



# TOWN OF HUDSON

## Conservation Commission



Jim Battis, Chairman

Nancy Brucker, Selectmen Liaison

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**DATE: 9 September 2013**

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, P Nappo

**Members of the Commission excused:** P Dubay, R Jurewicz

**Members of the Commission absent:** T Boland

**Member of Town Staff present:** P Colburn

**Board of Selectman Representative present:** N Brucker (arrived late)

**Seating of Alternates:** None

Called to Order at 7:05 pm.

### **I. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS**

None

### **II. OLD BUSINESS**

None

### **III. NEW BUSINESS**

A. Wetland Special Exception – Proposed Buffer Impact

66 and 68 Derry Street  
Map 165 Lots 145 & 146  
Tony Basso, Keach-Nordstrom Assoc., Inc. representing the applicant, Clark, Greer, Latham & Assoc., Inc.

- A Basso: You will recall that we proposed a project a couple months ago regarding a small wetland pocket in the southwest corner of our property. We had done a site walk where we discussed the buffer impacts. Since then, we have been working with the plan attempting to maintain some residential buffers and make the plan work for the building users. We now have a small wetland impact of 2636 SF and a buffer impact, less than our original proposal, 20,670 SF. As you will recall from before, this wetland provides only storm water attenuation, basically for flow from the carwash site. The wetland is full of sand and parking sediment and is not a pristine wetland in any way and it is loaded with invasive species. We can duplicate the functions of this wetland with storm water attenuation with our onsite storm water management system. We were going to have to go into the wetland in any case to deal with the invasive species. The wetland is basically a ditch from one drain system to another drain system. I would like to get this plan amended so I can proceed through the special exception process
- R Brownrigg: You had mentioned a well inside this lot. Have you determined who it belongs to?
- A Basso: Yes. We know who it belongs to and they are working to resolve the title issue.
- J Battis: We have already recommended a special exception for the buffer impact. Would this be a new recommendation or an amendment to the prior recommendation?
- A Basso: We have changed the area of the buffer impact so I would recommend this as a new recommendation.
- P Colburn: They submitted a new application so I would recommend starting over with a brand new recommendation. Also, they will need to go for a use variance for the paving in the buffer so I would recommend making the recommendation for both the special exception and the use variance.
- J Battis: We had discussions of this the last time.
- A Basso: In the past this has always been treated as a special exception. But, as a result of a court case it was determined that you need to comment on both.
- J Battis: Can you give me a citation?
- A Basso: It is not a Superior Court Decision. An abutter appealed a special exception and it was determined that parking needed a variance. While the variance process stands alone, I think it is helpful to the ZBA that you understand that we are requesting the variance. Really, the zoning should be amended to either allow it or to specifically how it should be handled. Right now it is a gray area.
- P Colburn: What it boils down to is there are certain uses permitted in a Wetland Conservation District. There are additional uses that are permitted by special exception. Then there are non-explicit uses that aren't allowed by special exception. So in this instance, the applicant is coming forward with a plan that shows parking and pavement in the wetland and building in the wetland buffer. Those uses are not permitted uses by special exception and therefore he needs to seek a variance for those uses.
- J Battis: This is something new in my 20 plus years on the conservation commission. Would it be sufficient to state, as one of the stipulations, that we understand that construction as portrayed in this plan requires a variance?

- P Colburn: And that your recommendation takes that into consideration for both the special exception and the use variance.
- A Basso: That is all you need to do because there is nothing formal in the process. At some point there needs to be a formal process adopted in the ordinance.
- K Dickinson: I would like to make a motion to recommend both the wetland special exception and the use variance for pavement and associated structures as shown on the plan dated August 28, 2013 titled “Wetland Buffer Impact Plan, Derry Street Retail, Map 165; Lots 145 & 146, 66 & 68 Derry Street, Hudson, New Hampshire”.

**Motion to recommend the Wetland Special Exception with stipulations:**

- I. 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.)
- II. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.
- III. An oil trap shall be installed in the existing catch basin at the northwest edge of the carwash parking lot, on the applicant’s property, and improvements shall be made to the existing curbing in this area to prevent storm water overtopping of the curbing and directly entering the wetland.
- IV. During clearing for construction in the buffer area proper methods for the clearing and disposal of invasive species shall be used to the satisfaction of the Town Engineer.

It is understood that the proposed site plan will also require a use variance to permit the construction of the parking areas and structures in the Wetland Conservation District. By recommending this Wetland Special Exception, the Conservation Commission has considered the proposed uses and recommends the approval by the ZBA of the required use variance.

Motion by: K Dickinson  
 Second by: R Brownrigg

Vote: For   4   Opposed   0   Abstain   0  

- K Dickinson: I do think that a better process needs to be developed. This might be a subject for a future workshop. This should become a simple statement to tack onto the Wetland Special Exception recommendation.

**IV. OTHER BUSINESS**

**A. Circumferential Highway Impact**

- Mr. Battis stated that the scheduled site walk in July for the Speare Road to Kimble Hill Road segment of the Circumferential Highway Corridor was cancelled due to threatening weather.
- Mr. Dickinson proposed to reschedule the site walk at 6:00 pm on 20 September. He would like to keep weekends open for trail work at the Town Forest or Musquash.

**Site walk for Circumferential Right of Way Wetlands between Kimball Hill Road and Speare Road set for Friday, 20 September at 6:00 pm.**

B. Stewardship of Conserved Lands

**Discussion of Robinson Pond Aquatic Plant Control**

The Chair recognized Ms Amy Smagula, Exotic Species Program Coordinator from the New Hampshire DES. Based on a survey performed the afternoon of the Commission meeting, Ms Smagula reported that Robinson Pond had about a 90% reduction of fanwort as a result of this season's herbicide treatment, a significant reduction. The milfoil was taken out by the herbicide treatment, but, as anticipated, it did grow back as the herbicide Clipper is not selected for milfoil control. The map which I handed out shows both fanwort (green dots) and milfoil (red dots). Most of the fanwort is scattered along the wetland edges with a considerable growth in the small wetland next to the boat launch and the fanwort was in flower. This could be attributed to water coming through that tributary diluting the herbicide and will need to be considered during the next application. She was surprised to see it flowering. Most of the points were drivable and she will share her plot with the diver so they can follow up on those sites. She recommended trying to use containment on the boat launch wetland area to minimize fragments drifting out into the lake. In response to a question from Mr Brownrigg, she stated that, in consultation with Aquatic Control Technology, the herbicide applicator, they believe that a more restricted treatment, about half the acreage, will be required next year as fanwort re-growth was expected and observed. It is Ms Smagula's intent to provide to the town a report on her survey results including before and after distributions and the herbicide applicator must also provide a report by 15 October. Mr. Battis stated that Jim Kegley, one of the Lake Hosts for Robinson Pond, reported that the number of catches of fanwort have dropped to zero since the treatment. Mr Dickinson asked about treatment above the beaver dam at the southern end of the pond. Ms Smagula noted that the herbicide treatment was not done in that area as a cost savings and because it was expected that any residue would drift downstream and take care of the fanwort in this area. The growth in that area was not great but next year we might need to extend the treatment down into this area. In response to a question from Mr Dickinson, she stated that the containment barrier would be a 1" wire mesh product going from a couple of inches above the water to about a foot below the surface. This is positioned with floats. Mr. Nappo stated that he had observed bright green or turquoise algae in the pond after the treatments. Ms Smagula noted that this was a cyanobacteria, a blue green algae. This had nothing to do with the treatment but the Pond has had annual cyanobacteria blooms for at least the 10 years she has been studying Robinson Pond. It is a liver or neurotoxin and the beach is posted when it is a health hazard. Mr Brownrigg asked if this had any implications for the best time of treatment. Ms Smagula noted that the cyanobacteria bloom was unrelated to the treatments. The algae grow in the high nutrient levels in the bottom waters. Mr. Nappo noted that he had observed a decline in the water lily population after the treatment but that they had recovered since then. Ms. Smagula stated that Clipper is a broader spectrum herbicide which does affect plants other than those targeted. She has been observing the effect and the native species are rebounding and appear to be a healthy mix. She expects the natives to rebound well next year. Ms Smagula recommended that about 25 acres be treated next year. Mr. Battis noted that this would be an insufficient savings to allow the town to accelerate the schedule and begin treatment for Ottarnic Pond next year assuming a constant budget. Ms Smagula noted that the cost of treatment for Ottarnic Pond was \$22,350 for both Clipper and 2-4-D treatment for both fanwort and milfoil control which are about equal in Ottarnic. Mr. Dickinson asked if we had expended our entire pond remediation budget for this year. Mr. Battis noted that with

the grant funding from the NHDES, the Town had to withdraw about \$10,000 from the Conservation Fund to pay for the herbicide treatment and the DASH operations. In response to a question from Mr. Brownrigg, Ms Smagula described the difficulties and dangers of diver assisted control methods and emphasized that they only use trained and certified divers in the control operations. Ms Smagula also responding to a question from Mr Dickinson noted that it is best to have divers operating as soon as the invasives are growing in the spring and that she coordinates with the dive teams to maximize their utility. In response to a question from Mrs Brucker, it was noted that residence around the Pond should notice a significant reduction in the invasive plant growth as compared to last year and this is also noticeable at the boat launch. Mr Battis noted that Robinson Pond has been the top problem pond in the state and now the Lake Host monitors are getting no catches. Ms Smagula stated that funding of the control grants should stay at the 40-50% range.

On other topics, Mr Battis noted that the Musquash trail projects have been quiet although he had heard suggestions that there might be a trail cleanup day in October. Mr Dickinson suggested a Town Forest Trail date on 6 October.

**Town Forest Trail Day was set for Sunday, 6 October for 9:00 am to 12:00 pm.**

## **V. Financial Status**

Mr. Battis noted that the Town will be asking for a Conservation Commission budget before our October meeting. He provided the Commission with the Commissions FY14 proposed budget and the actual FY14 default Budget. The difference was essentially a request for \$1500 for stewardship costs. In response to a query from Mr. Dickinson, Mr Battis explained that a multiyear plan had been developed for reclamation of Robinson and Ottarnic Pond including funding of the Pond Reclamation Capital Reserve Fund to pay for out-year control requirements. If the commission leaves the invasive weed control line constant this matches the plan. Mr. Colburn remarked that the budget is required on 4 October and the presentation to the Board of Selectmen will be 15 October. Mr Dickinson noted that the excess cost of treatment last year came from the Conservation Fund and any savings due to the success of the treatment this year could be seen as repayment of a “no-interest loan”. Mr Colburn asked what the purpose was of the Stewardship line item. Mr Dickinson stated that it was for trail work such as equipment and material costs that are not covered by a grant. Mr Colburn pointed out, and Mr. Battis concurred, that the DES Grant for invasive weed control should be processed through the Town. Mr. Dickinson noted that our line item breakdowns do not seem to match our actual expenditure to which Mr. Battis noted that he had made several corrections last year but that in the end, it is only the total number that is significant.

**Motion to accept a budget request of \$36,751 including the Stewardship request and after excluding an estimate of the invasive species control grant revenue.**

Motion by: K Dickinson

Second by: R Brownrigg

Vote: For   4   Opposed   0   Abstain   0  

## **VI. Correspondence**

No Correspondence was received.

## VII. Minutes

### **Motion to approve the 8 July 2013 minutes as amended.**

Motion by: K Dickinson

Second by: P Nappo

Vote: For   4   Opposed   0   Abstain   0  

## VIII. Commissioner's Comments

- P Nappo: Glad to hear Amy's comments and I am glad we decided to treat the pond.
- N. Brucker: I am glad to hear about the treatment's success and I will be happy to report that to the BoS tomorrow.
- R. Brownrigg: Great news. People in the town should be happy about this and it should be put in the paper.
- K. Dickinson: I think we should stay the course on the treatment and I am glad we did not stop the treatment. Should we be more under the gun to maximize the amount of work under the trail grant? I thought we would be further along although it might be because of the weather this summer.
- J Battis: There are a limited number of volunteers and that is a challenge. When there are only five or six people showing up. For the grant there are only two places where I see us expending money. One is the potential culvert on the Nash-Hamblett trail and the bridge.
- K. Dickinson: We could also expend funds on the Kiosk at the Town Forest and improve the parking. This will improve the use of the property.
- There was some additional discussion on the usability of the trails at Musqash in response to a question from Mrs Brucker.
- J Battis: I echo everyone's comments on the pond treatment. Maybe this will increase the use of Robinson Pond. If anyone is interested in getting on the Conservation Commission we have openings for three Alternate positions. The applications are available at the Town Hall and on the Town Website.

### **Motion to adjourn.**

Motion by: R Brownrigg

Seconded by: P Nappo

Vote: For   4   Opposed   0   Abstain   0  

Meeting Adjourned at 9:30 pm.

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James Battis, Chairman