



TOWN OF HUDSON

Conservation Commission



Ken Dickinson, Chairman

Marilyn McGrath, Selectmen Liaison

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DATE: August 10, 2015

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, W. Collins, K. Dickinson, R. Brownrigg and M. Tranfaglia (arrived at 7:40 p.m.)

Members of the Commission absent: P. Dubay, R. Matos

Member of Town Staff present: E. Dhima

Board of Selectman Representative present: Selectman M. McGrath

Called to Order at 07:15 p.m.

I. OLD BUSINESS: None

II. NEW BUSINESS

Wetlands Special Exception Application for "Orchard at Nottingham" Subdivision @ Gowing Road. Map 231 / Lot 053

Mr. Jeffery Brem of Meisner Brem Corp. read aloud the narrative accompanying the application for a Wetlands Special Exception (WSE). The narrative described the current property conditions, proposed project progress, and discussed the proposed stormwater management system. He described proposed work in the wetland buffers located at both the property frontage and the rear of the property between proposed lots 9 and 10.

Note: No members of the public were present to speak in favor, nor against the application.

Selectman McGrath: asked why the WSE was being applied for after the site plan had already been endorsed by the planning board?

Mr. Brem: work within the wetland buffer was missed by all parties.

(Note: There were audio issues, so speaker could not be heard clearly)

Jeffery Zol (Applicant's Attorney): Issue was missed by all parties including the Town Engineer, the Town's consulting engineering company, and the developer. This is why they're before the Conservation Commission (HCC) tonight to rectify the situation.

Mr. Dhima (Town Engineer): Town staff were not in error. It's not the Town's responsibility to report what work would be needed within the project's boundaries. He reiterated that the design company should have been aware that any work within the 50 foot wetland buffer would require a Wetlands Special Exception as part of the application process.

Mr. Brem: Since there's no work proposed within the wetlands, he did not realize that a WSE would be needed. No construction work yet.

Mr. Dhima: asked if there was a date for the engineering firm to go before the planning board to review this issue?

Attorney Zol: would be submitting an application for the W.S.E by Wednesday's PB deadline. Planning Board meets on the 27th for another issue, and W.S.E could be resolved at the same time.

Selectman McGrath: would not vote tonight. She suggested that any motion should stipulate that the applicant go to the Zoning Board, then the Planning Board for further review.

Mr. Dickinson: typical order is for a developer presentation to the HCC, followed by a site walk to review the project and make recommendations accordingly.

Site Walk was scheduled for Monday, August 17, 2015 at 6:30 p.m.

Mr. Brem: offered to stakeout the proposed impacts.

Mr. Dhima: pointed out a few items on the plan showing other potential impacts on both Lot 8 and Lot 11. Some of these issues should be taken into account when applying for the W.S.E.

Mr. Dickinson: read aloud information from the Town's Prime Wetlands Assessment regarding the adjacent high quality wetland area.

Mr. Dhima: asked for a revised plan layout. Plans needed to indicate the wetland buffer more clearly.

Mr. Brem: Agreed to revised his plans.

Request for a site walk @ self-storage expansion project, Robinson Road, Keach Nordstrom & Assoc.. Map 105, Lot 017.

Mr. Brent Cole, Project Engineer @ Keach-Nordstrom Assoc., read the narrative accompanying the Conceptual Wetland Buffer Impact Plan. The narrative described the current property conditions, proposed project consisting of several self-storage buildings, and described proposed wetland impacts. No public was present to speak in favor, nor against the request for a site walk.

Mr. Dhima (Town Engineer): asked why the plan being presented did not match what was actually shown in an aerial overhead of the site?

Mr. Cole: it was only a conceptual plan and was only being used for scheduling a site walk.

Mr. Dhima: asked why the current roadway couldn't access the proposed development?

Mr. Cole: The roadway was temporary, and was constructed under a temporary wetland permit. He further explained that relocating a security gate and camera system would be cost prohibitive.

Mr. Brownrigg: asked if a copy of the temporary wetland permit could be provided to the HCC?

Mr. Collins: asked if the temporary road was part of the developer's property?

Mr. Cole: Yes, however the road requires both removal and restoration.

Further discussion was made in regards to the existing road way.

Mr. Coles: will seek input from his client regarding other alternatives.

Mr. Brownrigg: temporary wetland permit expiration date?

Mr. Dickinson: believes the permit for is valid for the length of time it takes for project completion.

Site Walk: scheduled for Monday, August 24, 2015 at 6:30 p.m.

III. OTHER BUSINESS

Lake Host/DASH update for Robinson Pond and Ottarnic Pond.

Mr. James Kegley presented his current observation on the state of the Lake Host and DASH programs. He was very pleased at the current status and success of the program.

Mr. Kegley attempted to show a 13 minute video on the on the Lake Host Program, however technical difficulties prevented the HCC from seeing it. He opted to discuss the current status and overall success at both Robinson and Ottarnic Ponds. Mr. Kegley summarized the program

and explained how its volunteers were actively seeking out invasive species in effort to stop the spread of these non-native species from entering new water bodies. Mr. Kegley further explained the term “save” and how it related to boat inspections at boat launches. He explained both the DASH program and ongoing herbicide treatments, and reported that the process was working with great success. Aerials views of both Ottarnic and Robinson Ponds were supplied.

Mr. Dickinson: asked Mr. Kegley if he wanted to discuss any issues at Ottarnic Pond?

Mr. Kegley: Lake Host Monitoring at Ottarnic Pond was successful and pointed differences between the two water bodies.

Mr. Dickinson: boat traffic?

Mr. Kegley: On average Robinson Pond could have upto 30 boats a day and Ottarnic Pond averages 10-20 boats on a busy day.

Mr. Dickinson: current treatment plans?

Mr. Kegley: treatment plans to control invasive plants appeared to be working very well and only a small area near the boat launch @ Robinson Pond had any visible growth.

Potential town purchase of land currently owned by Mr. James G. Mills, Parcel ID 201-012-000 located at 120 Bush Hill Road Hudson, NH.

This item was intended to be held in a non-public session, however the agenda was corrected to allow for public discussion.

The chairman asked Mr. Mills to approach the podium and discuss his presentation.

Mr. Brownrigg: asked the chairman if a letter of specific questions or a packet were sent to Mr. Mills for him to answer prior to the meeting. At the HCC prior meeting, the general feeling of the HCC was that a list of specific questions should be asked and answered in writing. Mr. Brownrigg said this type of presentation could go on extensively.

Mr. Dickinson: replied that he first spoke with Mr. Dhima and Mr. Cashell after the last meeting seeking their input. Mr. Mills had spoken with the Town Administrator about the current status of his land sale offer. At the request of the Town Administrator, Mr. Dickinson spoke with Mr. Mills directly and asked him to put some kind of plan together, so the HCC would have something to discuss at the meeting. He mentioned that a pedestrian easement could be granted if the proposed “Eagles Nest Subdivision” was approved.

Mr. McGrath: pointed out the potential pedestrian easement was for the Town which the developer had stated as such. Mr. Dickinson agreed that was a correct. The Eagles Nest Subdivision developer had granted a “town only” easement.

Mr. Collins: asked if that type of easement would exclude pedestrian foot traffic to the Mills property. Mr. McGrath said she could not answer that directly, but did specify that the easement was granted to the Town itself, not to benefit the Mills property.

Mr. Mills: the wording originally came from him.

Mr. Collins: said he was satisfied with the answer supplied from Selectman McGrath and that he now understood the wording.

Mr. Mills: had previously approached the developer and asked if they would be willing to put in an easement to access his property. He added that the developer would agree to it only if the Town purchases his property.

Mr. Mills: described his hand drawn plan showing what currently is recorded and how the lots would be broken up upon agreement of a sale. Mr. Mills would retain two acres for his current home after a lot line adjustment, and the lot which his sawmill business is currently on would become a 4 AC taxable lot. The new back lot line would be set away from the existing beaver pond. He would also be willing to grant vehicular access off of Bush Hill Road to a relatively flat parking area which he would provide. Mr. Dhima brought up the current lot on GIS, allowing Mr. Mills to further explain his lot line adjustment plan. He and his wife would retain custody of a small cemetery located towards the rear of the 4 AC lot.

Mr. Brownrigg: asked if anybody else would be buried in the cemetery?

Mr. Mills: only he and his wife would be buried there, if they desired.

Mr. Brownrigg: asked if a special permit would be required for future burials.

Mr. Mills: Town would not be involved in the cemetery, as it was not part of the sale.

Mr. Brownrigg: asked if there was a limit to the number of plots in the cemetery.

Mr. Mills: responded that only ashes would be buried there no more bodies.

Chairman Dickinson: stopped the questioning, as the cemetery was not part of the offer.

Mr. Mills: provided the description of lot line adjustments to accommodate a 2 AC house lot and a 4 AC sawmill business.

Mr. Battis: asked if the lot lines were adjusted, then would Mr. Mills lose his current variance to operate his sawmill business?

Mr. Mills: said he could lose the variance, however continued operations of his business would be necessary. Since the Town was purchasing the land at half price, than he would require a few exceptions from the Town.

Mr. Battis: what was offered originally was the conservation easement with a future donation.

Mr. Mills: BOS changed the offer. Mr. Mills would donate the conservation easement and the Town would purchase the land outright.

Mr. Dickinson: asked Mr. Mills if he would consider an outright acquisition by the Town verses an easement?

Mr. Mills: land purchase and conservation easement would be concurrently negotiated. He and his wife would enjoy the property, as if they still owned it. The only thing he would like is to continue harvesting trees for his business.

Mr. Dickinson: asked if there would be any limitations on tree removal?

Mr. Mills: Only selective cutting would be performed.

Mr. Dickinson: asked Mr. Mills if he would consider an outright purchase without an easement?

Mr. Mills: If no easement was involved, than he would sell the property to others.

Mr. Battis: stated there had been an issue with another easement on conservation land located along Barrett's Hill Road. There was extensive land clearing with a similar easement agreement, as has been proposed tonight. That is why the BOS suggested an outright purchase, due to potential problems with interpretation of what a conservation easement granted.

Mr. Collins: asked the chair and vice-chair if the issue would have to go back before the board of selectmen for review?

Mr. Dickinson: BOS was looking for three appraisal estimates.

Mr. Collins: asked if we had a current cost estimate?

Mr. Dickinson: at least one maybe two.

Mr. Battis: BOS is the only entity that can purchase property. He added more detail regarding the steps taken prior to a land purchase. The final decision would made by Town Vote.

Mr. Collins: suggested that Mr. Mills put together a written package with his requirements and expectations of the sale of his property.

Mr. Battis: agreed that Mr. Mills should have something in writing, and the HCC should supply him with a template to follow.

Discussion continued regarding who would authorize payment for an appraisal.

Mr. Dhima: suggested that three or four quotes could be obtained for review.

Mr. Dickinson: suggested a motion asking Mr. Mills to provide a written proposal package.

Mr. Mills: suggested that once the land was taken out of current use, then the Town would have another taxable lot. He would not spend any money until an appraisal was complete.

Further direction was given to Mr. Mills about his presentation package that could possibly be presented to the BOS, and further discussion was made with respect to plans going forward.

Further discussion on appraisal cost. Mr. Collins: would be willing to help with the process.

Stewardship of Conservation Lands: Not discussed.

IV. FINANCIAL STATUS

The Conservation Commission financial status was reviewed with no outstanding issue to discuss. Current balance as of June 2015 = \$918,000.

V. CORRESPONDENCE: None

VI. APPROVAL OF MINUTES

Previous CC minutes for May 11, 2015, May 19, 2015 and July 13, 2015 were submitted for approval, however due to time constraints this item was deferred.

Mr. Dickinson: made a motion to defer previous meeting minutes to a later date.

Seconded by: Mr. Brownrigg.

Motioned carried 5/0

VII. COMMISSIONER'S COMMENTS

Mr. Battis informed the HCC that the new trail map should be installed at the kiosk located @ Musquash Conservation Area.

Mr. Dickinson mentioned the Eagle Scout project @ Kimball Hill Town Forest. The damaged entry gate should be replaced.

Motion to adjourn: Mr. Collins

Second: Mr. Brownrigg

Motion Carried 5/0

Meeting Adjourned at 09:42 p.m.


Ken Dickinson, Chairman