

HUDSON RESIDENTS

Your **YES** Vote is Needed on Zoning Article #11

Article 11 is on the March 2000 Ballot because of a Petition brought to the Planning Board. It is a request for the present Zoning Ordinance to be amended in Hudson's R-2 Zone to Permit only (1) Radio Tower per residential lot -- any thereafter could be granted only through Special Exception. It also would require that the applicant disclose what type of accessories & apparatus they would be mounting to any such tower and that the value of this apparatus be included in the permit fee.

What has been proposed here is not unreasonable. As many of you know, since 1998 we as Hudson residents have challenged the issuance of a Permit given for (3) 100' Amateur Radio Towers by the previous Zoning Administrator. To date we have won our case in Superior Court 3 times with a ruling that the issuance of the permit was "unreasonable" and that (3) 100' towers could not be considered "customary" in the Town of Hudson. We have incurred in excess of \$15,000 in legal expenses to date doing so. The Town of Hudson continues to challenge this decision for the benefit of one individual by backing & funding an appeal now awaiting hearing in the NH Supreme Court. An expense that should be borne by the property owner who erected the towers at his own financial risk, not by the taxpayers of Hudson.

In short, according to town records, there has never been a permit issued for amateur radio towers of this magnitude over the 10 year period researched. In fact there have only been eight permits out of 5098 permits issued for all aspects of building in the Town of Hudson. It remains a mystery how a Permit for (3) 100' Radio Towers could be construed by the Town as being "customary", never mind "reasonable".

Prior to 1998, the Town's Ordinance was unclear as to permitted uses of Residential and Commercial Telecommunication applications. The Planning Board approved a 1998 Telecommunications Article which limited Residential radio towers to 1 tower per lot. This article was voted on and approved by Voters in March 1998. In August 98' the Zoning Board unanimously denied a Special Exception request for (3) 100' radio towers at 61 Burns Hill Road., stating that such towers were out of character with the surrounding neighborhood, that value of properties needed to be considered, and that in accordance with the new Telecommunications ordinance, only 1 tower was allowed.

Subsequently, the new Telecommunications Ordinance was overturned in the fall of 98' by the NH Superior Court for having been illegally posted with Wetland Issues on the same ballot. (Another Town Error) A December 98' Planning Board Workshop changed the entire scope of this article that should have been re-posted immediately after the first article was overturned. Amazingly, that evening, the Board voted to change the Article to allow up to 3 towers on a Residential lot, as well as increase the height limit of the towers. The 'desires' of One Individual persuaded an entire board to allow such an amendment to a proposed ordinance.

Absolutely no consideration was given to the fact that other residents stood in opposition to such a drastic change. In fact we were told at the Planning Board Public Hearing to amend Zoning Ordinances, "Too Late, If you want it changed, come back next year."

In March 99' this newly amended Article went to Ballot and won. We challenge any of you to take a look at Article 5 and tell us what you were voting for. There was absolutely no indication or explanation of what was being proposed.

The portion of the article pertaining to Residential Use read as follows.....

"This amendment shall also include a change to existing HTC 334-14 Building Height test. This proposed change deletes the existing sentence in the section. Three (3) new sentences are added. The new text addresses height of non-habitable structures, non-habitable structure fall or collapse limits, and a reference to where information can be found regarding the proposed Telecommunications Facilities zoning ordinance article. This amendment also proposes corresponding changes to the

"Table of Permitted Uses-Part 1". This proposed amendment removes information from the existing table, and replaces it with a reference to where information can be found in the proposed Article XVII (telecommunication facilities, etc.)

Approved by the Planning Board."

NH Law states that the average lay person must be able to clearly understand the text of what he or she is voting for. Not one person we have asked has been able to interpret what Article 5 proposed. Did you understand that you were voting for the allowance of 3 radio towers to go up on a property next to yours versus 1? The only clearly stated fact above are the last five words. This is reflective of how people vote.

"Approved by the Board"can count on an affirmative vote. "Not Approved by the Board"historically is a count NO.

Under the newly proposed Article 11 you will find a resounding "Not Approved by the Planning Board". What we have proposed is not much different from what was initially proposed in 98'. We have proposed that the town give equal consideration to all individuals involved. We are not asking for Amateur Radio operation to be precluded from Hudson. We are asking for the town to "Strike a Reasonable Balance" between operators and abutters.

We ask that you consider the hours spent and financial burden put into challenging this issue and support **Article 11** with your vote of **YES**.

Vote YES on Warrant Article #11

FACT: The Town of Hudson has 14,194 Registered Voters
In the March 2000 Town Election only 4,050 Voters went to the polls.....

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