



TOWN OF HUDSON

Conservation Commission

Jim Battis, Chairman

Nancy Brucker, Selectmen Liaison

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DATE: 13 January 2014

MEETING MINUTES Below is a listing of minutes for the Hudson Conservation Commission. Minutes are not a verbatim record of each meeting, but rather represent a summary of the discussion and actions taken at the meeting. All Conservation Commission meetings are televised live and repeated during the following week on HCTV, cable television channel 22. Official copies of the minutes are available to read and copy at the Town Engineer's Office during regular business hours (Monday through Friday, 8:00 A.M. to 4:30 P.M.).

Should you have any questions concerning these minutes or wish to see the original recording, please contact the Town Engineer's Office at 603-886-6008.

A regular meeting of the Hudson Conservation Commission (HCC) was held in the Community Development Conference Room of Town Hall.

Members of the Commission present: J. Battis, K. Dickinson, P. Dubay, R. Jurewicz

Members of the Commission excused: R. Brownrigg

Members of the Commission absent: None

Member of Town Staff present: P. Colburn

Board of Selectman Representative excused: N. Brucker

Seating of Alternates: None

Called to Order at 7:06 p.m.

I. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS

None

II. OLD BUSINESS

A. Wetland Special Exception – Proposed Buffer Impact

16 Chalifoux Road

Map 246, Lot 5

Presented by Sean McAllister, 16 Chalifoux Road, the property owner.

Mr. Battis noted that on the day of the site walk at this property, he looked at the FEMA floodplain maps and, although not definitive, it did appear that the property abuts the regulatory floodway. The Town Engineer, the applicant and the applicant's surveyor, and the chair have had several conversations on this subject. It is the Town Engineer's call and the surveyor has provided information to suggest that the structure is not in the floodway while the Town GIS system shows it might be in the floodway but has obvious registration problems. Mr. Colburn stated that he would accept a stamped plan from the land surveyor with the floodway delineated if presented as the certified plot plan. Mr. Battis stated that the Commission would move forward with the assumption that it is not in the floodway.

Mr. Dickinson initiated a discussion of the flood level associated with FEMA map. Mr. Colburn indicated that a level was determined at the edge of the detailed study area, but that it is based on a different datum than used in the applicant's plot plan. Mrs. Dubay asked if there was historical data on changes to the stream and if there are any planned updates to the flood maps? Mr. Colburn replied that the town did not have any information on the stream and was not aware of any planned updates. Mrs. Dubay asked if the applicant was aware of any fill on the property and he replied that he was not although it does appear the backyard might have been filled to level it.

Mr. Battis asked the applicant to respond to the first condition of a Wetland Special Exception that the proposed use is essential to the reasonable use of the land outside the Wetland Conservation District. Mr. McAllister responded that the construction of a garage is a typical use and that, due to the PSNH easement, the property is constrained. He noted several other options that he had considered, such as purchase of land from an abutter, and stated why they were rejected. A discussion ensued on the limitations imposed by the transmission line easement.

Mr. Dickinson noted that the applicant did not provide much detail on what will be done outside the structure footprint, such as erosion control. This is significant as the slope is already opened up by the trail at the bottom of the slope allowing little to no protection of the adjacent brook. In addition, the large percentage of the structure footprint in the buffer sets a bad precedent.

Mr. Battis concurred with Mr. Dickinson and noted that, while garage construction is typical, it is not essential. In addition, due to the steep slopes within the buffer the filtering capabilities within the buffer are significantly degraded. Therefore, the 50 foot buffer is an absolute minimum for this topography. Mr. Battis stated that that it was his opinion that the Commission should not recommend this special exception.

Mrs. Dubay also concurred, stating that the open water was a potential avenue for pollutants both during and after construction. She also noted that there were six registered water wells in

the area that could be subject to any future pollution incident.

While sympathetic to the easement issue, Mr. Jurewicz also noted that the size of the structure and the intrusion into the buffer and the slopes did not make this a reasonable plan.

Motion to: not recommend the Wetland Special Exception for 16 Chalifoux Road.

Motion by: K Dickinson

Second by: P Dubay

Vote: For 4 Opposed 0 Abstain 0

Mr. Battis noted the applicant's options for further action.

B. Wetland Special Exception – Proposed Buffer Impact

4 Bockes Road

Map 144, Lot 21

Presented by Mr. Anthony Basso of Keach-Nordstrom Associates, Inc. for the owner, Lamontagne Builders, Inc.

Mr. Battis noted that on 10 December 2013 the Commission conducted a site walk on this property. Mr. Basso noted that the impacts are essential to the developments as they provide storm water treatment and access to the property and are permitted uses with a Special Exception under the Wetland Conservation District Ordinance. The plans are unchanged from the previous presentation.

Mr. Dickinson stated that he thought the impacts were necessary for the proposed development to the site and were appropriate. He was pleased to learn about the use of horizontal drilling for the water mains that would minimize the wetland impact.

Motion to: recommend the Wetland Special Exception for 4 Bockes Road with two stipulations.

With Stipulations:

1. Construction and restoration shall comply with: *Best Management Practices To Control Non-Point Source Pollution: A Guide For Citizens And Town Officials* (NH Dept of Environmental Services – Current Issue.)
2. During construction and restoration, erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

Motion by: K Dickinson

Second by: R Jurewicz

Vote: For 4 Opposed 0 Abstain 0

III. NEW BUSINESS

None

IV. OTHER BUSINESS

A. Stewardship of Conserved Lands

Mr. Battis noted that Ralph Alio had established a new trail between markers M-25 and M-40 on the Nash-Hamblett Trail at Musquash with the proposed name of "Turkey Trot Trail". The sense of the Commission was to defer to the name proposed by the trail builder and to present the name to the Fire Prevention Officer for approval before submission to the Board of Selectmen. Mr. Dickinson noted that he anticipated that Mr. Alio had plans for an extension of the trail and that he looks forward to working on the trail extension.

(Due to the arrival of members of the public with interest in the topic, the Stewardship discussion was suspended and the agenda item "Pond Reclamation Expenses" was moved forward.)

B. Pond Reclamation Expenses

Mr. Battis provided an overview of the anticipated 2014 costs and grant reimbursements based on our previous estimates and the actual bids which have been received by the Town. Based on the information presented, it appeared that the cost of treatment and follow up for both Ottarnic and Robinson Ponds could be completed within the projected cost of treatment for Robinson Pond alone, used to define the Conservation Commission proposed budget for the upcoming fiscal year plus the unspent portion of the \$10K that the Commission had allocated from the Conservation Fund last year to support pond reclamation. It was recommended that the Commission authorize the Town Engineer to proceed with the contracts for work at both ponds. Mr. Dickinson stated that the Robinson Pond effort this past summer was very successful and we should try to build on the success that we had. He was hopeful that this effort could reduce the costs in future years and make the control task a manageable task.

Motion to: authorize the Town Engineer to commit to the contracts for herbicide treatment at both Robinson and Ottarnic Pond and the associated DASH operations contracts for 2014.

Motion by: K Dickinson

Second by: P Dubay

Vote: For 4 Opposed 0 Abstain 0

Mr. Dickinson recommended that following the 2014 treats a group site walk be scheduled to evaluate results and to help understand the complex problem at Ottarnic Pond.

Mr. Jim Kegley of Robinson Road and Jane Bowles, members of the public, expressed their appreciation for the efforts of the Commission in working this issue.

C. Stewardship of Conserved Lands (Resumed)

The Stewardship discussion was resumed among the Commission members with a discussion of the status of the Musquash Trail Map and the Boy Scout kiosk process and the identification of sites of historic information on the site.

D. Circumferential Highway Impact

Mr. Battis noted that at the last meeting he had circulated a draft memorandum for the Planning Board and Board of Selectmen on the results of our site walks along the Circumferential Highway corridor. Comments or suggestions were sought. Mr. Dickinson noted several editorial suggestions, but generally thought that the memorandum carried the issues fairly. Mrs. Dubay stated that the memorandum was a reasonable summary of the discussions held during the site walks.

Motion to: authorize the Chairman to edit the draft memorandum to cover the comments made during the discussion and to forward the memorandum to the Planning Board.

Motion by: R Jurewicz

Second by: K Dickinson

Vote: For 4 Opposed 0 Abstain 0

V. Financial Status

Mr. Battis noted that the only financial action for December was the interest payment on the Conservation Fund. It was noted in the expenditure report that several line items had expenditures that were not detailed and would need to be checked for the next meeting. A request for dues from the Society for the Protection of New Hampshire Forests (SPNF) was received.

Motion to: authorize the expenditure of up to \$55 for dues for SPNF but not to exceed the amount authorized last fiscal year.

Motion by: K Dickinson

Second by: P Dubay

Vote: For 4 Opposed 0 Abstain 0

VI. Correspondence

Mr. Battis stated that the Chairman of the Zoning Board of Adjustment, Mr. Seabury, emailed him about the issue of the Conservation Commission commenting on Use Variances associated with Wetland Special Exceptions. He noted that he had circulated the email to the membership. Mr. Seabury stated that the members of the ZBA were of the opinion that there was a great deal of effort and training that goes into the assessment of Use Variances and that there was no need for the Conservation Commission to duplicate this effort. He also noted that he had contacted Mr. Ted Kendziora from the US Fish and Wildlife Service who would like to talk to the

Commission about the New England Cottontail Initiative, and he agreed to schedule it for the February meeting. Finally, he stated that he had circulated the draft Annual Report for the Town Report and submitted the document for publication with some changes.

VII. Minutes

Motion to: approve the 13 December 2013 minutes as amended.

Motion by: P Dubay

Second by: R Jurewicz

Vote: For 4 Opposed 0 Abstain 0

VIII. Commissioner's Comments

Mr Dickinson stated he had several photos of the bridge and kiosk from the Pelham Town Forest. He was happy with the progress that is being made by the Commission.

Mr Jurewicz noted that he had several photos that might be useful for documenting the erosion.

Mrs Dubay had several questions on the trail grant and the recording of volunteer hours and payment of expenses.

Mr. Battis noted that the Commission has openings for both full and alternate members.

Motion to: adjourn.

Motion: P Dubay

Seconded: R Jurewicz

Vote: For 4 Opposed 0 Abstain 0

Meeting Adjourned at 9:17 p.m.

James Battis, Chairman