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**HUDSON PLANNING BOARD
MEETING MINUTES
April 22, 2009**

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, April 22, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Carroll 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, Suellen Quinlan, Vincent Russo, Terry Stewart, and Richard Maddox (Selectmen's Representative) .

Members

Absent: George Hall (excused) and Tierney Chadwick.

Alternates

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

Alternates

Absent: None. (All present .)

ConCom

Present: Kenneth Dickinson, Robert Haefner, Linda Kipnes, Timothy Quinn, and Sandra Rumbaugh

ZBA

Present: Maryellen Davis, Mike Pitre, and James Pacocha .

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATE S AND ANNOUNCEMENTS

Chairman Russo seated Mr. Carroll in place of the absent Mr. Hall and seated Mr. Malley in place of the absent Ms. Chadwick.

He then announced he would first take up the School Board item out of order, without objection.

VIII. OTHER BUSINESS

A. Request by Hudson School Board to Release School Impact Fees.

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

Mr. Normand Sanborn, the Business Administrator, discussed the School Impact Fee, reporting on investigation into appropriate processes for refunding the existing bonds for Hills Garrison and Memorial School, and noting that a 3.8% savings (approximately \$1,800,000) could be realized if the impact fees could be released to the School District for that purpose. He said the intent of the School Board was to reduce the taxes as much as possible, adding that future impact fee requests would be built into the budget. Referring to the approximately \$230,000 in "old" impact fees, he said the School Board probably would make a request of the Board of Selectmen to request that money against the bond payments this year if the reconstruction of the bonds could not be worked out. He said the School Board was requesting the Planning Board to release that money to the Board of Selectmen.

Selectman Maddox asked if the School Board had taken a vote to expend this CAP money, either for buying new bonds or for using it to pay off the existing bonds. Mr. Sanborn replied in the affirmative.

Selectman Maddox asked if this would serve as a stimulus to get someone from the School Board to go through the CIP processes. Mr. Sanborn said that School Board member Pat Langlais had been declared as the School Board's representative to the CIP Committee.

Mr. Barnes reviewed the proposal for clarification.

Mr. Schneiderman asked if the School Board would be able to postpone the auction of the two Ferry Street properties coming up on May 9th if these funds were released. Selectman Maddox noted that this was a different matter, outside of the School District's purview.

Mr. Carroll asked what would happen to the remainder if the bonds were paid off, asking why the other bonds would not be renegotiated. Mr. Sanborn said they did not want to apply all the money at one time, as it would skew the next year's tax rate.

Selectman Maddox moved to recommend to the Board of Selectmen the release of the School Impact Fees to the Hudson School District, in accordance with the terms and conditions stated in the memorandum from Normand Sanborn, the Business

Administrator for the Hudson School Board, dated April 15, 2009. 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).

Selectman Massey requested that Mr. Sanborn contact the Board of Selectmen Office the following morning and get on the following week's agenda.

V. MINUTES OF PREVIOUS MEETING(S)

No minutes were reviewed at this meeting.

Chairman Russo said he would take up the presentation for the joint meeting at this time.

VII. JOINT MEETING WITH CONSERVATION COMMISSION AND ZBA

A. Presentation and Discussion of 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.

Mr. Robert Haefner, chairman of the Conservation Commission, reviewed the background of the wetlands assessment to determine prime wetlands, stating that the desire was to provide extra protection for the really important wetlands, slightly more for the intermediate wetlands, and keep the existing protection for the remaining wetlands.

Mr. Kenneth Dickinson, a member of the Conservation Commission, introduced Mr. Peter Walker, Director of Environmental Services, together with Mr. Dale Abbot, Field Director, from VHB (Vanasse Hangen Brustlin, Inc.), saying they would present the study and review the criteria, noting that a question and answer session would take place after their presentation. He then reviewed some additional background history leading up to the decision to undertake this assessment study, noting that several other New Hampshire communities had already done similar studies, and he then reviewed the process by which VHB had been chosen to perform the work. He noted that the initial assessment was conducted by VHB in 2007, with 461 identifiable wetlands being considered, with 41 wetland areas identified for potential investigation as "prime" wetlands, with the Conservation Commission subsequently having reduced that number to 28, or 6% of the total 461 wetlands. He noted that some of these wetland areas were actually part of a common system, adding that some wetlands had not been studied because of inability to get the landowner's permission to do so. He noted that this was the first formal presentation of the study to the Hudson community, adding that

the Conservation Commission was discussing providing additional protection for the prime wetlands .

Mr. Peter Walker, Director of Environmental Services for VHB, explained that he and his associate, Dale Abbot, an environmental scientist and a GIS Specialist, would review a PowerPoint presentation, noting there were 43 slides in all, covering 23 wetlands in detail. Mr. Walker identified the differences between a wetland and a prime wetland, noting that a classic wetland had to have open water, with emergent marsh and a forested swamp. He noted that the Federal definition required three components: inundation (hydrology), the right type of soils, and the right type of plant life (hydrophytic vegetation). Pointing out that there were many variations between different wetlands, including bogs, marshes, swamps, etc., Mr. Walker said a "prime wetland" had specific meaning under NH RSA 482-A:15, which defined it as a wetland that was of substantial significance because of its size and/or character. He noted that the "New Hampshire Method," originally published in 1991 and subsequently adopted by many other states, was the most common standardized method for measuring a wetland. He then reviewed the 14 functional values that were looked for in that method, commenting on the significance of each one and explaining how the investigators looked for each.

Reviewing the process by which the wetland study had been conducted, Mr. Walker referred to the previously existing GIS information used to conduct a screening of all of the wetlands in the community, noting that there were 461 identifiable wetlands in Hudson, in all. He provided details on the data collection process used to develop a base map, noting the kinds of reference material that had been available and identifying their sources for the wetlands screening process to select which wetlands should be studied for the assessment study, as well as the criteria that ruled some wetlands out from consideration, which reduced the number to 23 separate wetlands, with five more then being added because of other considerations. He noted that property owners of the 28 wetlands were contacted, with five being excluded because they did not receive access or support from the owners. He then showed a map of the community, identifying the list of investigated wetlands.

Describing the field evaluation phase, Mr. Walker noted that variations on the town Map had been corrected with in-the-field GIS measurements, and he then showed views of the forms used for the evaluation, explaining how the point scores were assigned; together with the functional evaluation for each different wetland —noting that Miles Swamp; had obtained the highest value of all of the wetlands. He stressed that all of the wetlands in the second-phase assessment study were there because of their high value.

Mr. Dale Abbot, who had been in charge of the field study, then reviewed details of Miles Swamp, Chase Brook Swamp, Ottarnic Pond, Little Ottarnic Pond, Ottarnic Pond Marsh, Robinson Pond, Glover Brook Swamp, Limit Brook Swamp, Musquash Brook Swamp complex, Heron Pond Marsh, the Town Forest Red Maple Swamp, Merrill Brook Swamp, Musquash Pond Swamp, Bush Hill Swamp, Ayers Pond Swamp, Boyd Road Swamp, Bush Hill Beaver Ponds, Benson's Vicinity Wetlands, and the Robinson Pond Wetlands—in each case showing an aerial view of the area under discussion and

commenting on details and benefits of each one, and noting that several had been identified by the State Wetlands Bureau as containing rare species.

Mr. Walker then discussed the designation process for designating prime wetlands under NH RSA 482-A:15 and NH RSAs 675:2 and 675:3. He noted that the results of designating these wetlands as prime wetlands could be that DES would treat differently proposed projects that would impact these prime wetlands. He noted that the study could be used to help the Town move forward with prime wetlands designations, as well as to help educate the community's citizens about the importance of water quality, and could also lead to possible modification of the buffering restrictions.

Mr. Carroll asked if any of the five wetlands that had not been looked at were of high importance. Mr. Walker said those five were all small wetlands.

Mr. Carroll asked about the buffer increase. Mr. Walker clarified that not all of the 23 wetlands needed to be treated the same, as some were more important than others.

Mr. Carroll asked about the transience of beaver activity and weather. Mr. Walker said the wetlands boundary was not decided based on a single snapshot view but on the hydrological nature of the plants and soils in the area.

Selectman Maddox asked if this were the official study report. Mr. Walker said the report was considered to be final, but there should be some additional dialogue as to whether all 23 of the wetlands should be considered as "prime." He assured the Board that the maps would be revised if any problems were determined. Selectman Maddox expressed a desire to get the report and the slides available on the Town's Web site.

Selectman Massey described a hypothetical situation of a lesser number of wetlands being designated, asking if VHB would redo the map, if the Town decided to designate less than 23. Mr. Walker answered in the affirmative, but clarified that designation should be made on the basis of evaluation results.

Mr. Carroll said he felt all of the information should be put on the Web site verbatim. He then asked if DES were in agreement with these determinations. Mr. Walker said the general process was that the Town made the decision, with the documentation then being provided to DES for review in accordance with specific standards. Mr. Walker noted that he had formerly been the director of DES.

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

Mr. Tim Quinn, 1 Fuller Drive, a member of the Conservation Commission, noted that the Town did not have to go forward to DES but could stratify different buffer requirements as an overlay ordinance on its own.

Ms. Maryellen Davis, 14 Nathaniel Drive, a member of the Zoning Board of Adjustment, asked if the rest of the 461 wetlands, other than the 23 discussed tonight, had been categorized. Mr. Walker said the others were just identified with inventory-level information, adding that they were not candidates for prime wetland designation.

Ms. Davis asked if each wetland network had been mapped on its own, referring to the Musquash area as an example. Mr. Walker said they had followed a common set

of rules applied in all communities, noting that different areas of the networks were differentiated as subunits, which were evaluated separately. Ms. Davis asked if all of the complex should be regarded, not just the prime -designated subunits. Mr. Walker said the data should be looked at carefully, noting that some wetland areas of more than 50 feet in width could be connected hydrologically to others by streams, but the subunits should be considered separately, as shown by the numbered areas differentiated by letter affixes (A, B, C, etc.).

Ms. Davis asked if the Town would be bound with a 100 -foot buffer as a minimum. Mr. Walker responded in the negative, saying the local ordinance could be whatever the Town desired and could be more restrictive than the State requirements, and he confirmed that some wetlands might be designated as needing a 100 -foot buffer while others had 150 feet, etc.

Ms. Michelle Pearson, 7 Chiswick Road, a member of the Conservation Commission, noted that she had thought some things would be included which were not, such as some of the pond areas along Second Brook, further up the watershed from the swamp, on the western side of Bush Hill Road. She said they were not considered because of the specific requirements of the DES regulations, such as the fact that ponds having a depth of six feet or more were not considered wetlands. She said the Conservation Commission had also been surprised about the separations of network elements, and she reported that the Conservation Commission had been talking about coming up with a tiered system, which would cover the intermediate wetlands with an intermediate buffer distance —adding that nominal restrictions on some other things, which were really not of importance at all, such as some manmade ponds that had become wetlands because of vegetation growing up, could be eased up. She suggested this sort of compromise could help win passage of the changes.

Ms. Sandra Rumbaugh, 39 Beechwood Road, a member of the Conservation Commission, asked what the timing should be on the proposed ordinance. Town Planner Cashell said the sooner the better, but it would have to go before the Town next year, meaning that it would have to be ready for public hearing by this coming December. He suggested that the Conservation Commission come back for another meeting at the June 10th meeting, adding that the Planning Board would probably need at least three meetings to get everything squared away.

Mr. Barnes noted that the current buffer distance was 50 feet, commenting that developers would not need a Wetlands Special Exception if the ordinance were not changed. Mr. Walker said the Town might decide that maintaining a 50 foot distance might be all right, if the State applied 100 feet for the prime wetlands.

Mr. Carroll asked if all abutters of the 23 wetlands had to be notified if the Town changed the ordinance. Town Planner Cashell said it would be published as a public hearing, adding that specific notification by mail would not be required.

Mr. Schneiderman asked if a 24th wetland could be added, if found later. Mr. Walker said it would have to meet the requirements, saying DES might not accept it if the process were not followed correctly. He clarified that a subsequent study could be done to add others later, if that were warranted.

Mr. Schneiderman referenced frequently flooded areas, such as near Robinson Pond, that were not included because they lacked the depth. Mr. Walker said VHB would need to look at those specific regions, saying he would refer them to the study's author. (Mr. Alamain). Mr. Walker noted that Robinson Pond had State protection because of its size, providing 250 feet of protection under the Shoreland Protection Act.

Mr. Schneiderman asked where the inventory of 461 ponds could be accessed. Mr. Walker expressed a belief that the full GIS study would be released, but he said no categorized list had been established.

Mr. Robert Haefner, chairman of the Conservation Commission, said that list might be obtainable from the Town Engineer's Office. He noted that there would have to be a fee for a 24th wetland to be added. Mr. Haefner then pointed out that the Town could take action on its own wetlands without going to the State.

Selectman Maddox suggested that the top 40 wetlands should be identified, at the very least.

Chairman Russo asked what the Planning Board could expect as recommendations other than the 100-foot buffer. Mr. Walker said VHB had been asked to make specific recommendations, saying he did not think they had been asked to discuss options on buffers or other things but could provide that informally.

Selectman Maddox asked if VHB had any input on what to use with respect to mitigation. Mr. Walker said that type of information analysis was not in the study, because VHB had not been asked to address it.

Mr. Carroll asked if the power of NH DES would be lost if the Town did not send this to DES—asking what the Town got by submitting it. Mr. Walker said the advantage would be the full expertise of the Wetlands Bureau, saying this expertise would be lost by not submitting the study. Chairman Russo said he was sure this report and any subsequent ordinance change proposals would be reviewed by Town Counsel.

Selectman Massey said he understood Mr. Haefner's comment to be that, if the Town decided it did not want to submit the study to DES, the Town still could establish a tiered set of setbacks for specific wetlands. Mr. Walker said the information generated by this study could be used to craft local ordinances, regardless of whether the study was moved forward.

Mr. Timothy Quinn said that one advantage that the State offered was enforcement of the laws. Mr. Barnes added that DES had scientists on staff who might be able to offer suggestions with respect to mitigation requirements.

Ms. Stewart said she agreed with Mr. Quinn, noting that DES involvement had obtained results in previous cases, particularly with respect to violations along the riverside.

Mr. Quinn asked what the Planning Board wanted with respect to this study. Chairman Russo said he had thought the Board would be looking for recommendations. Mr. Quinn asked if the Conservation Commission could get a consensus as to whether or not the report should be submitted to DES.

Chairman Russo polled the Board. All members expressed a desire for the report to go forward.

Mr. Quinn asked if the Planning Board felt it should go with all 23 wetlands. Chairman Russo expressed a belief that all 23 should go. Selectman Maddox said he felt the Conservation Commission should carry the water, noting that they had discussed tiering—adding that he felt the Conservation Commission should be driving the matter. Mr. Carroll concurred, saying the Planning Board looked on the Conservation Commission as the experts for this sort of thing.

Mr. Haefner said he agreed with what had been said. He then stated that the Conservation Commission would like to go out and walk some of these areas, and he asked if the Planning Board and ZBA members would like to go with them. Chairman Russo said some members definitely would be interested, and he suggested that the Conservation Commission make the notices available on HCTV. Selectman Maddox suggested that the Conservation Commission videotape the walks, to provide a record.

Chairman Russo asked about an upcoming site walk that had been brought to his attention by an E-mail notice, asking about its location. Ms. Rumbaugh identified the site, expressing hope that people from the Planning Board would attend.

Town Planner Cashell suggested that the Conservation Commission come back with a model ordinance, so that the Planning Board could start considering it—adding that he would need a month's lead time to get it on the agenda.

Mr. Dickinson asked if Saturdays, starting in May, would be a good time to do these sitewalks, covering six at a time.

Chairman Russo commended the Conservation Commission and VHB for their efforts, saying he thought this had been one of the better presentations provided to the Planning Board.

Chairman Russo declared a break at 9:19 p.m., calling the meeting back to order at 9:32 p.m.

IX. NEW BUSINESS/PUBLIC HEARINGS

A. Amend Planning Board's Subdivision of Land Regulations - Section. 289-18 B, Sub-sections (1) & (3) – Amend roadway pavement dimensions around landscape islands in cul-de-sac turnaround from 20 ft. to 28 ft. and amend cul-de-sac radii dimensions.

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

Chairman Russo opened a public hearing on this matter at 9:34 p. m. No one being present to ask questions or to provide input, he closed the public hearing at 9:35 p.m.

Chairman Russo read the proposed change aloud for the benefit of the viewing HCTV audience, as follows (where boldface type indicates text being added and crossed-out type indicates text being removed):

Amend § 289-18.B.(1) to read:

(1) Right-of-way and pavement widths. Cul-de-sacs, or dead-end streets, designated to be permanently closed at one end, shall have a right-of-way width not less than 50 feet leading up to the turnaround. The pavement width leading up to the turnaround shall be 28 feet. The pavement width for the turnaround shall be ~~28 20~~ feet. [Amended 3-22-1995; 9-27-1995]

Amend § 289-18.B.(3) to read:

(3) Radial turnaround. Closed ends of cul-de-sac streets shall be provided with a radial-shaped turnaround having a minimum right -of-way radius of ~~75 70~~ feet and a minimum radius to the outside edge of pavement, or curb, of ~~65 60~~ feet. The illustrative sketches further define and clarify the turnaround requirements for dead-end or cul-de-sac streets. §289-18.B. - Cul-de-sac roads.¹ [Amended 4-22-1992]

¹Editor's Note: The Typical Offset Cul-De-Sac illustration and the Typical Straight Cul-De-Sac illustration are included at the end of this chapter.

Chairman Russo asked if the illustrations would be included as well, as indicated by the footnote. Town Planner Cashell responded in the affirmative.

Chairman Russo asked for comments or motions.

Ms. Quinlan moved to amend § 289.18 B (1) & (3) of the Planning Board's Land Subdivision Regulations to read , in their entirety, as follows:

§289-18 B (1):

(1) Right-of-way and pavement widths. Cul -de-sacs, or dead-end streets, designated to be permanently closed at one end, shall have a right -of-way width not less than 50 feet leading up to the turnaround. The pavement width leading up to the turnaround shall be 28 feet. The pavement width for the turnaround shall be 28 feet. [Amended 3 -22-1995; 9-27-1995]

§289-18 B (3):

(3) Radial turnaround. Closed ends of cul -de-sac streets shall be provided with a radial-shaped turnaround having a minimum right -of-way radius of 75 feet and a minimum radius to the outside edge of pavement, or curb, of 65 feet. The illustrative sketches further define and clarify the turnaround requirements for dead -end or cul-de-sac streets. §289-18.B. – Cul-de-sac roads.¹ [Amended 4-22-1992]

¹Editor's Note: The Typical Offset Cul -De-Sac illustration and the Typical Straight Cul -De-Sac illustration are included at the end of this chapter.

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).

Ms. Quinlan noted that the date of this amendment should be added, to update the references appropriately, noting that this would be an addition, not a replacement. Mr. Barnes expressed a belief that this would be done automatically when the regulations were reprinted.

VI. CORRESPONDENCE

A. Memo dated April 14, 2009 from Assistant Assessor, Jim Michaud Re: Tax Map Updating Account

Town Planner Cashell referenced correspondence pertaining to the annual Tax Map update. Chairman Russo asked if everyone had had a chance to review this.

Mr. Barnes moved to approve the expenditure of up to \$2,700.00 from the Town's Tax Map Updating Account, for the purposes of updating the Town's Assessing Maps and Digital Data for 2009. Ms. Quinlan seconded the motion.

Mr. Schneiderman asked if this were an unfunded State mandate. Town Planner Cashell responded in the negative, saying money was collected by the Town each year for this purpose.

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).

VIII. OTHER BUSINESS (Continued)

B. Review RSA 674:63 – Small Wind Energy Systems – and Model Ordinance.

Chairman Russo read aloud the published notice, as repeated above. He then noted that **Other Business B** would be addressed at the June 3rd workshop meeting.

Town Planner Cashell noted that the LED sign review would occur at the next workshop, saying he had invited the Chamber of Commerce and LED sign proponents to come in, and that he had also invited the ZBA members to attend.

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X. 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 9:45 p.m.

Date: May 12, 2008

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

These minutes were accepted as amended following review at the 06-03-09 Planning Board meeting.

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The following changes were made in accordance with the Board's review of these minutes at its June 3, 2009, meeting:

Page 1, Roll Call paragraph — Secretary's name was corrected to read Ms. Stewart instead of Ms. McGrath.

Page 5, 1st full paragraph, 2nd sentence — reworded sentence for clarity, changing it from "He noted that the results of designating these wetlands as prime wetlands could be some differences with regard to how DES would treat proposed projects that would impact the prime wetlands." to "He noted that the results of designating these wetlands as prime wetlands could be that DES would treat differently proposed projects that would impact these prime wetlands."