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**HUDSON PLANNING BOARD
MEETING MINUTES
March 26, 2008**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7: 00 p.m. on Wednesday, March 26, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members

Present: James Barnes, Vincent Russo, Marilyn McGrath, Suellen Quinlan, Terry Stewart, and Richard Maddox (Selectmen's Representative) .

Members

Absent: George Hall (Excused).

Alternates

Present: Brion Carroll , Ken Massey (Selectmen's Representative Alternate) , and Tierney Chadwick, arrived at (7:08 p.m.) .

Alternates

Absent: None.

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 Mr. Hall .

Town Planner Cashell said he had nothing new to report.

Ms. McGrath asked if the name of the development had changed. Chairman Barnes said the name was changed last time to Ridgewood to avoid confusion with another development having a similar name.

Mr. Patrick Colburn, with Keach -Nordstrom, representing the applicant, said that Mr. Basso from Keach -Nordstrom, Atty. Westgate, and Mr. Pete Norey, the property owner, were in attendance at tonight's meeting.

Mr. Colburn referenced the location of the subdivision and noted that the applicant was before the Board to discuss input to the Zoning Board of Adjustment. He said the parcel was 39.5 acres in the G zone, with the proposal being for 31 units on the parcel. He said a 2,700-foot cul-de-sac was proposed and that the units would be serviced by town water and private sewer. Mr. Colburn said two wetland crossings were necessary and a third impact would be required to provide access to the leaching system. He said a total of 8,200 ft² of permanent wetland impacts and 32,000 ft² of permanent buffer impacts would be required. He said municipal water service would be provided through the adjoining Hillendale subdivision via an easement and that there would be 59.5 ft² of temporary wetland impact. He noted that the proposal had been approved by the Conservation Commission.

Mr. Colburn identified the plans as **Master Plan, Ridgewood Estates, Map 192/Lot 17 68, Pelham Road**, dated August 8, 2007. He identified the other plan as **Common Open Space/Conservation Land, Ridgewood Estates, Map 192/Lot 17, 68 Pelham Road**, dated January 9, 2008. Noting that the plans were the same plans that had been presented to the Conservation Commission, he described the conservation land areas, the upland areas, and the wetland areas.

Chairman Barnes asked if Ms. Quinlan had been in attendance when the Conservation Commission had reviewed the proposed project, noting that no written input had been received from the Conservation Commission. Ms. Quinlan said she had been at the meeting but had not been on the site walk, but that she knew the Conservation Commission had been concerned with a couple of the units being close to the wetland buffer. Ms. Quinlan verified that a favorable recommendation had been provided by the Conservation Commission.

Mr. Basso said the Conservation Commission's concern was that a portion of the adjoining site had prime wetlands on it and the Commission had wanted to make sure that the proposed development would not impact those wetlands—adding that this development would not do so, and that no stormwater was being directed toward those wetlands. Mr. Colburn distributed five copies of the Conservation Commission's decision letter to the members of the Board.

Ms. McGrath said her opinion had not changed, saying she still felt that this piece of land had extensive wetlands and should not be developed, beyond the four units at the end of the road.

Selectman Maddox asked about the feeding of sewage. Mr. Colburn said there were several pumping chambers involved. Selectman Maddox said he was concerned with the four units at the beginning of the development, noting that there was quite an

elevation change . Mr. Basso said that would not be a problem , as the pump station would pump right under the private road system .

Mr. Carroll reviewed the process, confirming that tonight's meeting was only to provide input to the Zoning Board of Adjustment , after which the project would come back to the Planning Board for a discussion of any planning issues . Chairman Barnes responded in the affirmative.

Selectman Massey noted that the wetland delineation had been performed in December of 2007 , and he asked how confident the applicant was that all the wetlands had been identified, given the snow cover on the site. Mr. Basso said the area had been delineated in 2003 by a New Hampshire soils consultant.

Selectman Massey said his expectation was that all of the pipes forward of Hillendale would be owned by the developer and that the water system would have to be installed by the developer in accordance with Town requirements. Mr. Basso said the applicant would be dealing with that as the project went forward.

Ms. Stewart asked why the developer went with manufactured homes. Mr. Basso said it was an allowed use in the ordinance, adding that the idea was to provide affordable housing.

Selectman Maddox asked about the width of the road. Mr. Basso said it would be 24 feet wide.

Ms. McGrath asked if the lots would be owned by the individuals. Mr. Basso said the lots were called spaces. He said the spaces could be rented , or it could be a condo type situation. Ms. McGrath asked which it would be. Atty. Westgate said it would probably be done as condo spaces. He said the ordinance allowed both the condo approach and the rental approach.

Selectman Maddox said he was having trouble with the draft motion , as he thought the impacts to the wetlands were excessive.

Chairman Barnes asked about " temporary buffer" impact. Mr. Basso said the soil would be scooped up and placed on plastic and then replaced when the water main installation was completed. He said a sleeve would be installed during the installation of the water main so that the water main could be replaced in the future without having to disturb the buffer.

Ms. Quinlan asked if the issue were the impacts or the density of the project. Selectman Maddox said the issue was the impacts.

Ms. Quinlan asked if the water pumping station issue had been addressed. Mr. Basso said it would be addressed.

Ms. Quinlan said she would want to hire an independent consultant to look at the pumping station issue.

Mr. Basso addressed the impacts , noting that the impacts had been reduced from the initial discussions. He said one cul-de-sac had been removed and most of the lots had been pulled out of the wetlands buffers. He said the wetlands crossings had been

reduced as much as possible , adding that the buffer impact up into the site was for stormwater discharge.

Ms. McGrath moved to send correspondence to the Zoning Board of Adjustment stating that the Planning Board had significant concerns relative to the requested Wetlands Special Exception Permit Application by Ridgewood Estates. Ms. Quinlan seconded the motion for discussion.

Ms. McGrath said she thought the plan was too much , with excessive wetlands crossings—reiterating that she thought this property should not be developed.

Mr. Carroll asked if the leach field location had been approved by the Conservation Commission. Mr. Basso said the leach fields had been in the same location since the beginning and that the Conservation Commission had seen the plan.

Mr. Carroll said he thought the flow was the best possible flow. He said he could not see how the Planning Board could object without providing advice to the developer.

Mr. Russo asked if the water line would be a loop. He said he saw two wetlands crossings, adding that the thought one of them might be able to be removed. Mr. Basso said the water would feed the project as shown on the plan. He said the leach fields might present a problem , adding that it might be possible to eliminate the temporary wetlands impact. He said he had looked at the site from all angles, noting the plan showed the most appropriate design. Mr. Russo and Mr. Basso then discussed the different impacts on the site.

Mr. Russo asked about the slopes. Mr. Basso said it would be two -to-one, adding that one-and-a-half-to-one might be able to be achieved with a retaining wall.

Chairman Barnes requested Ms. McGrath to re-read her motion, and Ms. McGrath did so.

Selectman Maddox said he would remove the word “significant” from the motion. He asked about the crossings. Mr. Basso said the roadway would go through the narrowest spot for the crossings.

Ms. McGrath and Ms. Quinlan agreed to remove the word “significant” from the motion as a friendly amendment .

Mr. Cashell said a cul -de-sac had been removed from the plan to remove a wetlands impact. He said a crossing could be eliminated by removing a couple of houses. He then referenced the plan, explaining what he had just said. He said loop water lines were highly recommended, adding that type of water line alleviated infrastructure problems. Mr. Basso said density could be discussed, noting that the Conservation Commission had liked the fact that 24.63 acres out of 40 acres would be preserved. He said there were a lot of positive things about the proposed plan.

Ms. Stewart moved the question.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Mr. Carroll, who voted in

with more precise placement, that there were up to 14 anchors that needed to be placed in the wetlands buffer off the north corner of the Power Street substation. He said some anchors would be dug, some would be drilled into ledge, and others would be screwed into soil. He said PSNH was asking for permission to go forward with the installation of the anchors. He said there would be 420 ft² of temporary impact to the site.

Chairman Barnes said he did not remember ever before getting an application requesting a waiver of a Wetlands Special Exception. Ms. McGrath concurred. Selectman Maddox said the difference was that this was an unoccupied public utility, adding that the only other time he had seen it was for a telephone company installation on Route 102.

Mr. Carroll asked if the anchors were shown on the original plan. Mr. Snow said they were not shown, adding that at the time the plan was submitted, the anchor locations were not precisely known. Mr. Carroll asked if the site plan had to be updated. Chairman Barnes said the Board was in uncharted territory.

Ms. McGrath asked if the installers were aware that they had to stay out of the wetlands. Mr. Snow said the installers were aware of that.

Mr. Russo said this truly was a waste of time, caused by poor planning by PSNH engineers. He said he would be willing to approve the request, saying it was too bad the request had to come back to the Board.

Ms. Quinlan said she wanted to be sure the proposed plan complied with the statute (less than 200 ft² in area). Mr. Cashell referenced the second draft motion. Ms. Quinlan said the combined size of the anchors was not shown on the drawings. Selectman Maddox said the actual anchor impact was 16 ft².

Chairman Barnes said the first draft motion did not say what was being waived. Mr. Cashell said Atty. Buckley had pointed that out in his letter. He said the Planning Board had the right to grant such a waiver. Chairman Barnes said he felt the motion should state what the Board was waiving.

Ms. Chadwick arrived at 8:08 p.m. and took her seat at the table as a nonvoting alternate at that time.

Mr. Russo suggested referencing HTC 334-35 as the section that would pertain to this situation. Chairman Barnes suggested that HTC 335-39 might be the appropriate section. Mr. Russo asked if the Planning Board wanted to have Atty. Buckley draft the motion.

Selectman Maddox said there were 10 anchors that affected the wetlands, not 14 anchors. Mr. Snow explained that some of the anchors would be double anchors.

Selectman Maddox suggested the second draft motion be used with an added requirement stating that a soils scientist would confirm that the impacted areas had been returned to their original condition once the site work had been completed.

Ms. Quinlan moved to approve the following waiver of HTC 334-35-39, requested by PSNH relative to the installation of up to fourteen (14) transmission line pole anchors in

a wetland buffer , consisting of an unoccupied public utility structure less than 200 ft² in area, pursuant to RSA 674:30(I). Mr. Carroll seconded the 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 (7 -0).

Ms. Quinlan moved that PSNH be responsible to use best management practices, as defined in *Best Management Practices to Control Non-Point Source Pollution: A Guide for Citizens and Town Officials* (NH Dept. of Environmental Services, 1994) , while installing said anchors, and restore the areas of wetland buffer impact to predevelopment conditions as certified by a New Hampshire licensed Soils Scientist. Mr. Carroll seconded the 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 (7 -0).

Ms. Quinlan moved that the Plan -of-Record for the anchor installations be entitled: ***Location Plan for Y151 Structure 15 and Structure 16, Hudson, NH***, Map 167/Lot 9, Hudson, NH, prepared by PSNH, dated March 4, 2008, consisting of Sheets 1 through 3. Mr. Carroll seconded the motion.

Ms. Quinlan asked if this item would be recorded; Town Planner Cashell said it would not be recorded but would be placed on file as the plan of record. Members of the Board discussed the possibility of getting an addendum mylar that would be attached to the plan of record.

Mr. Russo questioned what the motion was about. Ms. Quinlan concurred. Mr. Cashell suggested adding to the motion so that it would become part of the permanent file. Mr. Carroll questioned the motion , saying he would rather see the proposed addendum mylar .

Ms. Quinlan tweaked her motion, adding Mr. Cashell's suggested verbiage to the end of the motion as follows:

"... will become part of the permanent file with the Hudson Community Development Department, and that it shall be attached to the notes of decision of the Hudson Planning Board dated March 26, 2008, and attached to the final mylar which will be signed by the Hudson Planning Board. " Mr. Carroll agreed to second this change as a friendly amendment.

Ms. McGrath said it would be part of the permanent file anyway. She questioned if the motion should say "recorded at the HCRD." Mr. Cashell said he did not think it would be.

Mr. Carroll said he felt the anchor placement was important and should be shown on a site plan. He suggested that this should be discussed at a workshop.

Ms. Quinlan re-read her motion as follows:

"I move that the Plan-of-Record for the anchor installations , entitled Location Plan for Y151 Structure 15 and Structure 16, Hudson, NH, Map 167/Lot 9, Hudson, NH, prepared by Public Service of New Hampshire, dated March 4, 2008, consisting of Sheets 1 through 3 , will become part of the permanent file with the Hudson Community Development Department, and that it shall be attached to the notes of decision of the Hudson Planning Board dated March 26, 2008, and attached to the final mylar which will be signed by the Hudson Planning Board. "

Mr. Carroll confirmed that he was seconding that 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 (7 -0).

Selectman Maddox noted that PSNH had gone before the Board of Selectmen the previous evening to waive the Town rule against working on Sunday. He said PSNH would have to work on one Sunday to accomplish the cut-over. He said the Board of Selectmen had granted the waiver, adding that he felt the request should be brought to the Planning Board for consideration.

Mr. Snow said PSNH tried to get outages to do work on electrical lines , which was not easy, noting that this was controlled by ISO. He said the work was supposed to start on Monday, April 7th. He said PSNH had been granted an additional two days to do the job, noting that the job would start on Saturday, the 5th, and adding that this was why he had gone before the Board of Selectmen to request the waiver. Chairman Barnes asked about the type of work that would be done. Mr. Snow described the work that would be done —i.e. taking down old poles and erecting new ones. He said most of the construction would be done on the west side of the site. He referenced the plans and pointed out where most of the work would be done , noting that most of the trucks were currently on site.

Mr. Russo asked if there would be interruption in local power. Mr. Snow said there would not be any interruptions in service.

Ms. Chadwick said that 8 a.m. was very early. Selectman Maddox said the abutters would be notified about the construction activities.

Selectman Maddox moved to waive Note #7 for one Sunday, April 6, 2008, (8:00 a.m. through 5:00 p.m.). Ms. Stewart seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Ms. McGrath, who voted in opposition. Chairman Barnes then declared the motion to have carried (6-1).

Chairman Barnes declared a break at 8:35 p.m., calling the meeting back to order at 8:47 p.m.

XIII. OTHER BUSINESS

A. Ottarnic Pond Co-op, Map 175/Lot 34, 122 Derry Street

Purpose of plan: To construct a municipal sewer pump station. Reference memo dated February 26, 2008, from Gary Webster to John Cashell.

Mr. Cashell said the applicant had made a written request, date specific, to be deferred to the April 23, 2008, Planning Board meeting.

Ms. McGrath moved to defer the hearing on the Ottarnic Pond Co-op Sewer Pump Station application, date specific, to the April 23, 2008 Meeting. Selectman Maddox seconded the motion.

Ms. Quinlan said she would not be at the April 23rd meeting. She asked if the abutters would be notified. Mr. Cashell said the hearing might be deferred from the April 23rd meeting. Selectman Massey said it would be appropriate to notify the abutters.

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 (7 –0).

B. Growth Management – Annual Allocation of Discretionary Building Certificates for residential dwelling units.

Mr. Cashell said he would be glad to answer questions. Chairman Barnes asked if the total number of discretionary building permits were ten. Mr. Cashell answered in the affirmative.

Ms. Stewart moved to allocate nine Discretionary Certificates to Oblate Retreat/Mission Pointe Older Persons Housing development (the first applicant) and one certificate to Kara's Crossing Subdivision, noting that this allocation of Discretionary Certificates was in accordance with Section §334-115.D. (1) – (8) of the Town of Hudson Zoning Ordinances. Ms. McGrath seconded the 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 (7 –0).

C. Joint Meetings.

Selectman Maddox referenced the previous night's Board of Selectmen meeting, reporting that the Board of Selectmen had not approved the release of the \$3,000 for the landscaping contract. He said the Board of Selectmen wanted a joint meeting with the Planning Board to discuss that expenditure.

Chairman Barnes said the Planning Board had talked about having a joint meeting with the Zoning Board of Adjustment and the Conservation Commission.

Selectman Maddox said the meeting with the Board of Selectmen would be on a Tuesday night.

Selectman Maddox suggested that next week's workshop should be used to discuss items the Planning Board wanted to discuss with the Board of Selectmen.

C. Update on the Appeal.

Mr. Russo gave an update on the appeal of the Zoning Administrator's determination regarding the proposed pet memorial business. He said he had filled out all the paperwork but was unable to procure the funds to apply to the appeal because of time constraints. He said the fees amounted to \$133.00. He said he had been told by Mr. Cashell and Director Sullivan that he had to come up with the funds and had been told by the Town Administrator that the fees could not be waived. He suggested that this might be a good topic for a workshop meeting.

Ms. McGrath said fees had been waived in the past. She said she had been involved in at least two similar cases. She said Mr. Russo should not have had to pay any fees. She said the action was for the Town. Mr. Russo said he had been told that something had changed and fees had to be paid. Ms. McGrath said she felt it was an excellent topic for the joint meeting between the Board of Selectmen and the Planning Board.

D. Workshop Agendas.

Mr. Carroll asked which workshop would be used to discuss zoning changes and ways of notifying people. Mr. Cashell said it had not been put on a workshop agenda yet. Chairman Barnes asked Mr. Cashell to make sure it got put on a workshop agenda.

E. Letter from Ms. Lavalley.

Mr. Russo referenced a letter from Ms. Bonnie Lavalley, expressing confusion about the dates mentioned in the letter. Chairman Barnes said he believed it was about the 2008 elections. Mr. Russo asked if any action was required by the Board. Chairman Barnes said he did not think the Planning Board could take any action on that, saying Ms. Lavalley could submit her request again, if she wished to do so, but he did not think the Board could override what the Town's voters had voted. He said Ms. Lavalley would have to go through the same procedure as she had done last year, submitting a petition and getting a warrant article prepared.

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XIV. ADJOURNMENT

All scheduled items having been addressed, Ms. McGrath made a motion 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 9:03 p.m.

Date: April 04, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Marilyn McGrath , Secretary

Transcribed by:
Joseph F. Hemingway and J. Bradford Seabury

These minutes were accepted as submitted following review at the 06-11-08 Planning Board meeting.