



TOWN OF HUDSON

Conservation Commission



Jim Battis, Chairman

Nancy Brucker, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

DATE: 14 July 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, R. Brownrigg, K. Dickinson, R. Jurewicz

Members of the Commission excused: None

Members of the Commission absent: P. Dubay

Member of Town Staff present: L. Stevens

Board of Selectman Representative: excused

Seating of Alternates: None

Called to Order at 7:09 pm.

I. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS

None

II. OLD BUSINESS

None

III. NEW BUSINESS

- A. Eagles Nest Estates, LLC and Green Mountain Partners Realty Trust
White Service Road & Kara's Crossing Drive
Map 186 Lots 024-4 & 024; Map 194 Lot 010; Map 195 Lot 001, & Map 201 Lot 007

Referenced Plan: Overview Plan, Open Space Plan, and Wetland and Wetland Buffer Impact Plan, Hawkview Subdivision (5 Sheets)

Dated: May 12, 2014 (Overview Plan) and May 7, 2014 (all others)

The applicant was represented by Mr. Tony Basso of Keach-Nordstrom Associates. Mr. Basso reviewed an earlier plan for the property that would have been done as a conventional subdivision plan with numerous wetland impacts in all the wetland complexes throughout the site. This board recommended some of the Special Exceptions and denied others and the ZBA approved some Special Exceptions and denied others. The New Hampshire Wetlands Board permitted and approved the entire project for wetland impacts. The project is five lots of record totaling hundreds of acres. The developer is proposing an Open Space subdivision with about 63 lots and 140.5 acres preserved in Open Space. Starting at Bush Hill Road, contemplates construction of a portion of the White Service Road with the permission of the land owner, the State of New Hampshire. This will connect to a spine road that goes through the project and connects to Kara's Crossing. On the White Service Road is a series of beaver ponds with a dam, requiring temporary and permanent impacts. Off the White Service Road we will cross the same complex at the narrowest point with a culverted crossing with a wetland impact of 450 SF. There is a small impact further on of 1790 SF permanent wetland impact with buffer impacts associated with the crossing. The next crossing is on a very narrow thread where there is currently a log bridge for skidders. The permanent impact is 550 SF. Finally, before connecting to Kara's Crossing there is a crossing over a link between two wetland bodies with a permanent impact of 1429 SF. The temporary impacts listed are to do the work to get the permanent impacts and then the ground will be restored.

There are several other buffer impacts with no wetland impacts for storm water management. One of approximately 28,000 SF and another detention area impact along with the buffer impacts associated with the actual wetland crossings.

Mr. Basso noted that this plan greatly reduces the number of wetland crossings from previous development concepts for this land. The old plans impacted all the wetlands along the southeastern edge of the property. Under this plan those areas will be preserved. The environmental impact assessment determined that all of these wetlands had significant environmental value. Rather than crossing these wetlands we have developed our lots along the spine road and limited the impact as much as possible. It was noted that the Town limit of 1000 ft for a cul-de-sac would leave large segments of this land undevelopable so the through road is necessary.

Under this Open Space development plan 140 acres, both upland and wetlands, will be put in conservation and significantly reduces the footprint of the development from the previous plan.

The total temporary impacts are 2,235 SF, the total permanent wetland impacts are 6,284 SF,

making this a minor permit, and the permanent buffer impacts are 161,639 SF.

Mrs. Stevens inquired about the total acreage of the development and the road width used to calculate the impacts. Mr. Basso noted that the property is 237 acres. He noted that there is no set width for the impacts and they are calculated individually based on design needs. The standard road design for Hudson is 28 ft width for paving and curbing plus an 11 foot flat shoulder on each side then tapering down. That section was used as a minimum for the right-of-way and then whatever was required for grading.

Mrs. Stevens and Mr. Basso discussed the status of the State Wetlands permit application and the National Heritage Bureau and Fish and Game inputs for that permit. Mr. Basso acknowledged that they are incomplete but that they would not apply for the State permit until they have completed the Town process in case any changes were required.

Mr. Jurewicz noted that it appears the wetland impacts could be reduced if the road tied into Hawkview Road. Mr. Basso explained that one impact would be eliminated in that case, however, the resulting impact required to upgrade the Hawkview Road – Gibson Road intersection would vastly outweigh the impact using Kara’s Crossing.

Mr. Brownrigg inquired about the effect of connecting a road to an existing cul-de-sac and about the effect, at the White Service Road, on the Beavers. Mr. Basso stated that Kara’s Crossing was built between 2006 and 2008 and meets all Town standards and tying into it is not an issue. Mr. Basso stated that it was true that the beaver dam would need to be removed but that, due to the large population in the area, after construction it would likely get rebuilt. Finally, he asked if the crossings would be bridges. Mr. Basso noted that the crossings would be box culverts.

Mr. Dickinson asked what drove the selection of wet ponds, as noted on the plan, over other treatment systems. Mr. Basso responded that these are driven by storm water treatment requirements outside the Wetland Conservation District processes, mainly at the state level, but where appropriate, were selected so that the impacts on the buffers and wetlands could be evaluated. Basically, the type of treatment design selected is dependent on the expected water flow.

Mr. Brownrigg requested clarification on the ownership of land indicted on the plan as “conservation easement on private land”. Mr. Basso noted that in the Open Space, the green area on the plan, they can put a conservation easement over that land. In the past any wetland that come on to individual owner’s property would have conservation easement recorded with the deed and would be marked with plaques to identify the deeded conservation area.

Mrs. Stevens requested that the ownership of the land be reviewed. Mr. Basso noted that the White Service Road is owned by the State of New Hampshire and will be deeded to the Town of Hudson on completion of this project. His client owns the majority of the property except the first parcel next to the White Service Road, owned by Mr. Mario Plante (201-007-000) and the last lot connecting to Kara’s Crossing owned by Mr. Matt Trudel (186-020-004), both of which are under agreement to purchase by his client.

Mr. Jurewicz asked about the intent to preserve the numerous stone walls shown on the drawings. Mr. Basso noted that those along property lines will be preserved. Obviously some will be removed for road construction. In general, if the walls are still in good condition they will try to save.

Mr. Dickinson asked about a possible foundation on the property? Mr. Basso noted that one was located on the Trudel property and an archeological survey would be conducted but none were flagged on the remainder of the property. He also asked if there were provisions for public access to the protected open space. Mr. Basso noted that access is readily available from public roads with an existing trail system and is a good passive recreation area. He noted that a national preservation group has made an offer to take stewardship of the open space. Mr. Dickinson asked if this should be made a stipulation and Mr. Basso stated that it was not really an issue as either the national group will take stewardship or it will be an Open Space Development with the Town holding the conservation easement on the open space.

Mr. Battis stated that he was of the opinion that the plan as presented was a vast improvement in terms of the use of the land over previous plans presented to the commission and expressed the hope that the national preservation organization and the developer can come to a positive result.

Mr. Brownrigg noted his concern for the placement of the culverts and the possibility of design failures. Mrs. Stevens and Mr. Basso both assured him that the design review is extensive and will be monitored by the Town Engineer and that geotechnical testing is performed to ensure the adequacy of the foundation design for the culverts. Mr. Battis noted that the Commission's responsibility is largely to evaluate the effect of the proposed impacts on the environment and the engineering design review is outside the role of the commission.

Motion to favorably recommend the requested Wetland Special Exceptions 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: R. Jurewicz

Second by: R. Brownrigg

Vote: For 4 Opposed 0 Abstain 0

B. Leonard A. Vigeant & Jane M. Vigeant
300 Webster Street
Map 128 Lots 007 & 008

Referenced Plan: Land of Lenny Vigeant

The applicant was represented by Mr. Tony Basso of Keach-Nordstrom Associates. Mr. Basso proposed a wetland impact of 2,545 SF to construct a roadway with a temporary impact of 913 SF and a buffer impact of 25,915 SF. The impact is for the crossing with an open bottom box culvert for the roadway and some of the buffer impact for a treatment basin and discharge swale into the wetlands. One pond is on the east side to detain, treat and discharge the storm water from the road and one on the west side to handle the drainage from the cul-de-sac. Mr. Basso noted that the development is split between Hudson and Litchfield and that he has obtained a variance from Litchfield to allow residential construction on the Litchfield portion of the property.

Mr. Dickinson asked if the boat ramp access could be stipulated. Mr. Basso stated that is a Planning Board function but you could request if the commission thought it should go forward. He also noted that a Heritage Trail Easement could also be recommended to the Planning Board. Mr. Dickinson also questioned if the culvert dimensions were adequate and Mr. Basso noted that they did follow standard design practices.

It was noted by Mr. Battis that on the site walk some discussion had been made about removing the existing crossing that presently has an 18 inch culvert. Mr. Basso noted that all design was performed assuming that it remained and however it could be removed with little effect. The only advantage of it remaining was ease of access to the treatment swales and ponds.

A discussion ensued over the contents of the possible stipulations as related to the boat launch and Heritage Trail easements.

Motion to favorably recommend the requested Wetland Special Exceptions 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.
3. Recommend that the Town of Hudson acquire a pedestrian easement from the cul-de-sac at the western end of the proposed new roadway, along the lot line between Proposed Lots 6 and 7 to the boat ramp shown on the associated plans, and at the top of the Merrimack River bank both north and south of the wetlands connecting to the river, for the purpose of providing access to and a path for the proposed Heritage Trail.
4. Recommend that the Town of Hudson acquire river access and pedestrian easement extending from the recommended pedestrian easement along the lot line between the proposed Lots 6 and 7 on the associated plans, and continuing down the existing boat ramp to the Merrimack River.

Motion By: K. Dickinson

Second By: R. Brownrigg

Vote: Favorable 4 Unfavorable 0 Abstain 0

C. Demoulas Super Markets, Inc
220 Lowell Road
Map 222 Lots 018

Referenced Plan: Wetland/Wetland Buffer Impact Plan; Market Basket Plaza
Dated: April 14, 2014

The applicant was represented by Mr. Tony Basso of Keach-Nordstrom Associates. Mr. Basso noted that the application has wetland and buffer impacts resulting from a remodeling of the store and parking area including entrances. A proposed 3466 SF addition on the back of the building pushes the roadway in the back into the wetland with a permanent impact of 550 SF. There is also a contiguous buffer impact of 45,975 SF. At present most of this buffer is already disturbed and paved. On the north end of the building is a 10,900 SF addition which will push the roadway out resulting in a permanent 2300 SF impact with a temporary impact of 946 SF. Modification of the parking produces a buffer impact for parking and storm water management. The project will entail storm water management improvements, landscaping, and lighting. Wetland buffer impacts include 946 SF of temporary impacts and 2,850 SF of permanent impact along with 47,221 SF of buffer impact.

Mr. Basso noted that at the site walk reduction in parking space area to 9 ft x 20 ft was discussed but the Planning Board rejected this suggestion.

Mr. Basso noted that the present design collects storm water in catch basins that go directly to the Merrimack River without treatment. This plan will incorporate detention and treatment and improve the overall storm water treatment situation. Although not part of the Conservation Commission concern, the plan will also greatly improve the general traffic flow on Wason and Lowell Roads.

Mr. Dickinson suggested that there might be additional spaces in the buffer but Mr. Basso stated that some of the spaces are carriage corrals and not counted. He also asked about the maximum height of the back retaining wall which turned out to be about 8 ft. Finally, Mr. Dickinson and Mr. Basso engaged in a conversation concerning traffic flow from Wason Road.

Mr. Battis stated that he assumed there would be curbing around the parking lot. Mr. Basso concurred except in areas along Lowell Road where the grading of the lot would be back towards the building. There was also a short discussion of the status of the culvert at Hardy Road but Mr. Basso stated that they would not alter the flow into the wetland and should not have any impact on that culvert.

Motion to favorably recommend the requested Wetland Special Exceptions 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: R Jurewicz

Second By: K Dickinson

Vote: Favorable 4 Unfavorable 0 Abstain 0

IV. OTHER BUSINESS

A. Stewardship of Conserved Lands

Mr. Battis noted that it was determined that the Trail grant that we had assumed was renewed last year was not actual renewed. Although the Town had submitted the necessary paperwork, failure to follow up on the process let the grant lapse.

Mr. Dickinson reported on the status of the Town Forest trail work. It was suggested that completing the trail signs and kiosk be delayed until September.

V. Financial Status

A review of the financial statement showed the only activity for the month was interest earned on the Conservation Fund.

VI. Correspondence

Several items were included in the packages that were advisory letters or notices of violation from the Zoning Administrator and the New Hampshire Department of Environmental Services.

VII. Approval of Minutes

Motion to approve minutes of 14 April 2014 and 9 June 2014 as posted.

Motion by: K. Dickinson

Second by: R. Jurewicz

Vote: Favorable 4 Unfavorable 0 Abstain 0

VIII. Commissioner's Comments

Mr. Dickinson stated he was happy to get through all the applications. He then mentioned that everyone needs to be very cautious of tick bites. He did contract something on the last trail workday. Both Mr. Jurewicz and Mr. Brownrigg expressed disappointment about the trail grant and Mr. Brownrigg hoped that people would become more active in the Conservation Commission activities.

Motion to adjourn.

Motion by: R. Jurewicz

Seconded by: R. Brownrigg

Vote: For 4 Opposed 0 Abstain 0

Meeting Adjourned at 9:50 pm.

James Battis, Chairman