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**HUDSON PLANNING BOARD
MEETING MINUTES
April 5, 2006**

I. CALL TO ORDER

Chairman Barnes called this Planning Board meeting to order at 7: 03 p.m. on Wednesday, April 5, 2006, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Barnes led the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

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

Members

Present: James Barnes, Jeff Rider, Marilyn McGrath , Vincent Russo, George Hall, Suellen Quinlan , and Richard Maddox (Selectman's Representative) .

Members

Absent: None.

Alternates

Present: Richard Turcotte, Thomas Murphy, and William Tate (arrived at 7:59 p.m.).

Alternates

Absent: None. (All Alternates present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Barnes noted that all regular members were present at tonight's meeting , stating that no alternates would be seated at this time .

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Barnes noted that the minutes for the February 22, 2006, Planning Board meetings would be reviewed later in tonight's meeting, following the LGC presentation.

VI. CORRESPONDENCE

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

VII. WORKSHOP

A. Conflict Resolution Skills Training, New Hampshire Local Government Center

Ms. Amy Beaulieu, LCSW, Life Resources – Map Consultant, made a PowerPoint presentation regarding diff using interpersonal conflict through effective and assertive communication. A summary of each slide follows:

Rewards of Effective Communication

- Better relationships with others
- Less conflicts
- Higher self-esteem
- Widening your influence

Maintaining Working Relationship

- Build relationship independent of agreement/disagreement
- Expect conflict
- Accept conflict as something you can learn from

What influences How We Come Across to Others

- What we say
- How we say it
- How we listen

Three “V” Elements of Communications

- Visual Presentation
- Vocal Presentation
- Verbal/Word Choices

Filters interfere with communication

- What is said is often not what is heard

Common Barriers to Effective Communication

- Interrupting
- Assuming
- Rehearsing
- Defensive Stance
- Advice-giving
- Judging/Labeling
- Poor Timing
- Fatigue

Negotiation Terms

- Positions - point of disagreement
- Interests - the issues that lie beneath
- Options - any potential solution to the problem

Every Negotiation has...

- Tangible issues
- Intangible issues

Active Listening: Working up the Listening Scale

- Active listening
- Selective listening
- Pretending
- Ignoring

Active Listening Skills

- Relax
- Assume
- Listen
- Nod
- Lean
- Pause

"I'm ready to listen, how do I get them to talk?"

- Ask open ended questions
- Acknowledge their point
- State your position clearly
- Summarize

Passive Communication

- Involves violating one's own rights by failing to express honest thoughts, beliefs, and feelings

- Communication is self-effacing

Aggressive Communication

- Involves standing up for personal rights by expressing thoughts, beliefs, and feelings in a way that violates the rights of the other person and could also be dishonest.

Assertive Communication

- Standing up for one's personal rights by expressing thoughts, feelings, and beliefs in direct, honest, appropriate ways that do not violate another person's rights.

Communication Styles

- Passive
- Aggressive
- Passive/Aggressive
- Assertive

Simple Assertiveness Techniques

- Show you understand and summarize the facts of the situation.
- Indicate your feelings towards the situation.
- State the effect of their behavior and state your requirements. If appropriate, describe benefits to the other party.

Three Line "I" Message Example

- This plan includes a portion of the structure overlapping the wetlands. (*facts*)
- These plans violate Code XYZ. (*effect*)
- If you want to submit a revised plan that corrects this (requirements), we'd be happy to reconsider your application then. (*benefit*)

Chairman Barnes declared a 10-minute recess after the presentation.

Chairman Barnes stated that, without objection, he would take the **ZBA Input Only** item, Ottarnic Pond Kiosk, out of order. Hearing no objection, he continued with that item.

VIII. ZBA INPUT ONLY

A. Ottarnic Pond Kiosk ZI# 01-06

Map 167/Lot 58-1

Purpose of Plan: To build a kiosk to inform the public of how they can help keep the pond clean and free of invasive plants. The kiosk will also have information of safe boating and fishing, as well as other general information.

Mr. Mike Quinlan discussed continuing progress at the pond. He explained the purpose of the kiosk —e.g., what to do and what not to do when visiting the pond. He said he was looking for the Planning Board's input, adding that he already had the approval of the Conservation Commission and the Board of Selectmen.

Ms. McGrath asked if the kiosk would be built of pressure-treated wood. Mr. Quinlan said there was a small amount of arsenic in the wood but that it was not harmful to the water. He said the posts would be surrounded by concrete —adding that, if pressure-treated wood were a problem, he could use something else. Ms. McGrath said she felt the wood should be something that did not contain contaminants. Mr. Quinlan reiterated that pressure-treated wood would not harm the water. Ms. McGrath said she had watched television shows about gardening, noting that those programs recommended not using pressure-treated wood in garden areas. Mr. Turcotte and Mr. Russo suggested cedar.

Ms. McGrath asked about the design of the kiosk. Mr. Quinlan said it would be similar to the one at Robinson Pond.

Ms. McGrath asked about a site plan. Town Planner Cashell said the applicant had gotten the approval of the Board of Selectmen and was at tonight's meeting to hear the Planning Board's concerns. Ms. McGrath asked if a site plan of some sort would be required. Mr. Quinlan asked what the Board would want in the way of a site plan. Ms. McGrath said the Boy Scouts had had to provide a site plan for the kiosk at Robinson Pond. Mr. Hall said he did not think the applicant should have to do much more than he had already done.

Mr. Turcotte said pressure-treated wood no longer contained arsenic but contained ACQ instead.

Ms. Quinlan noted this project was just something proposed by a group of citizens who wanted to help the Town. She said she felt the kiosk would benefit the Town and that she thought the Planning Board should do everything to expedite the project.

Mr. Hall said part of the Boy Scout's kiosk project included learning how local government worked and to be a part of the process. Ms. Quinlan said the issue was that the scout had had to come back to the Board too many times, adding that the kiosk in that case was visible from homes in the area, whereas this kiosk would not be seen from any homes in its area. Ms. McGrath contended that the issue was that the Board needed to follow the same process for all applicants.

Mr. Rider asked if a building permit would be required. Mr. Quinlan said he would have to get a permit.

Selectman Maddox said he felt abutters needed to be notified and that a public hearing should be held.

Mr. Tate said he felt some kind of site plan should be submitted, adding that a simple site plan might be appropriate.

An unidentified person in the audience asked if the abutters would be notified about the Zoning Board of Adjustment meeting pertaining to the Wetland Special Exception. Mr. Quinlan said that was his understanding.

Mr. Rider explained that a building permit could not be issued without an approved site plan. He suggested that the applicant submit a site plan that met the minimum requirements, along with a list of requested waivers. Mr. Hall concurred.

Mr. Rider asked about the procedure for waiving fees for this project. Mr. Cashell said that could be a waiver. Selectman Maddox said a note explaining that the project was for the public good would be sufficient. Mr. Hall concurred. Mr. Tate said he wanted to see a list of waivers.

Mr. Russo asked who would be responsible for maintenance. Mr. Quinlan said the group would take care of it, saying there would really not be any maintenance required.

Mr. Hall said he felt the Board should take a vote on whether a list of waivers should be required.

Mr. Hall moved that the Board not require that the applicant provide a list of requested waivers. Selectman Maddox seconded the motion.

Selectman Maddox said he was in agreement with Mr. Tate but thought the Board should not hamstring this applicant, since the project was being staffed by volunteers.

Mr. Rider said all the applicant had to do was to say that waivers from HTC 275 -6 were being requested.

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

Mr. Hall moved to note that the Planning Board had no planning concerns relative to the Wetland Special Exception for Zoning Board of Adjustment input. Selectman Maddox seconded the motion.

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

Ms. McGrath explained that she had abstained because she was not certain about the type of wood that would be used.

Mr. Cashell said he would work with Mr. Quinlan on the site plan.

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

Chairman Barnes noted that the minutes for the February 22, 2006, Planning Board meetings would be reviewed at this time.

Mr. Tate referenced Page 9, noting that he did not own a business across the street from the ice cream stand, but that he was related to the owner of a business across the street from the stand.

No further changes being brought forward, Ms. McGrath moved to approve the minutes for the February 22, 2006, Planning Board meeting as amended. Ms. Quinlan 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).

VII. WORKSHOP (Continued)

B. Tables of Permitted Uses

Mr. Cashell discussed the corrections to the tables, including day care facilities and light commercial vehicles. He said he had come up with a definition of Major Commercial Project, Item 30.

Mr. Rider asked if the definition of Major Business were essentially the floor area. Mr. Cashell answered in the affirmative.

Mr. Hall referenced the commercial vehicle weight issue, asking if the change were consistent with existing regulations. Mr. Cashell said he would check.

Mr. Russo suggested "business activities" should be changed to "in commerce." Mr. Hall noted that this brought up an issue with school buses; he suggested that the issue was the weight of the vehicle, not the use.

Mr. Russo suggested taking away the word "commercial." Mr. Hall said that was where he had been going to.

Mr. Murphy questioned allowing a day care in a Residential zone.

Selectman Maddox suggested taking one page of the chart per month. He also suggested getting input from the Zoning Board of Adjustment, stating that the Planning Board needed to chew through the changes.

Mr. Hall asked about Special Exception criteria, saying the Board needed to understand the process. Ms. McGrath referenced HTC §334-23. Mr. Hall said he thought a special exception should be granted when the use was not a burden to the neighbors, similar to what was done for a variance.

Mr. Tate referenced 13,000 -pound vehicles , saying he did have a problem with that. He suggested 23,000 to 26,000 pounds should be the limit. He said the school busses were 40,000 pounds , adding that he did not feel the use should necessarily be the issue.

Mr. Russo suggested that RV's should be an exception.

Mr. Rider asked where vehicle storage was allowed , referencing campers as an example . Mr. Tate said the regulation was confusing, saying that more work needed to be done on the regulation.

Ms. McGrath expressed a belief that the issue was parking of vehicles in restricted areas.

Mr. Turcotte said that heavy commercial vehicles were 26,000 pounds and up.

Mr. Turcotte asked about boats. Chairman Barnes said there was something about recreational vehicles in the regulations.

Chairman Barnes recommended talking the issues one chart at a time , as Selectman Maddox had suggested.

Mr. Rider asked about multiple use zones. Selectman Maddox contended that the Board should do the current charts first.

A suggestion was made to have a 4-hour Saturday workshop to work on the complete table .

Selectman Maddox reiterated his belief that the Board needed to get input from the Zoning Board of Adjustment.

Ms. McGrath asked if the Planning Board wanted to put a provision in the ordinance to address code violations. Selectman Maddox said he had discussed that with the Community Development Department. He said every site should have a visit from the Code Enforcement Officer before the Board addressed additional requests for that site .

Ms. McGrath referenced a recent request for a sign , noting there were code violations on the associated site, but that she had not seen any reference to code violations on the site. She said she felt something should be included in the Zoning Ordinance regarding the need to clean up all code violations before an application was brought before the Board , adding that she felt all applicants should be treated equally.

Mr. Tate said it was important to look at where the zones were . He said there were 57 acres of Commercial District in the town, saying he felt that it was more important to determine where commercial uses would fit in the town.

Chairman Barnes asked for a copy of the draft text regarding the code enforcement issues.

Mr. Murphy asked if Ms. McGrath were asking for something to be signed off by the code enforcement officer. Ms. McGrath said that would be a good idea, but that there should also be language in the ordinance regarding cone violations.

Mr. Russo pointed out that violations had to be differentiated from non-conformities. Ms. McGrath asked if mortgage companies looked at code violations before issuing loans. Ms. Quinlan said she did not think mortgage companies cared about that.

Mr. Hall said violations were very different from non-conformities.

Mr. Tate said he believed in due process.

Ms. Quinlan said the issue was with code enforcement issues before doing anything with a plan. Chairman Barnes suggested that Town Counsel needed to comment before the Board could move forward with this issue.

VIII. OTHER BUSINESS

A. Green Meadow

Chairman Barnes noted that there were no **Conceptual Review Only** items to discuss at tonight's meeting.

Chairman Barnes referenced the Green Meadow properties, noting that a master plan for a development was something the Board had not faced before. He asked what the Board wanted to see in the master plan.

Mr. Rider said he would be looking for major components and the number of square feet in each component. He said he would also be looking for off-site improvements, adding that the Board needed to know what the impact of the project would be.

Ms. Quinlan said four or five members of the Conservation Commission had done a site walk of the area. She said she would forward a copy of their concerns to Mr. Cashell. She said Hudson had not seen a regional impact project before, and she expressed a belief that NRPC (Nashua Regional Planning Commission) needed to be involved right away. She said she thought the applicable statute was NH RSA 35-A. Chairman Barnes said NRPC would be involved in an advisory capacity, adding that RSAs 36-54 through 36-57 would be in effect.

Mr. Hall said he would be looking for a phasing plan.

Selectman Maddox questioned if NRPC were the only agency that should be involved. Ms. Quinlan said NRPC would be part of the notification process, adding that NRPC would be a conduit for information sharing. Chairman Barnes noted that Londonderry was in a different Regional Planning Commission.

Mr. J. Bradford Seabury noted that the applicant had not notified the other communities. Chairman Barnes said the Board could insist on that.

Mr. Russo suggested asking for realistic listing of fiscal impacts.

Selectman Maddox suggested that the applicant would have to come in with two plans: one residential and one commercial. Mr. Hall said residential was controlled by

zoning , and he expressed a belief that the master plan would have to be changed to meet the zoning regulations.

Mr. Rider questioned that, contending that the master plan should be based on the greatest impact.

Mr. Tate left the meeting at 10:38 p.m.

Mr. Hall said infrastructure improvements would only happen once , whereas the master plan would change every couple of years. He said the plan would have to change to meet the regulations.

Ms. Quinlan said the plan did not show anything for mitigation to impacts to the wetlands , adding that the applicant would mitigate by buying other property in town.

Selectman Maddox asked about the schedule. Mr. Cashell said he had not heard from the applicant regarding a schedule.

B. Capital Improvement Plan

Mr. Cashell said the packets for next week's meeting would be distributed tonight , and he then passed out those packets .

C. Kimball Heights II

Mr. Cashell said the Town Attorney needed the Board's approval to hire an engineer to establish the off -site improvement amount .

Mr. Hall said he could not imagine that an engineer could come up with a figure of \$75,000 two years after the fact. He said the \$75,000 was stipulated on the recorded plan, adding that the applicant could have appealed that within the 30 -day period following approval . Mr. Cashell asked if the Board might want to consider a counter offer.

Ms. McGrath moved to recommend that the Town Attorney proceed to litigation to recoup the full amount of \$75,000 in off -site contribution , with the provision that an engineer be hired at a total not to exceed \$5,000. Selectman Maddox seconded the motion.

Selectman Maddox said he thought the Board should negotiate with the applicant.

Ms. Quinlan said the Town Attorney needed the engineer. She said everything was smoke and mirrors , adding that there had been an expressed promise. Mr. Hall said he would concur with Ms. Quinlan. Selectman Maddox reiterated that he thought the Town should settle for \$60,000.

VOTE: Chairman Barnes called for a hand vote on the motion. All members voted in favor except for Chairman Barnes, Selectman Maddox, and Mr. Russo, who all voted in

opposition . Chairman Barnes then declared the motion to have carried (4-3).

D. Greenleaf Estates

Mr. Cashell discussed the auction at Sunshine Drive. He said the bank had retained ownership of the lots. He said a potential developer had suggested a plan with shared driveways , adding that Town Engineer Sommers was strongly in favor of that proposal. Mr. Hall asked if eight lots would be off the shared driveway. Mr. Cashell answered in the affirmative. Selectman Maddox objected to allowing four duplexes off of one shared driveway. Other members concurred.

IX. ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox made a motion to adjourn . Mr. Rider 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 11:11 p.m.

Date: May 04, 2008

James Barnes, Chairman

J. Bradford Seabury, Recorder

Suellen Quinlan , Secretary

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

These minutes were accepted as submitted following review at the 07-23-08 Planning Board meeting.