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**HUDSON PLANNING BOARD
MEETING MINUTES
December 3, 2008, Workshop**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7:08 p.m. on Wednesday, December 3, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes asked Town Planner Cashell to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Barnes asked Secretary McGrath to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, George Hall, Marilyn McGrath, Vincent Russo, Richard Maddox (Selectmen's Representative), and Suellen Quinlan (arrived at 7:16 p.m.).

Members

Absent: Terry Stewart (excused).

Alternates

Present: Brion Carroll, Tierney Chadwick, 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 Barnes seated Mr. Carroll in place of the absent Ms. Stewart and seated Ms. Chadwick in place of the tardy Ms. Quinlan.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes noted that he had asked for the minutes for the meeting of October 8, 2008, to be reviewed for tonight's meeting. No one being ready to review those minutes, he said he would put off that review to the next meeting, adding that the Board should also be prepared to review the minutes for the November 5, 2008, meeting at that same time.

VI. CORRESPONDENCE

A. Attendance Request for the Inspectional Services Supervisor

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

Selectman Maddox said that the Building Inspector, acting as the Zoning Administrator, had not been able to attend this evening but had given him an update with regard to the question raised by the Planning Board—adding that Mr. Oleksak had cited the shed provisions for the residential portion of the dual-use site and had allowed the shed on the side because a leach field occupied the rear portion of the property.

Ms. McGrath said she had other questions about the shed, adding that she found it insulting to this Planning Board that Mr. Oleksak had chosen not to attend this meeting. Mr. Russo asked if there were enough concern to consider a topic for a future workshop on the idea of requiring changes in dual-use site plans to have to come back to the Planning Board. Chairman Barnes said he thought there was already something in the regulations that said any site plan for property to which modifications were being made had to come back to the Planning Board. Mr. Russo then asked if the residential use considerations should be tightened up.

Mr. Carroll asked if residential properties had site plans detailing every nook and cranny. Chairman Barnes said single-family and duplex uses did not, although multifamily properties did. Mr. Carroll suggested that the existence of a site plan arrangement should mean that the change had to come back to the Planning Board. Chairman Barnes said he thought that was already in the existing regulations. Mr. Russo suggested there was no way to regulate what the dual-use building would be used for, saying he would like to discuss this at a future workshop.

Mr. Hall suggested that it should be possible to have a motion of the Board and send it to the Building Inspector to the effect that any change of a property with a site plan should have to come back for any amendment, adding that he also felt the existing regulations covered this.

Ms. Quinlan arrived at 7:16 p.m.

Ms. McGrath said the shed not only was in direct violation of the Zoning Ordinance, but also needed a variance by the Zoning Board, which was not the call of the Building Inspector. She said the shed altered the site plan by its very existence, adding that she felt the Fire Department and other agencies should have a concern about the proximity

of the shed to the other buildings, saying it appeared to be a health and safety issue. She again expressed a belief that Mr. Oleksak's declining to attend the meeting was very insulting, saying she hoped one of the Selectmen would take it on themselves to make sure he attended the next meeting.

Mr. Carroll read from HTC §275-4, saying he did not see any ambiguity, and adding that he agreed with Mr. Hall that Mr. Oleksak should be requested to provide in writing or in person his explanation as to how he had misread that.

Chairman Barnes asked if there were a motion, saying he otherwise would move on.

Mr. Russo said he saw ambiguity because the ordinance stated "commercial use." He then suggested that he be allowed to work on a possible motion and come back to this topic after the break.

Selectman Maddox said he felt the Building Inspector was making a decision on the residential portion of the property, adding that he had known the property would be coming before the Planning Board for a dog kennel. Ms. McGrath said the Building Inspector's statement told her that he had known what he was doing and that it would be an issue.

Ms. Quinlan suggested putting this off, as there were people in the audience, at the expense of the taxpayers.. Ms. McGrath said she would hope that the Planning Board would send a note to the Fire Department asking that the Fire Department take a look at that site.

Without objection, Chairman Barnes moved on to the next item.

VII. PERFORMANCE SURETIES

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

VIII. JOINT DISCUSSION/REVIEW

A. Review "The Workforce Housing Law – SB 342 – Chapter 299, Laws of 2008.

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

Town Planner Cashell said Mr. Steve Williams, Executive Director of the Nashua Regional Planning Commission was present. Mr. Williams noted that one of the NR PC's objectives was to develop a housing needs assessment. He said there had been a misunderstanding of the need for the housing assessment, noting that shares were identified for each community in Massachusetts, with ways to require a quota, but the New Hampshire law did not create a quota or a target of any kind, and that the only purpose of the assessment was to provide an understanding to let the communities know what they had and whether they had to provide more. He said there were no penalties and the Town did not have responsibilities beyond providing reasonable and realistic opportunities.

Mr. Williams said he understood that the Board had been provided with copies of the reasonable housing needs assessment draft. Noting that the NRPC had known there would be concern among the towns as to what they had to do because of the recent law change, he said the NRPC had convened a meeting in October, attended by planners, who had said they wanted the housing needs assessment updated. Summarizing the document, he noted that the term “fair share” was not defined in the statutes, nor was “proportional share.” He said the NRPC had not chosen to define those terms, but had put together a needs assessment based on the future looking somewhat like the past, with the assumption that there was a distribution of workforce housing in this region which had come into being because of many factors. He outlined the considerations involved, saying they had looked at four paths of the housing community that would need to exist in 2015, applying the same percentage values as provided in the 2000 Census data. Referring to Pages 11 and 12, he noted that Table 9 indicated there would be 7,350 owner households in Hudson by 2015, noting that 42.4% had been below the 50% medium income in 2000, so there would have to be 3117 households at that level at or below the 100% of the median income threshold, meaning 470 additional households would be needed. He said this was not a target or a quota, but something that the Town needed to plan for, to show that there was a possibility of this, based on existing zoning and land in the town. He said able 12 shoed there would have to be 839 renter households (an additional 126) at or below 60% of median income. He said Hudson was really kind of in the middle of the road for the region.

Ms. Quinlan noted that there had been discussion at a recent NRPC Executive meeting that a \$225,000 house would qualify as being affordable to a median income wage-earner, but nothing had been said about what the median income was. Mr. Williams said it was \$87,400 at this time, noting that it had been \$64,100 in 2000. Ms. Quinlan asked if the Planning Board should consider putting language before each applicant about wanting the developers to provide housing styles suitable for workforce housing, instead of “McMansions,” in order to get the developers saying on the record that they did not want to build that type of housing. Mr. Williams said one of the provisions of the new law was that, if a developer wanted to build workforce housing, the developer would be required to identify that in writing, adding that the Planning Board could apply conditions and the developer would have a month to determine whether it was feasible—and to produce evidence if he claimed it was not feasible. At that point, he said, the Planning Board could modify the requirements or leave them as they were, whereupon the developer could then choose whether to accept the requirements or take the Planning Board to court. He said the communities that had the most workforce housing also had the best employment, implying a close tie between the availability of workforce housing and a town’s economic development.

Mr. Carroll asked if Mr. Williams were saying that the Town had to have fee/zoning requirements that did not prohibit the development of workforce housing. Mr. Williams said the Town had to provide a realistic and reasonable opportunity—adding that the developer had to be able to prove that this was not so.

Ms. Quinlan said she would not mind seeing projects with capes or other “old-fashioned” buildings – but what the Board was seeing were 4,000 ft² to 5,000-ft² houses on small lots. She noted that she had a small cape on a 2-acre lot. She said maybe

the Town needed to lower the fees for projects that had capes, ranches, or other low-income housing. Mr. Carroll suggested that the Board could make it fee-wise more attractive to build workforce housing. Ms. Quinlan asked Mr. Williams if this were a feasible approach. Mr. Williams said there were a number of things that a community could do, including reducing fees or exacting requirements—adding that the Board should look at those requirements to see if they were adequate and/or realistic. He noted another approach would be to allow additional units if those units were permanently restricted to being affordable, while another approach was to allow accessory living units.

Mr. Carroll asked if the situation were one of not having to put in workforce housing if there were not enough already in existence. He asked if the NRPC had ever gotten confirmation that this analysis approach, based on the percentage that existed in 2000, was a fair way to piece out the pie. Mr. Williams said the NRPC felt there was very little relationship between local policy and the existence of workforce housing in the community. He noted that Amherst had model provisions, for example, and had model workforce housing projects, but the market was not putting that type of housing there. He noted that Mason's population had 54.1% at or below the median threshold, but he felt it was merely a matter of where Mason was located and the type of housing that had been built in Mason. He said the table did not reflect local policy but reflected a lot of other things. He stated that there was no state statute establishing what "fair" meant in this context, and there was no State agency charged with figuring out what it was—adding that the New Hampshire Housing Finance Authority, which many people seemed to feel had that responsibility, did not have that responsibility and did not feel that was its role. Mr. Carroll said he was comfortable if the NRPC felt its approach was correct.

Mr. Russo said he was not certain what the Planning Board or the Town could do to encourage more workforce housing. He said providing incredible density would do it, but land was still expensive, and the cost to develop the land was expensive. He said most houses were coming in at \$300,000 to \$310,000, which was nowhere near the target cost of \$220,000. He said the Town did not want increased number of rental units, adding that the Town's fees were based on subdivisions, but any change would be a drop in the bucket with respect to the required reduction in costs, which were based on the costs of land and labor. He said the idea of allowing more density was kind of scary, noting that he had just visited the Sparkling Brook subdivision, finding those homes were huge and expensive, and he questioned if the Town wanted to go down that road, citing the impact on school population.

Mr. Williams said the Town's responsibility was to provide a reasonable and realistic opportunity, and not put any barriers in the way, and it was not the Town's fault if other factors prevented developers from building workforce housing. He said most of the approaches for workforce housing on the owner's side related to relatively small lots with higher densities than might be currently allowed—citing 1100 ft² to 1400 ft² buildings on a quarter-acre lot as an example.

Mr. Russo asked if Mr. Williams felt that Hudson provided that opportunity at this time. Mr. Williams said the NRPC had not sat down and taken a specific review of Hudson's Zoning Ordinance, but he thought Hudson allowed a good number of options,

so the NERPC did not feel Hudson was overly restrictive at this point. He suggested that the Board look at the zoning to see if the opportunity was available for 50% of the residentially-zoned land in the community.

Selectman Maddox said a number of projects had already been approved that would qualify for this, adding that Hudson had a pretty open zoning policy. He suggested that developers would go to whatever brought in the most money—adding that, if Hudson was doing the best it could, that was the best it could hope for. Ms. Quinlan said she was simply asking if the Town should encourage smaller houses on smaller properties—and if the Board should encourage developers to come in with proposals that looked good. She said she wanted Hudson workers to be able to live in Hudson.

Selectman Maddox noted that this Planning Board had approved 13 to 15 apartments on Windham Road, but the market had driven that project to be built as condos.

Selectman Massey asked where the \$225,000 figure came from. Mr. Williams said it was a matter of the math; if household income was at 100% (\$87,000), they would not spend more than 30% of the gross on the housing costs (including mortgage, insurance, principal, interest, taxes, etc.). Selectman Massey said Hudson's original Older Person's Housing ordinance had allowed eight units per acre, and there was not a single one that could be purchased for less than \$250,000, with new ones costing upward of \$300,000. He said the only way to restrict it would be to apply a legal agreement that owners would not be able to sell their houses for a higher value, which ran counter to how people think. He predicted that owners would "flip" the property, stating that the real issue was not creating the housing but maintaining it as affordable housing.

Mr. Carroll said he agreed that the market drove the price, but there were many ingredients involved. Noting the idea of asking the developer to state what he intended, he expressed doubt that Hudson's regulations required this. Mr. Williams said this was in the State law—that the developer had to announce up front that he intended to build workforce housing and wanted the project to be considered that way. Mr. Carroll asked if there were any form in Hudson's application process about this. Town Planner Cashell said "Not right now." Mr. Carroll suggested that this should be added. He then questioned if there were a way to track what the value of a proposed house would be, and he questioned how Hudson could track how many workforce housing units had been built.

Ms. Quinlan said Hudson had until 2015 to build X number of units, saying she thought the Town was covered so long as it made the opportunity available, and if the Planning Board asked developers coming before the Board what they were going to do to provide workforce housing. If all the developers wanted to build were McMansions, she said, Hudson was good. Mr. Carroll said the Board should find a way to at least be able to record it when people were willing to build that kind of housing. Ms. Quinlan said she would like to move to the same size house as she had, which was a small cape, but they were not being built any more, and she wanted to find a way for the Town to encourage them to be built—asking what the Town would have to offer the developers by way of encouragement.

Ms. Chadwick asked if the kind of houses being built were because of what people were choosing—adding that she thought a lot of people were not thinking about smaller houses. She said it all came down to Joe the Consumer and whether he was smart enough to choose a smaller house. Ms. Quinlan said working people were not going to stay in Hudson if they could not find places that they could afford. She again spoke on the idea of providing encouragement to the developers.

Town Planner Cashell said people in the past decade had wanted to build as large a house as they could afford and money had been cheap, allowing people to build big houses. He noted that the average house size in Hudson was 2.95, and the average rental house was 2.4. Noting that family size had shrunk over the past century, he noted that Hudson had 2-acre zoning, with a past policy of not spreading out sewer and water connections, as a way of preventing smaller lots. He said this Workforce Housing law was a voluntary incentive to try to create workforce housing, but did not mandate. He said Hudson had many opportunities for workforce housing, allowing mobile home parks, manufactured construction parks, ALUs, duplexes, a large area set up for R-2 zoning, elderly housing, etc. He said he would contend that Hudson stood at the forefront of surrounding communities, adding that the median price of housing was coming down, along with interest rates, to the point that perhaps more than 50% of the available housing was priced below the median, which would solve the problem, and more and more people who wanted to buy a house would have that opportunity. He then concluded by saying that what Hudson wanted to do was find out what it had to do to accommodate this new law.

Chairman Barnes expressed thanks to Mr. Williams for coming to talk to the Board.

Mr. Carroll asked what regulations the new law applied to, and he then asked if Mr. Williams were providing Mr. Cashell with the information as to what needed to be done or should the Board be discussing this, to establish what the Board wanted to amend in order to accommodate the new law. Chairman Barnes said the Planning Board eventually would have to review the situation. Town Planner Cashell noted that the law would come into effect in July 2009, noting that some model ordinances had been drafted. Chairman Barnes noted that any changes in the Zoning Ordinance would have to be made in January 2009, saying the Board was not ready for that. Town Planner Cashell said all of the planners at the recent meeting had said this was happening much too fast, and he expressed a belief that some legislator would put forward an extension. Mr. Carroll asked who was taking the lead in case it did not get extended. Town Planner Cashell said there would have to be a special Town Meeting. Mr. Carroll asked if Town Planner Cashell were taking the lead for that. Mr. Cashell answered in the affirmative.

Selectman Maddox said there was no penalty if the Town did nothing. He said the Board should put to the forefront for its 2009 initiatives that it should review the Zoning Ordinance and the Board's regulations to determine what should be done, in a planned methodical fashion.

Mr. Russo said the Board needed to show due diligence, by coming up with some way to get a study done, as a minimum. Town Planner Cashell said the simple way out might be to adopt an ordinance that the Town would accommodate the law by stating in

its Zoning Ordinance that workforce housing was allowed in this town. He noted that the law provided that the Town could sign off to the Office of Energy and Planning the responsibility of maintaining a listing of housing built in this town. Mr. Williams concurred, saying NHBA (New Hampshire Building Authority) had something set up as a model ordinance that allowed contacting with somebody else to take care of the compliance and proving. Ms. Chadwick suggested that the Board send the model ordinance to Town Counsel with a question as to whether it would suffice, before voting on it.

Mr. Carroll again asked if Town Planner Cashell were taking responsibility to gather up what needed to be done, so that something could be provided in the way of an update to the Planning Board by February. Mr. Cashell again answered in the affirmative. Mr. Carroll asked that the subject be added to the February agenda to get an update. Ms. McGrath then moved to defer further action on this item to the February 4th workshop meeting. Ms. Quinlan seconded the motion. Town Planner Cashell said he would be ready to provide an update, but February would be way too late to get any changes accomplished for the March Town Meeting. He said this State law was more for those small towns that only allowed single-family housing to come in.

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

Mr. Williams said that the Board should feel free to contact NRPC for any needed assistance or if the Board wanted him to come back at any point.

Chairman Barnes said he would skip to Workshop Item A on the agenda.

IX. WORKSHOP

A. Review Fire Department Regulations in Relation to Subdivision of Land Regulations.

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

Deputy Fire Chief Robert Buxton reviewed the memo he had provided at an earlier meeting, commenting on the need to put in place reasonable life-safety measures for long cul-de-sacs, with the biggest piece of the discussion being sprinklering the homes. He said he had recommended that the 1000-foot limit be held in outside of the water district, but that they could go to 2500 feet within the water district, as there would be better roads with increased road width. With regard to sprinklering outside the water district, he noted, a new system had come in recently, called a green-flow system, in which the builders put in a pump larger than needed for the home, but with the extra flowing through the sprinkler system, rather than having the water sitting stagnant all the time.

Ms. McGrath noted that the Board had talked about a development that was then being proposed, which had since been approved, and it had been her recollection that that was something that the Fire Department would not want to see happen. Deputy Chief Buxton said she was 100% correct, and that the fire Department was not wholly in favor of that extension, but the town had these developments today, so he was doing due diligence to make sure that the new development would meet the threshold of the life-safety standards. He said one of the needs was an easement, but the development to which she referred had been shrunk down.

Ms. McGrath asked what the Fire Department looked at when it examined such applications, saying they were not making a statement to the Planning Board that the development should be approved when it said the life-safety issues were being met. She said it seemed to her that 2500 of road length for a cul-de-sac was excessive, even putting in some of the recommendations. She said she had thought Deputy Chief Buxton was concerned about other life-safety issues than road width, such as whether emergency vehicles could get to the houses. Buxton said that was correct, but he would be looking for some sort of turnaround, saying that getting out of the development was also important.

Ms. McGrath asked what type of vehicle was sent out for medical emergencies. Buxton said there was a different threshold depending on the type of service—an ambulance for a cut, but a fire engine if there were a heart attack, which was where the 20-foot width came from.

Mr. Russo noted that there was also an Upnor system, similar to the Green-flow system, but one of the issues was that all of the equations and engineering was changed if a change were made to the house. He said there had to be a way to track that for any future additions. Deputy Chief Buxton said any changes would be coming to the Fire Department for review, anyway.

Mr. Russo asked why the length of the cul-de-sac became such a life-safety challenge. Deputy Chief Buxton said what needed to take place was that firemen from outside of the water district had to be able to get water connected from another supply site. Mr. Russo said the length could be longer, within the water district, if there were adequate turnaround points; Buxton concurred. Mr. Russo said the Board had talked with the Police Department, also. He then asked if he were correct in assuming that ambulance services were not drastically affected by the length of the cul-de-sac. Buxton said that would be correct but the risk would be increased, with the response time being slowed down. Buxton said the Board should force the developer to prove to the Board that he could not provide a development having two access points. Mr. Russo said he was trying to find a way to justify cul-de-sacs, saying he felt it was okay as long as all of the points were covered. Deputy Chief Buxton said the Fire Department had equipment but they still had to find a reasonable approach, based on the 4-minute and/or 8-minute response time scenarios.

Selectman Maddox said there still was a question of a cul-de-sac off a cul-de-sac, saying the Board needed to be looking at where the zero point was. Deputy Chief Buxton said the Board might want to look at how the distance was measured, saying it seemed a gray area at the current time. Mr. Carroll referenced Gowing Road, noting

that it dead-ended in the woods. He suggested that the Board should be looking at regions where connector roads or loop roads should be built, noting that Town Counsel had said the Town could not prohibit property owners from building on property they owned. He suggested the Board should look at whether the Town was forcing property owners to do things they did not want to do.

Mr. Russo noted that the Board had received an application for a development off Richmond Road, which was a dead-end street off Gowing Road, noting that the Board's hands had been tied in that situation. He said that it really was not a cul-de-sac but was a long pre-existing road. Ms. McGrath demurred, saying the Planning Board could say "No" if the Board felt the safety of the future residents was not assured, adding that the Board had the right and the obligation to deny a plan that did not meet all the requirements. Ms. McGrath asked if the Fire Department would be looking at the subdivision regulations and then the plans, or just to determine if the plans met life-safety requirements. Deputy Chief Buxton said the first thing he did was review the subdivision regulations, then pull Fire Department-associated requirements. He said he would also make recommendations that could make the proposal acceptable.

Ms. Chadwick referenced suggestion 3 in Deputy Chief Buxton's memo, asking what the regulations were with respect to spacing of a fire hydrant. Deputy Chief Buxton discussed the water requirements, saying it was 800 feet, but he would suggest another hydrant with reduced piping size for a 1000-foot cul-de-sac if sprinklering was included.

Mr. Carroll questioned if the Board could deny a plan if the developer was doing everything he could to meet the Fire Department recommendations. Ms. McGrath said Mr. Carroll was using a very narrow focus, as there were other issues. She referenced HTC §289-15, saying the Planning Board had denied plans that this Board had felt would be unsafe, and those decisions had been upheld by the Superior Court when challenged. Mr. Carroll asked if there were properties that the Board felt could not be developed—and, if so, if the Board should not identify them. Ms. McGrath said there were always other ways to approach a problem, noting that some developers were very innovative.

Chairman Barnes declared a break at 9:17 p.m., calling the meeting back to order at 9:36 p.m.

Selectman Maddox noted that he was leaving the meeting at this time, with Selectman Massey serving in his place from this point on.

Chairman Barnes noted that Ms. Quinlan would be seated from this point on, with Ms. Chadwick returning to her nominal position as a nonvoting alternate.

Chairman Barnes noted that he would now return to the previous item on the agenda.

VIII. JOINT DISCUSSION/REVIEW (Continued)

B. Review Public Hearing Notice Relative to Proposed Amendments to the Home Occupation Special Exception Ordinance

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

Town Planner Cashell said he had drafted all the previously proposed amendments, noting that he had sent this to Ms. Maryellen Davis, who had said it was fine. He said he wanted to develop a synopsis form for a public hearing, either for the January 7th workshop or for the January 14th meeting.

Mr. Carroll said he had several comments. First, he said, he felt HTC §334-24 C had to be expanded to allow employees to be other residents of the residence.

Mr. Carroll said HTC §334-24 E should be changed, either by taking out “generally service oriented” or by adding “or produced on site,” to be consistent with how a home occupation was defined in the lead paragraph.

Mr. Carroll questioned HTC §334-24 F, suggesting that it should be qualified as producing goods for wholesale. Selectman Massey said he felt it should say “on site retail sales were not permitted.”

Mr. Carroll questioned HTC §334-24 J, asking if “no abutter shall be disturbed” was not opening it up too broadly. He suggested it should say “no abutter *may* be disturbed.”

Mr. Carroll suggested that the thought in HTC §334-24 M should be in the beginning, in HTC §334-24 B, to qualify who had responsibility as an owner. Ms. McGrath expressed a preference to see it in both places. Selectman Massey suggested making it subsection C and renumbering the rest, instead.

Mr. Carroll referenced HTC §334-24 N, saying this was stating that the compliance had to be maintained. Ms. McGrath clarified that the conditions of approval might be other than stated here.

Mr. Hall asked if the intent were to completely replace the section on Home Occupations, saying the biggest issue was the format. Town Planner Cashell said some parts were being left as they were. Mr. Hall expressed a problem with not being able to easily see what was being changed, adding that this approach was totally different from any rewrite that the Board had done in the past. He suggested that the easiest way would be to strike the whole thing and rewrite the change to show everything. Mr. Carroll said he had made that comparison and had not noticed anything being stricken, saying this was really a replacement. Town Planner Cashell concurred, saying it was a total rewrite of the existing ordinance. Mr. Carroll asked why not just say it was a rewrite. Mr. Cashell said there was a real need to provide a summary form, noting that the full-text version would be at the library for inspection by interested members of the public.

Mr. Russo expressed concern with HTC §334-24 J, arguing that someone could make unreasonable protests; he suggested removing the details and saying "No home occupations shall impose unreasonable disturbances other than those consistent with normal residential occupancy." Ms. McGrath pointed out that these requests went before the Zoning Board of Adjustment, which was made up of members who were intelligent, reasonable, and for the most part sane. She recalled two cases, one being someone who was going to make curtains, in which a large number of individuals had expressed concern, and the Zoning Board had made a decision to grant that home occupation on a temporary basis, with the provision that the applicant had to come back in a year—with the result that no abutters came at the end of the year with any concern. The second case, she said, was a small motor-repair shop concerned with motorcycles, with no abutters providing any testimony but the Zoning Board members having concerns, and the Zoning Board approved that for a conditional period of one year, finding that there were no complaints or problems. She said the ZBA members looked at each case individually, taking into account whether the request seemed reasonable and whether the abutter testimony was reasonable. She said leaving the details of what types of conditions would be objectionable seemed reasonable.

Selectman Massey said he had to agree with Ms. McGrath, saying the first sentence was appropriate, as it did not say these were the only circumstances. He suggested, however, that the second sentence did not have to be there. He said that in his many years of serving on the Zoning Board of Adjustment, all home occupations cases were diligently looked at. Mr. Carroll said the second sentence was being added to the original. Mr. Russo said he would not want to remove the sentence without talking to Ms. Davis, as she had to have a reason for putting it in there.

Chairman Barnes noted that some changes had been requested and there were questions about the format. Town Planner Cashell suggested that he clean it up and provide it in the packet for next week's meeting or in an interim mailing.

IX. WORKSHOP (Continued)

B. Rezoning Petition – Change from Residential-Two (R-2) to Business (B) the Zoning District designation for 268, 270 and 272 Lowell Road. Said three parcels are shown on the Town Assessor's Map as Map 228, Lots 052, 053 and 054.

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

Selectman Massey said he did not see anything indicating that the Town Clerk had certified the petition, and he then moved that the Board request that the Town Clerk certify the petition before the Planning Board voted on it. Ms. McGrath seconded the motion.

Ms. Quinlan asked who owned the properties. Mr. Cashell said there were three owners, with the large lot being owned by the adjoining church.

Ms. McGrath suggested that there should be a requirement that the signers also provide their name in print, saying she did not envy the Town Clerk in having to determine whether these were valid citizens. Selectman Massey said he would presume that signatures she could not read were not valid.

VOTE: Chairman Barnes called for a verbal vote on the motion that the Town Clerk certify the petition before the Planning Board voted on it. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7-0).

Town Planner Cashell said this item could be taken up under Other Business at next week's meeting. Mr. Hall suggested that the Board could make a motion now to send forward any petitions submitted in timely fashion and determined to be valid. He then moved to hold a public hearing on January 7, 2009, for any valid petitions submitted prior to the deadline and certified by the Town Clerk. Selectman Massey suggested that there should be an interim date provided that would give enough time for anyone to review the petition. Mr. Cashell noted that January 9th the final date for publishing a notice, adding that he could send copies to the members.

Mr. Hall said the Board could not review and discuss a public petition without having a public hearing. Selectman Massey noted that the problem last year was that a decision had to be made that night, with no time left for a second hearing. Mr. Hall said the only decision on a citizens' petition was YES or NO. Selectman Massey seconded Mr. Hall's motion.

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

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

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

Town Planner Cashell said this law did not require any New Hampshire communities to adopt any of its language until July 1, 2010. He then asked if the Board wanted to take time to familiarize themselves with this and then move forward. He said that towns could not stop wind energy systems from being put in.

Mr. Carroll said he would like the Board to be directed to do something. Mr. Hall said he would make a motion not to do anything, saying the statute said what the setbacks would be, and the decibel level limits, and he questioned the need for an ordinance. Town Planner Cashell expressed complete agreement.

Mr. Russo said making an ordinance would put the information in front of the Town's citizens, telling them what they could and could not do. He said he thought this proposed model ordinance was concise and clear.

Ms. McGrath moved to table the subject. Mr. Hall seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion to table. All members voted in favor except for Mr. Barnes who abstained, and Chairman Barnes declared the motion to have carried unanimously (6-0-1).

VI. CORRESPONDENCE (Continued)

Chairman Barnes noted that the Board would have to go back to the first item on the agenda, noting that Mr. Russo had said he would work on a possible motion. Mr. Russo suggested that this be put off to the next meeting. No motion being brought forward, Chairman Barnes continued on to the next item on the agenda.

X. NEW BUSINESS/PUBLIC HEARINGS PUBLIC HEARING

No **NEW BUSINESS/PUBLIC HEARINGS PUBLIC HEARING** items were addressed this evening.

XI. OTHER BUSINESS

Town Planner Cashell asked if the Board wanted him to work on a motion for cul-de-sacs.

Ms. McGrath said she still had concern about the 2500-foot length being proposed, saying common sense told her that would be a problem. Mr. Hall said he would hold that the Board had to agree on a definition of a cul-de-sac and where it was measured from. He said he did not think the Planning Board had any business in determining pipe size or hydrant locations, adding that changing the definition should be first. Chairman Barnes directed Town Planner Cashell to work on that.

Town Planner Cashell said he had given out a complete copy of the new Rules of Procedure (The Board's bylaws), and he asked the members to hold onto these.

Ms. McGrath noted that the old Jetty property was now advertising car repairs and sales, adding that she would like to query the Board as to whether a site plan was on record for that type of business on that site. She said she did not recall any, adding that she thought permitting that business to continue would be an error. Chairman Barnes said this was really a question for Town Staff. Ms. McGrath said a better question was whether a site plan existed for this site or was not required, in which case the decision would be appealable. Town Planner Cashell said there was coded enforcement in progress on this site at the current time.

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Ms. McGrath said other businesses were required to get site plan approval, and therefore all businesses should. In addition, she said, there were safety issues, because of the location on a busy road with a circular driveway.

XII. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath moved to adjourn; Mr. Carroll seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor.

Chairman Barnes then declared the meeting to be adjourned at 10:43 p.m.

Date: December 28, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath, Secretary

These minutes were accepted as amended following review at the 01-14-098 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
December 3, 2008, Workshop**

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The following changes were made in accordance with the Board's review of these minutes at its January 14, 2009, meeting:

Page 2, 4th paragraph under Section VI — The original text reading "Mr. Carroll suggested \that a site plan arrangement should mean ..." was changed to read "Mr. Carroll suggested that the existence of a site plan arrangement should mean"