



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES May 26, 2010

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:45 p.m. on Wednesday, May 26, 2010, in the Community Development meeting room in the Hudson Town Hall basement, following an attorney/client meeting with the Town Attorney with respect to various legal concerns.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Selectman Maddox to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Mr. Barnes to serve as Acting Secretary in the absence of Ms. Stewart to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, George Hall, Suellen Quinlan, Vincent Russo, Richard Maddox (Selectmen's Representative), and Terry Stewart (arrived at 8:14 p.m.).

Members

Absent: Tierney Chadwick (excused).

Alternates

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

Alternates

Absent: None. (All present.)

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Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Schneiderman in place of the tardy Ms. Stewart and Mr. Malley in place of the absent Ms. Chadwick.

Chairman Russo welcomed Ed van der Veen, the newly appointed alternate.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo determined that no one present was prepared to review the minutes of past meetings waiting for approval, and he requested that member of the Board be prepared to review the minutes of the 03-24-10 and, 04-07-10 meetings at the next meeting, which would be a workshop meeting.

VI. CASES REQUESTED FOR DEFERRAL

No cases had been requested for deferral for this meeting. Chairman Russo noted that a conceptual hearing for Vivekananda Academy had withdrawn, so it would not be heard this evening.

VII. CORRESPONDENCE

Chairman Russo noted that items of correspondence received in tonight's handouts would be taken up under **Other Business** at the end of the meeting.

VIII. PERFORMANCE SURETIES

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

IX. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

X. OLD BUSINESS/PUBLIC HEARINGS

A. Jarry Subdivision
SB# 06-09

Map 213/Lot 1 & Map 207
Lots 4, 5 & 8 – 143 Bush Hill Road

Purpose of plan: Proposed 39-lot open space subdivision, and proposed lot line adjustment of existing Lot 3, Map 207. Hearing. Deferred Date Specific from the 04-28-10 Planning Board Meeting.

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

Town Planner Cashell said he had noting to add to his staff report.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, noted that Atty. J. Bradford Westgate, legal representative for the applicant, was also present.

Mr. Jeff Merritt, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, passed out full-size copies of the plans to those members who wanted them.

Mr. Basso briefly reviewed the process that had been followed to date, reporting that the plan had been amended in accordance with all of the conversation of the last meeting (05-12-10). He identified the open space being provided, noting that boundary markers had been added as previously requested. He noted that the Board of Selectmen had wanted the utilities relocated to follow the new roadway, along with a request by the Selectmen to have a piece of land (being purchased by the Jarrys as a part of this development), amounting to 5.6 acres, with the idea being that, if the circumferential ever were to come to pass, that this right-of-way would let the bypass road be moved away from the wetlands. He also noted that bids had been received for off-site improvements to help the traffic situation, saying the low bid was \$360,000. He said the Jarrys would be willing to do something with the land, as well, but the open space donation and the road improvements together represented a lot of contribution, and he suggested they had done everything possible to work with the Board and felt they had made an effort to improve the situation—adding that the proposed roadway change would benefit the Town by reducing the amount of mitigation that would be required, as well as proving a better route. He then offered to answer any questions.

Selectman Maddox asked if Town Planner Cashell had talked with NRPC to confirm that this was the strip of land that was desired. Mr. Cashell concurred, saying there were two streams that would be crossed.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Ms. Quinlan noted that the new road configuration had not been reviewed by the Conservation Commission. Mr. Basso concurred, saying the changes did not impact the wetlands, and adding that the impact was further down. He said nothing had changed from what the Conservation Commission had approved, with no traffic patterns being altered from what that group had seen. Ms. Quinlan said she had thought some members of the Conservation Commission would be here tonight to express concerns about the plan before the Planning Board not being the plan the Conservation Commission had seen and that they might have had other suggestions for the currently proposed layout, with concerns about the drainage into the brook. Mr. Basso said the water came down the road and into a culvert leading to the on-site wetlands, but what was going to be done was to improve that by eliminating a piece of land and collecting the runoff from Bush Hill Road, with that runoff then first being pretreated and detained on the property and then fed through the water management area. He said it was a much better solution than what existed there today and doing this would not impact any wetlands, but was an improvement in every way.

Mr. Schneiderman expressed a belief that the Planning Board should make a site visit to the property. Chairman Russo asked if the members of the Board wanted to have a site walk. Ms. Quinlan expressed interest. Mr. Barnes asked what the Board members would be looking to get from the site walk. Mr. Schneiderman said the Board had not seen a conceptual , so the members would get a better idea of what was involved, including the slopes and how the water would flow, what cuts would be made, what removal of the existing growth would do with respect to possibly changing the way the water flowed, etc. Mr. Basso said the plans before the Board depicted everything that would happen three-dimensionally, noting that the plans had been reviewed and analyzed by the Town's engineering consultants—adding that the change in vegetative cover had been taken into consideration, which was why the water management system had been set up to mitigate that runoff. He said part of what professional engineers did for developments was to evaluate such changes, adding that they also had to satisfy NH-DES requirements. He said the limits of clearing were depicted on the plan, but no way was this a clear-cut operation, as Mr. Schneiderman was implying. He said the storm water calculations and analysis were based on the full buildout of the site, not on what was there today, with full treatment being covered—reiterating that all of these plans had been reviewed in depth by the Town's consultant.

Mr. Schneiderman asked if Mr. Basso were saying the property owner would not allow the Board to access the site.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua NH, legal representative for the applicant, said permission was automatically given when the plans were filed, but there was no value in such a visit at this time, as the visit would not add to the plan set that had already been reviewed. He said site visits should have been taken much earlier in the process, last fall, before the fully-engineered plans were finalized. He said a vote to take a site walk at this time would shock him, saying it would preempt the fundamental decision being made this evening.

Mr. Schneiderman asked if this meant permission were being withdrawn. Atty. Westgate responded in the negative, saying any member could visit the site at any

time, but taking such a vote at this time would mean approval would be deferred, and it was ready for approval, with the property owner having gone through the full process. He said a site visit at this time would not add anything technically and would merely delay the process.

Selectman Maddox asked if the Conservation Commission had walked the site. Ms. Quinlan answered in the affirmative, saying she would in the future make sure invitations to join with the Conservation Commission on site walks were extended to Planning Board members.

Ms. Stewart arrived at the meeting at 8:14 p.m., taking her seat at the table at that time, although not recognized by the chairman for the inprocess hearing.

Selectman Maddox asked where the gazebo was going. Jeff Merritt referenced the Overview Plan, saying one gazebo would be in Open Space 2, and the other in Open Space 8. Mr. Basso referenced Sheets 30 and 31 for identification of these areas.

Selectman Maddox asked about the cisterns, asking if they would be phased. Mr. Basso said they would do Phase 1 in an area that he pointed to on the wall map, then Phase 2, then Phase 3 (identifying the applicable areas on the plans), with the associated facilities being incorporated with each one. He then identified the cistern locations on Sheets 31 and 39, for the cistern for Phase 1.d. He said the Phase 2 cistern was on Sheet 28 at station 950 and the Phase 3 cistern was at Station 210 on Sheet. Mr. Basso said they had discussed phasing with the Fire Department during engineering review.

Mr. Hall said there was still impact on Bush Hill Road, saying he felt this project would be premature if that work were not done, so the project could not be done without it, and he felt Atty. Westgate and the developer would have to decide if that were sufficient. He said he had been thinking of something such as \$3,000 per lot, but now felt that \$2,000 per lot on a Certificate of Occupancy basis would be appropriate, reiterating that he still felt there was an impact on Bush Hill Road.

Atty. Westgate said he wanted to discuss contribution in the light of a substantial cost with the realignment of Bush Hill Road, saying eleventh-hour issues needed to be brought to rest. He referenced the 5.6-acres of land being donated, which he said he felt was worth \$60,000, and which was being handed over to the Town. Addressing Mr. Hall's ideas about mitigating Bush Hill Road impacts, he said the widening and shifting would impact four lots in the project, impacting their value, as they were now going to be closer to the road. He also noted that the reason this piece of land was significant was the significant reduction in wetland impact of the proposed bypass road, saying the Town would be avoiding a 10-to-1 mitigation factor, saying this was not a trivial value, and that he felt it exceeded \$100,000 in value. When this project was first reviewed, he noted, and throughout the process, CLD had never said that the road was violative of the Town's regulations, so the alignment did not have to be done, in CLD's mind, but the Jarrys had decided to analyze other possibilities in light of the Town's concerns. He said that realignment was not 100% tied to the project, saying the development was only premature from an access perspective, but CLD had never found that to be the case. He said it solved a town-road situation about which Town staff had had great concern, so he felt what had been contributed already should carry the day.

Selectman Maddox said he thought it would have been premature, as this development doubled the number of houses on that road, adding that he did not think Mr. Hall's number of \$2,000 per lot was excessive. He noted that the Road Agent had been adamantly against the original design. He said additional improvements would be needed to Bush Hill Road because of this development and Mr. Hall's suggested amount would make that happen.

Mr. Barnes asked about the sidewalk along the driveway to Lot 4-10 to give the residents access to the open space. He asked what would prevent Mr. Jarry or any future owner from closing off that access. Atty. Westgate referenced the easement documentation, noting these had been reviewed by Atty. Buckley; he then read from the document, noting that access would be as depicted on the plan, and saying that Mr. Jarry's title would be subject to those covenants, which would run with the land, adding that there were three different access points.

Selectman Maddox asked about the acreage going to conservation. Mr. Basso said there was no intention of conveying land in lieu of fee, that he was aware of. Atty. Westgate said there were easements for open space and also for a bunch of lots. Selectman Maddox asked if 2.7 acres of easement were being donated to the Town. Atty. Westgate said that acreage number did not make sense, saying there was an area on the back of the lots. Mr. Basso identified the easement on the back of different lots, marking them on the wall plan, saying this was in addition to the open space and was many more than 2.7 acres. Selectman Maddox questioned why this was being given to the Town rather than simply to the conservation easement. Mr. Basso said the Conservation Commission had wanted oversight, to make sure that the clearing was no more than forestry management that had to be taken care of; he said the homeowners association could do it as well, but this was what the Conservation Commission had been looking for. Mr. Barnes asked if the lots were individually owned but with easements on them. Mr. Basso answered in the affirmative, saying the Town would not own anything, but the stewardship was there for protection of the land. Selectman Maddox said the Town Attorney had told the Board that this piece was being conveyed to the Town. Mr. Basso responded in the negative, saying they had no intention of donating land to the town, and it was an easement, only.

Atty. Westgate said they were hoping to bring this to a conclusion this evening, saying everything else was on the table.

Ms. Stewart asked who would maintain the conservation easements. Atty. Westgate said homeowners were obligated to follow the requirements of the easement and keep it in its natural state, and the Town had the right to see to it that the homeowners were doing this. Ms. Stewart said her concern was that in many cases these areas became dumping grounds for washers and dryers, etc, and she asked who would be responsible for cleaning it up. Mr. Basso said the homeowners association would be responsible for that, and the Conservation Commission had enforcement through the Town if the homeowners did not follow through. He said the Conservation Commission had asked for these easements, because homeowners often felt they had the right to chop trees down; he noted that markers would be put up to delimit the easement boundaries. He said the fees associated with such cleanup also belonged to the

homeowners, saying the idea of the easements was to have enforcement so that the Town could tell the homeowners they had to do this.

Ms. Quinlan asked if any of these homes would fall under the workforce housing concept. Town Planner Cashell said that had not been discussed. Ms. Quinlan said 38 housing units were being added, saying she did not want the Town to be running afoul of the law because these might be more expensive lots than workforce people could afford to live in. Town Planner Cashell said his understanding of the workforce housing law was that it was voluntary on the part of the developer.

Mr. Schneiderman asked where the information about the homeowners association was. Atty. Westgate said the homeowners association was identified as an identity in the documentation, saying documentation would be filed with the Attorney General once the plans were approved. Following approval, he continued, he would prepare the articles of incorporation and send them to Town Planner Cashell and to the Secretary of the State. He assured Mr. Schneiderman that there definitely would be an association.

Mr. Hall raised a question about road grades. Town Planner Cashell referenced Note 16 on the plan, and Mr. Hall said he was okay with that.

Selectman Maddox said the Jarrys would be semi-stewards, as they were going to live there; he then asked, however, that they show the conservation easements on the brochures, so that prospective homeowners would be fully aware.

Town Planner Cashell noted that Selectman Maddox had questioned the verbiage of Specification 13, subsection b, on the draft motion, saying he wanted to make sure there would be sufficient right-of-way area for the possible construction of the Lowell Road connector. He then proposed amended language for the Board's consideration, pertaining to the connector road. Atty. Westgate said the proposed verbiage was too subjective, saying they wanted the Town to own that piece of land. He then referenced Ms. Stewart's concern about the conservation easements, saying the easements should be thought of not as overseers but as a zoning ordinance provision, saying nothing could be done except what was allowed by the easement. He then referenced Selectman Maddox's concern, saying conservation land was a plus in marketing and was not going to be hidden, adding that the Jarrys were not developers and would agree to \$1,000 per lot to be paid toward additional maintenance of Bush Hill Road in the future, saying he felt that was a more than fair contribution.

Mr. Hall said a lot could not be created. Atty. Westgate said the Town already owned the circumferential path; Mr. Hall demurred, saying the State owned it, and he then asked how they had come up with the dimensions. Mr. Basso said they had discussed it with Town Planner Cashell and had come up with the given figures, based on a 150-foot width for the right-of-way area.

Mr. Hall said he was not debating, but he thought \$2,000 was more than fair. He said maybe the project did not make sense, but he had to look at whether the project made sense to the Town. He said \$80,000 was not much, to his mind, for roadway maintenance.

Selectman Maddox said he was hesitant only because he wanted to make sure this was the right piece of land and wanted Mr. Cashell to check with NRPC. He noted that the number of lots in consideration had gone away.

Mr. Basso said the easement could be done as part of the Selectmen's approval, as they had agreed to it and they did not have to get tangled in it tonight, as it could be part of the plan before the final signoff with the Board of Selectmen.

Town Planner Cashell noted that a prime wetland was to the left of the lot in question, saying dedication of the parcel would have to be worked out in the future.

Chairman Russo suggested a short break, and he then declared a recess at 8:55 p.m., calling the meeting back to order at 9:10 p.m.

Mr. Schneiderman said he felt \$2,000 was insufficient, saying he felt it should be \$3,500 per lot.

Mr. Hall moved to approve the OSD subdivision plan entitled **Open Space Development Jarry Subdivision (Map 206/Lot 32, Map 207/Lots 3, 4, 5 & 8 and Map 213/Lot 1), Bush Hill Road, Hudson, NH**, prepared by Keach-Nordstrom Associates, Inc., dated: November 2008, last revised May 13, 2010, consisting of Sheets 1 through 70 and Notes 1 through 25, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.
2. Prior to Planning Board endorsement of the subdivision Plan-of-Record, Town Counsel shall favorably recommend on the Development Agreement, Declaration of Covenants and Restrictions, and the Conservation Easement Deed.
3. A cost allocation procedure amount of \$779.49 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
4. A public school impact fee in the amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
5. An offsite impact fee for maintenance/improvements to Bush Hill Road in the amount of \$2,000.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
6. A public library impact fee in the amount of \$124.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
7. A recreation contribution in the amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
8. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.

9. If development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, only. (Blasting/ramming activities shall be prohibited on Saturday and Sunday.)
10. Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday. (Said activities shall be prohibited on Saturday and Sunday.)
11. This approval is subject to final engineering review.
12. Note #16 on Sheet 1 of 70 needs to be amended to read: "Driveways shall not exceed a grade of 10% without mitigation measures being agreed upon with the Hudson Fire Department, as required by NFPA 1141."
13. Final approval of this OSD shall be contingent upon:
 - a. The applicant receiving approval from the Board of Selectmen, relative to the proposed relocation of the Bush Hill Road ROW and respective utility poles and lines, as shown on the Plan-of-Record, and
 - b. The applicant dedicating to the Town of Hudson 5.6± acres along the westerly border of the parcel shown on the Town Assessor's Map 206 as Lot 32, and as also shown on the Jarry Subdivision Plan of Record.

Ms. Quinlan seconded the motion.

Mr. Schneiderman said the land as it now stood probably cost the Town 49 cents for every dollar received in tax revenue, but would cost \$1.10 or \$1.11 when developed, and he asked that Mr. Hall reconsider the amount.

Mr. Hall said he had originally thought \$3,000 per lot would be appropriate, but he recognized the value of the land over and above the right-of-way area that was being contributed, as noted at the last meeting, although he was not sure it was worth \$60,000, but this was why he had reduced the suggested amount to \$2,000/lot. He questioned how the nitty-gritty of the value of the land could be determined, saying he thought \$2,000 was appropriate, and people who did not could vote against the motion.

Mr. Schneiderman asked if the Board members were convinced the bypass road would eventually be built. Ms. Quinlan said the Town recognized the need, and NRPC had come forward with a plan, noting that Selectman Massey had said the Selectmen could not see putting the expense of that bond on the warrant at this time but that he remained hopeful for the future.

Mr. Hall said anyone driving down Wason Road to get to Lowell Road at 7:00 a.m. realized that something had to be done, and this was the most practical location that he could see for a bypass road.

VOTE: Chairman Russo then called for a verbal vote on the motion.
All members present voted in favor except for Mr.

Schneiderman, who voted in opposition, and Chairman Russo declared the motion to have carried (6–1).

Chairman Russo at this time recognized Ms. Stewart as having arrived during the course of the preceding hearing, saying she would be seated from this point on, with Mr. Schneiderman returning to his nominal role as a nonvoting alternate.

XI. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XII. CONCEPTUAL REVIEW ONLY

**A. Vivekananda Academy
CSP# 03-10**

**Map 182/Lot 082
4 Derry Street**

Purpose of Plan: Learning Center (Non-Public School) – Computer Accessible Training, which requires no physical presence. Drop off & leave. Off-street parking available – 7 parking spaces available on-site. No. of students (20 maximum) – Conceptual Review Only.

Chairman Russo noted that this item had been withdrawn by the applicant.

XIII. NEW BUSINESS/PUBLIC HEARINGS

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

XIV. OTHER BUSINESS

Chairman Russo noted that there was correspondence regarding 64 Kimball Hill Road, and he asked Town Planner Cashell if this were something that the Board should address at this time. Mr. Cashell said he would prefer to hold off on this matter and take it up at a future meeting, as more documentation was to be added to the package—adding that the parties of interest were not present this evening.

Chairman Russo referenced a request from the Hudson-Litchfield Youth Football & Cheer, Inc., along with Hudson Youth Baseball League. Town Planner Cashell explained that this was a request for release of \$12,000 from the recreation fund, for which the Board collected on a per-subdivision basis, adding that the Board of Selectmen had discussed this at the April 27th meeting, and that he had provided copies of the minutes of their meeting. He referenced the highlighted section on Page 2 of those minutes, noting that \$12,000 was being requested, saying the text explained

why the \$12,000 was being requested and what it would be spent on. He explained that the groups had previously invested \$12,000 on Town-owned property adjacent to Robinson Pond, but there was not sufficient upland to accommodate what was wanted, and now much more suitable property had been found on Industrial Drive, as reviewed at the last meeting. He said they were asking for reimbursement relative to the cost of engineering work that would have to be done on the Industrial Drive property.

Ms. Quinlan asked if this situation had not been run into with respect to the hockey association, saying one of the selectmen had said that it would be a very slippery slope to go down. She said the recreation funds were there for the kids, but she questioned if that money should be used for outside recreation groups, rather than for all children of the town. She said she thought she would abstain from this, as she felt this was a separate organization, which had been in a fund-raising mode, but now was asking that public funds be allocated for this group, which also included Litchfield children.

Selectman Maddox said Ms. Quinlan was about 40% right, saying it was a function of fairness, as an organization had come in and spent money, but the land had turned out to be insufficient. He said this would not be giving them money *per se*, saying the Town now had mapping of the Robinson Pond area that the group had paid for, so it actually was a reverse swap.

Mr. Hall asked who owned the land at Industrial Drive. Selectman Maddox said the Town of Hudson owned it, saying it would remain Town-owned land.

Chairman Russo noted that the Board had a letter from David Yates, Recreation Director, in support of the proposal.

Mr. Schneiderman said he thought that the mapping of the land at Robinson Pond had been a gift to the Town. Selectman Massey responded in the negative, saying the team had originally offered to do it on their own costs, but the Board of Selectmen had let them go in and do the engineering, adding that they had assumed the risk in doing so, but the Recreation Committee had put so many requirements in place that there was not enough space at the Robinson Pond site for both the softball field and the soccer field.

Ms. Stewart said one of the biggest gripes in the town was the lack of ball fields, noting that "nimbies" kept preventing development of fields in neighborhood areas. She said this was an ideal location, adding that she highly supported it and would be voting in favor.

Selectman Massey said this facility would not be exclusively for the Hudson-Litchfield organization, but the deeds would ensure that the Rec Center could use the property when the other groups were not doing so, so that it would be used, ultimately, for the benefit of the town. He said it would be used by the clubs during the spring and fall, noting that summertime was the primary time for use by the Rec Center, but the Rec Center also could use the field whenever the teams did not have it scheduled for use. He noted that the Town had received an invoice for \$13,500 for the proposed work, so some consideration should be given to how much money was involved, suggesting that the private organization would be applying \$1,500 of its own money.

Ms. Quinlan noted that the hockey area had been proposed to the town as something that the local students could use, but this had turned out not to be the case. She said there had to be some assurances that this field would benefit local children who were not part of the private club, if Town funds were involved.

Mr. Hall said his recollection was that the hockey people were requesting funds for non-capital expenditures (uniforms, etc.) and the Town Attorney had said it had to be for capital equipment.

Selectman Maddox pointed out that the Recreation Fund was not tax money *per se*, but was impact fee funds.

Mr. Barnes concurred. He then asked what oversights would be put into place to make sure the money was used for design engineering. Selectman Maddox said it would be put into an account for that specific purpose.

Mr. van der Veen said he would have to agree with Ms. Quinlan that the Board had to guard against elitism and make sure it was open to average Hudson kids.

Ms. Stewart moved for the Planning Board to favorably recommend to the Board of Selectmen the release of up to \$12,000 from the Planning Board's Recreation Impact Fee Account, and for this sum to be used exclusively by the Hudson-Litchfield Youth Football & Cheer, Inc., and Hudson Youth Baseball for the engineering costs associated with the planned football and baseball fields at 9 Industrial Drive, Hudson, NH.

Mr. Hall seconded the motion.

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

Chairman Russo referenced a request from Selectman Maddox regarding the Hudson Planning Board and the New Hampshire Office of Energy and Planning.

Selectman Maddox said there was a new state statute, and he wanted to make sure that everyone had a copy and understood it, with respect to the procedures of how an alternate could participate. He said any changes that might be needed in the bylaws should be brought forward.

Chairman Russo referenced the fact that the Planning Board did not need to follow Robert's Rules, and he expressed a belief that the statement should be removed from the bylaws. Town Planner Cashell concurred, referencing Page 4 of the NH-OEP document, *Basics for Planning and Zoning Board Members*.

Chairman Russo referenced Page 7 of the bylaws document. Ms. Quinlan questioned why participation by the alternates should be viewed as a bad thing.

Selectman Massey said the reason was that the Town Attorney had said it was very difficult for an applicant to know whether they had to convince seven people or ten people, so it was inappropriate for an alternate to speak during deliberation, as they might sway the voting members.

Mr. Hall noted that the Board had received a recommendation from the Municipal Association, and this proposed bylaws text was much more benign, based on the Town Attorney's recommendations.

Ms. Quinlan said the applicant had to be prepared, have all his ducks in a row, and hope for the best, noting that he should be prepared to answer all questions. Selectman Massey said the argument had been that alternates could ask questions of fact but should not express opinions.

Mr. Hall asked if Ms. Quinlan was arguing against the already approved bylaws, saying the Board had already voted on this.

Selectman Maddox said Ms. Quinlan was right in that dedication and talent had to be balanced in order to be able to chair these meetings, but discussion prior to the vote, once the motion was on the floor, had to be limited to members voting. He then stated that the State Legislature had recognized there was a problem and had tried to put a solution in place.

Ms. Stewart said the applicant should be prepared to educate the whole Board, noting that different members might be seated on different nights.

Mr. Barnes said he supported that entirely, saying he thought this was what the recent change in the bylaws had done. He then expressed a belief that abstaining from a vote was a valid vote.

Town Planner Cashell said the Board did operate under a form of Robert's Rules, and there were strict criteria for abstaining. He then stated that the existing bylaws gave alternates the most participation that they could obtain under existing State law.

Ms. Quinlan referenced an hypothetical example in which an applicant might be recognized and then address something that had previously been raised by an alternate, asking if the alternate would not be able to respond.

Selectman Maddox suggested that copies of Robert's Rules should be provided to the chairman and the vice-chairman. He stated that the issue was that the State Legislature had stated that something had to be done. He then pointed out that the tendency of members to speak without being recognized made it difficult for the camera operators to focus on whoever was talking at any given time, saying all members should go through the chair.

XV. ADJOURNMENT

All scheduled items having been addressed, Ms. Stewart moved to adjourn; Ms. Quinlan seconded the motion.

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**HUDSON PLANNING BOARD Meeting Minutes
May 26, 2010**

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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 10:07 p.m.

Date: April 2, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

James Barnes, Acting Secretary

These minutes were accepted as amended following review at the 08-24-11 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
May 26, 2010**

Page 15

The following changes were made in accordance with the Board's review of these minutes at its August 24, 2011, meeting:

Page 5, 1st line — the mistyped word "timed" was replaced by "time" so that the phrase now reads "taking such a vote at this time would mean approval would be deferred."