asking if there were any changes or corrections.

Mr. Hall referenced Page 1, saying that the Secretary should be identified as Ms. Stewart instead of Ms. McGrath.

Mr. Hall. Hall reference Page 5, first full paragraph, 2nd sentence, saying it did not sound right. He suggested "could be different" or some such change.

Mr. Hall moved to approve the 04-22-09 minutes as amended, Mr. Barnes seconded the motion.

VI. CORRESPONDENCE

No items of correspondence were addressed at this time .

VII. PERFORMANCE SURETIES

No Performance Sureties items were addressed this evening.

VIII. REGIONAL TRAINING SESSION/WORKSHOP

A. Small Wind Energy Systems Training – Speaker: Eric Stelzer, New Hampshire Office of Energy & Planning.

This training session will focus on House Bill 310, which allows municipalities to regulate small wind energy systems. Mr. Stelzer will provide an overview of HB310 and discuss its origins. He will also review the associated regulatory process, review procedures, siting standards and abandonment procedures. Mr. Stelzer will also highlight a small wind energy system model ordinance and provide input on whether or not communities should consider adopting such ordinances. All are invited to this training session and no prior knowledge is necessary to attend.

Chairman Russo introduced Mr. Eric Stelzer, who noted that his department was under the Energy branch, saying he was here to talk about the ordinance that had been drafted by his office. He then gave a slide -show presentation, starting with the origins of HB310 and the reasons for developing the ordinance, noting that some of the early attempts by different communities did not look at all of the aspects. He gave a brief overview of HB310 and the supporting NH RSAs , and he defined what was meant by “Small Wind Turbine” systems, noting that the ordinance was not intended for commercial ventures . He then discussed the regulatory process —including the review procedure, the siting standards (including setback requirements, allowable sound levels, system height restrictions, shadow flicker considerations, prohibition of signs, building code requirements, visual impact issues, allowed color and types, net metering connections , access restrictions, and clearing), as well as the applicable abandonment procedure .

Mr. Stelzer commented that there was a question as to whether individual communities needed to adopt an ordinance , saying this was the most important thing in his presentation. He said each community should make its own assessment in order to determine whether it should adopt an ordinance, noting that there were side issues of whether sufficient wind was available and whether there was public demand. After July 11, 2009, he pointed out , the systems would be allowed by State law and all State requirements would pertain, but the p roposed model ordinance provided additional protection beyond the basic State requirements. He emphasized that this was a model ordinance, saying each community should modify it as seen fit. He suggested that

system size should not be further restricted, however, saying this might open the town to potential lawsuits. He then reviewed recommended modification considerations, suggesting that any town deciding to adopt an ordinance should consult with its Legal Counsel.

Mr. Stelzer then offered to take questions.

Selectman Massey said he would have expected the sound level limits to say "cannot be above 55 dB," whereas the slides said "must be below" or "less than." Mr. Stelzer explained that the RSAs stipulated that a town could not have stricter requirements than 55 dB, but also required that small wind turbine systems had to operate below 55 dB except for short-term cases, such as electricity outage or severe windstorms.

Ms. Stewart noted that she had a small system on her sailboat, and there was one down in Boston, at the IBW building on Route 93. She questioned why the public should be outraged about these systems, when ugly cellphone towers proliferated. She asked if wind turbine systems could be incorporated onto cell towers. Mr. Stelzer said it had been looked at, adding that New Hampshire did not allow electricity generation except for on-site use. He stated that the Boston system was actually a small utility system, larger than what was being covered by this ordinance, adding that many people were outraged about cellphone towers, too, but they were sanctioned by Federal law.

Selectman Maddox questioned the process of having the permitting process fall under the Building Inspector, asking if there had to be a public hearing, so that both sides could speak their piece before the Building Inspector made a decision, and he also asked about notification to concerned residents. Mr. Stelzer said that but notification was required, just as with Planning Board issues, but there was no requirement for a public hearing—although the Building Inspector could choose to do so if desired. He said it was no different than when members of the community objected to anything else, such as a large box store, adding that the Building Inspector could take public opinion into consideration in making his decisions, but it would be subject to legal action.

Selectman Maddox questioned the statement that these systems were allowed in all zones, in view of the fact that Hudson had TR zones with very small lots. Mr. Stelzer said the Town had to allow for the systems within some region but could prohibit them from certain zoning districts—adding that the towers still had to meet the setback requirements, which restricted where turbines could go. If the Building Inspector denied the application because of its not meeting the setback requirements, he added, the applicant could go to the ZBA to seek a variance.

Mr. Barnes hypothesized the case of a utility line crossing someone's property, confirming that the 150% setback spacing from utility lines would still apply. He then asked about feeder lines, connecting power to houses from the main utility line. Mr. Stelzer acknowledged that he was not prepared to address that question, but he said he did not feel it would apply, as there was nothing in the RSAs restricting the distance between the turbine system and the building to which it was providing service.

Mr. Barnes asked about putting wind turbine systems on top of houses. Mr. Stelzer said people had come up with that technology, expressing a belief that it was "not quite there yet." He said this model ordinance did not address such systems. He then suggested such systems would have to comply with a community's standard height restrictions.

Mr. Schneiderman asked if it were the intent of the State to encourage the installation of small wind energy systems. Mr. Stelzer answered in the affirmative. Mr. Schneiderman suggested it should be set up so that it was not more serious than building a porch or a shed or other things. Mr. Stelzer said State law already did that. Mr. Schneiderman said it was not like putting in a Wal-Mart that would increase traffic, but pretty much needed a public hearing. He then asked if abutters would need to hire lawyers to try to stop it. Mr. Stelzer said that would be their right. Mr. Schneiderman asked why the citizens needed to be so worried about these things. Mr. Stelzer said people were concerned because they were not familiar with such systems —adding that research showed that people who saw what these things looked like were more apt to be in favor.

Chairman Russo opened the meeting for public input and comment, in favor or opposition.

Mr. Bill Wall, Lyndeborough, noted that smaller towns such as his did not have Building Inspectors; he asked if the State had a training program. Mr. Stelzer said there were things being developed, adding that Building Inspectors could contact him in the interim and he would walk them through the process.

Mr. Bob Haefner, 1 St. John Street, asked if the footprint under the tower, if put up on land in current use, came out of current use. In addition, he asked if a wind turbine system put up on a farm, to provide electricity to milking barns or greenhouses, therefore became a "farm structure." Mr. Stelzer said he could not answer the specifics of the first question, but he would suggest that the Building Inspector should treat the wind turbine systems just as they would other accessories, such as a shed. With respect to the second question, he said, he was not familiar enough with what other aspects would fall under farm use.

Mr. John Andruszkiewicz, Hollis, said the distinction between public and private was not clear. He said he thought people were going to try to put cell phone equipment on these towers. Mr. Stelzer said lots of public input had been received about that, but the OEP could not change the model ordinance at this time —adding that his department had held public hearings over a four-month period in the process of developing this model ordinance. With respect to the difference between private and public, he said, he felt the intent of the setback requirement was to make sure that people other than the owners of the turbine system would not be affected —adding that he would advise towns that the systems did not need to be 110% away from a private utility line. Addressing the associated concern about putting these systems on cell towers, he said the public needed to recognize that only a small amount of electricity was produced by these systems, adding that the size of system that could go on cell tower would be at the most 20 KW, which could only be used for the communication grid, and the economics would not be there. He then stated that an owner could not net meter one

of these turbines on the top of a cell tower, adding that the tower owners would not receive credit for the electricity produced.

Mr. Jeff Rider, Barretts Hill Road, questioned whether sound would be measured at any specific speed—and also asked how the tree-height limitation would apply when the land was previously cleared. He also asked when the abandonment period would begin, as well as about the impact on migratory birds. Mr. Stelzer said his research into ordinances in other states indicated that some states had put in more definitive information on how the sound was to be measured, but he had chosen not to do that, saying the Town could hire a sound engineer if it felt that information was needed. If the system was on the list of approved systems, he said, all of the manufacturers had done sound studies and could provide documentation. He acknowledged he did not have a good answer as to how to determine tree growth if there were no trees, but he contended that most of these systems would be going into heavily treed areas, since most of the state was covered with trees. He said the municipality could choose to have no restriction, if desired, but noted that people putting up these towers would keep them as low as possible to avoid costs, which increased proportionally with height. With respect to the beginning of the abandonment period, he said, towns would have to look at information provided by the applicant—adding that this was a “may” provision, not a “shall.” He said his vision was that the systems would be self-policed by community members. With respect to the migratory birds, Mr. Stelzer said that birds were not an issue for small wind energy systems, saying there might be some bird kill but it would be less than with tall buildings or cars; he cited experiences with existing sites, saying there had been no reported problems with birds.

Selectman Maddox thanked Mr. Stelzer for coming in, saying Mr. Stelzer had enlightened most of those present; he then expressed a hope that the HCTV video recording of this meeting would be made available to other communities. He then questioned the distinction between 150-foot setbacks, noting that the slides had said “tower” in one place but “system” in another. Mr. Stelzer said the ordinance was pretty clear, adding that the setback was based on system height, defined with the blade in its upright position, whereas tower height just referred to the tower itself. Selectman Maddox asked if there were an existing ordinance that had some history, as Hudson’s previous experience with model ordinances had not flown too well. Mr. Stelzer said this was a new State law, acknowledging that there was a potential for flaws, but the important thing was that steps be taken in the right direction. He said Kensington and Goffstown or somewhere in that area were the only two towns that had adopted an ordinance—with one of these being much less restrictive than this proposed model ordinance. He said a number of municipalities had adopted versions of this model ordinance within the past few months, and his office was collecting information on those resulting ordinances. He said some other states had done a lot of work, citing the Town of Barnstable, Massachusetts, as an example. He reiterated that the town should look at the demand and the availability of wind power in this area.

Mr. Russo asked why New Hampshire had not adopted the lists of other states. Mr. Stelzer said those lists had been around for quite a while, with those states having much larger organizations and being able to devote more time.

Mr. Russo asked about the expense, questioning how much these things cost. Mr. Stelzer said residential systems, which probably represented 80% of what was being talked about here, generally cost from \$20,000 to \$25,000, outside of any State or Federal or local financial assistance, with the payback being very site specific but possibly producing from 50% to 70% of needed household electricity, which would pay back in seven to ten years. He said the technology was certainly feasible but it was based on site location and might take up to 25 to 30 years to get payback if not in a good spot.

Mr. Russo noted that Mr. Stelzer had suggested the wind availability in Hudson was marginal; he then asked how the height changed the wind speeds. Mr. Stelzer said it was not so much the elevation above land that dictated wind speed as other site constraints—such as costal or ridgeline location, proximity to a river, etc. He said wind would increase with height, absolutely, but it was not the primary aspect.

Mr. Russo suggested the best way to address the private/ public issue was that the public utility owned up to the home, noting that the feeder lines were maintained by the public utility company. He suggested that the question should be addressed to PSNH. Mr. Stelzer concurred, reiterating that there were already a number of wind turbine systems in New Hampshire, so this question must have been addressed.

Mr. Russo noted that some citizens might put up one of these just to irritate their neighbors. He asked if the State would have a problem with limiting the size of the wind generator to the calculated demand of the building. Mr. Stelzer said that was already addressed by the ordinance, which said the system could not produce more than was required for that location, so people would not put up oversized systems as they would not get the payback.

Mr. Russo asked, as a hypothetical question, if he wanted to put up a 50 -KW generator and could meet the setback requirements, would he get more power by putting up something that could generate more power, even though the wind was not there—such as putting up a 50 -KW to get 10 KW. Taking the economic feasibility consideration out of the equation, he continued, was he correct in assuming that he would have more credit the larger he went. Mr. Stelzer said "Yes and No" —saying the oversized system would provide more electricity —that a 20 -KW system would produce more power than a 5 -KW system—but it was all based on resource, as smaller systems would start up sooner than larger systems, which would need more wind to operate.

Mr. Stelzer said these had been good questions, adding that he appreciated taking the time to come down and give a presentation, as there really needed to be a public education about these systems, and it was good to have this venue.

Mr. Schneiderman addressed metered net towers, asking how often a net tower would have to be erected prior to the installation of a small wind energy system, to get a feel for the area. Mr. Stelzer said there were companies that would sell net towers (a monopole with a nanometer on top of it), so a resident could choose to do that to see if there were sufficient wind. He said his sense was that anyone contacting one of these sellers would be advised whether it were feasible for the given location. He noted that Kittery had put up a 50 -KW turbine which after eight months had only produced 15% of

what had been predicted, so the Town of Kittery was now taking action to have the system removed.

A member of the audience asked if the slides shown in the presentation were available. Mr. Stelzer said they were on the OEP website.

Chairman Russo expressed appreciation for the talk, thanking Mr. Stelzer for having come.

IX. NEW BUSINESS/PUBLIC HEARINGS

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

X. OTHER BUSINESS

Town Planner Cashell said there would be a meeting on June 10th with LMRAC (the Lower Merrimack River Local Advisory Committee), along with a joint meeting with the Conservation Commission to go over a draft zoning ordinance pertaining to wetlands.

Chairman Russo noted that he had a letter to distribute to members of the Board, saying he had been asked by the author to provide copies to the Board members.

Selectman Maddox said he had been informed by Assistant Town Administrator Mark Pearson that the second driveway on the Hartson Circle property that had been discussed at the last Planning Board meeting had been found on aerial photographs dating from 1998, so it had been approved administratively. Selectman Maddox said he had asked Mr. Pearson about the setback issue, and Mr. Pearson had not been aware of that issue. Town Planner Cashell said the Planning Board had adopted the 15-foot setback requirement on December 3, 1997—adding that all of the other issues were being dealt with by the Town. Mr. Cashell said all of the other issues on the property were zoning issues and were being dealt with, adding that nothing going on out at the property was a Planning Board issue.

XI. ADJOURNMENT

All scheduled items having been addressed, Mr. Hall 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 this meeting to be adjourned at 8:48 p.m.

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**HUDSON PLANNING BOARD Meeting Minutes
June 3, 2009**

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Date: June 4, 2009

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

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