



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: 10 June 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 (Late), R Jurewicz,

Members of the Commission excused: P Dubay

Members of the Commission absent: T Boland, P Nappo

Member of Town Staff present: P Colburn

Board of Selectman Representative present: N Brucker

Seating of Alternates: None

Called to Order at 7:01 p.m.

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: The property we are talking about is Lots 145 and 146 on Derry Street, the old Hogan Nursery. There is a car wash located to the south; a strip center to the north and across the street the cemetery. Behind us is the Willow Creek Condominiums. We are proposing to redevelop this site. It has gotten quiet overgrown and has not been used in quite a while. There is an old greenhouse building close to the road and gravel parking. Looking at the contours on the existing site you can tell the site was worked over for various things. There were flat spots where they must have stored materials and since then it is completely overgrown with brush. We are looking to redevelop the site with two retail tenants, one being 9,977 sq ft and the other 15,828 sq ft with the associated parking. This site slopes from 102 down fairly drastically to the property behind to the east. The first part close to the road is fairly flat then there is a steep drop and a terrace and then a drop, so it goes in a couple levels. In the southwest corner of the site there is an onsite wetland. The wetland is a storm water impoundment from the sites that are uphill next to us which flow down into this and there is a pipe where this water exits. It may have been natural but it is hard to tell. It basically attenuates storm water. Although the buffer seems not to have been impacted on our site it has been with all the changes in topography over the years. The car wash parking lot goes significantly onto our property and into the buffer. That has been there for a lot of years. The slope goes right down to the wetlands. As I said, we are looking to redevelop the site with a couple buildings and in doing so we need to get into the buffer. I do not need to get into the wetland but I do need to get into the buffer because of the slope of the property.
- I want to say that this is a preliminary plan. The developer has seen the plan but the final end users, the retailers, have not approved this yet. It is subject to a little change; it is a work in progress. I know you usually like a site walk and I would like to get that scheduled and get on the agenda for the next meeting.
- R Brownrigg: Will you build on top of the wetlands?
- A Basso: No, we will build in the buffer so that is upland ground. It is not the wetland soil.
- R Brownrigg: How far in are you into the buffer?
- A Basso: We are pretty far. In some places (*indicating the western edge of the building area*) we are getting right up to it. What we would do there is have a retaining wall system just out of the wetland. We are using the buffer but it is uplands that we are working in and we do not anticipate needing any piles. The retain system would be a pre-engineered system, the blocks that you see. An nothing would need to be in the wetland area.
- N Brucker: Why couldn't you place the building up closer to Derry Street, where the parking area is?
- A Basso: In order to meet the Hudson Code requirement for parking spaces, 5/1000 sq ft, they need to be where they are located. There is a balancing act: there is a green space setback from the road; there is a certain number of parking spaces that we need. The first concept I looked at was closer to the road and was invading into the green space setback which would not be possible to do. When I look at the buffer and saw

that it had been disturbed, this is not pristine buffer although it is quite overgrown right now, including invasive species, I felt that this buffer could be sacrificed. The only function this buffer provides is storm water treatment and attenuation. I can provide that on site with underground treatment, retention and detention. In this case, there is no alternative to going into the buffer because I cannot go forward and a certain number of spaces are required for the code so it puts me there.

- J Battis: The number of parking spaces you are showing is the code requirement?
- A Basso: I am a few short. I cannot see anywhere else in the buffer to get any more so I am not going to do that.
- R Brownrigg: I have a question for the chair. Do they have to get a special permit to build on the wetlands like this from the town and state or just the town?
- J Battis: They are not filling. They are in the buffer not in the wetlands. So they need a Wetlands Special Exception from the town, not from the state.
- A Basso: If we were in the wetland, it, the boundary of the wetland is the jurisdictional boundary for the state and we would need a permit from the state as well. The state does not have buffers but the town does. So that is specifically local. But this is not just a special exception. I am also looking for a variance.
- J Battis: We do not, to my knowledge, comment on the variance, only on the special exception.
- P Colburn: I think you do comment relative to the Use Variance because he is impacting the buffer with the building and the paved surface, neither of those are allowed by special exception.
- A Basso: We use to do the whole thing that way but someone made a decision maybe three or four years ago that changed everything.
- N Brucker: The whole water treatment proposed looks very complex. Is this unusual?
- A Basso: It is an underground system we are proposing. They are getting done all the time now. We need a site specific alteration of terrain permit through the State of New Hampshire were they look at our storm water systems and make sure that they do what they are suppose to. These systems are meant to go under paved areas and they collect storm water, they provide treatment for the storm water, they let some of it into the ground and they have an outlet to allow it to flow. They are very common now. A few years back they were considered innovative but now it is standard thing. You are going to see more and more of them because to comply with alteration of terrain rules we have to use these systems for this kind of project.
- N Brucker: The car wash next door the storm water is coming down into your lot?
- A Basso: Yes. It is unmitigated. But that was what was allowed back then. I can't even tell when that was built from the records. I am guessing in the 70's. They would have had Planning Board requirements but they did not have requirements for storm water treatment. There is a catch basin with a pipe going directly into the wetland. The wetland scientist observed a sheen on the water in the wetland. This is not a pristine area and we can provide the necessary storm water attenuation and treatment for our site to prevent this site from contributing to what is going on.
- K Dickinson: The contours in the basin make it look fairly shallow. I am wondering if there is a defined channel that carries the water to the outlet?
- A Basso: No, there is not.
- K Dickinson: Have you done all your calculations to see how that basin will hold?
- A Basso: We are not going to use that for storm water attenuation. We are using our

own system. We are not going to increase the peak rate or increase the storm flow from what goes there today. We are not using that for storm water. It is used by others but we are not using it. What goes there today goes there. Not more than that when we are done.

- J Battis: You are saying that for that wetland the sources are pretty much off your property?
- A Basso: Our property also flows to it. I am saying that whatever flows over our property today, there is a quantity, we are not going to change that and whatever we send there we will treat.
- J Battis: Understanding that this is conceptual, what are you thinking about on the roof for the southeastern building? Is that a flat roof? The reason I am asking is because you are right there at a very steep grade so the runoff...
- A Basso: We are not letting the roof go. We will collect the roof and put it through our storm water system as well. I don't think you can let commercial roofs discharge into a wetland.
- K Dickinson: At the end of the detention area are you going to have a storm septer or swirl chamber?
- A Basso: We are planning on using an underground system. I didn't plan on using the swirl devices. We usually use those for redevelopment. We are planning to do a full underground system, an ADS system with an isolator row and all that.
- K Dickinson: So the projected flow will be clean enough to take care of itself.
- A Basso: It will be completely treated inside that system for sediment, for everything.
- K Dickinson: Before even seeing the presentation I thought the proposed redevelopment for this site is aggressive but, based on the fact that it is zoned retail, is reasonable. It is in a somewhat urban area of Hudson. Where this is an isolated wetland acting as storm water treatment I wasn't bothered by the proposal. I am not certain if anyone is interested in doing a site walk?
- R Brownrigg: I am interested in doing a site walk. He is not building in the buffer, is that correct?
- J Battis: He is not in the wetlands. He is grading, paving and building the building in the buffer.
- R Brownrigg: He is using blocks as his foundation?
- A Basso: The retaining wall would be a block system. The wall of the building would be a poured wall with a footing, standard construction.
- R. Brownrigg: The soil...do they test it to see if it is soft, what type of clays are in it? How do you know that wall won't fall into a sink hole?
- A Basso: We are not in the wetland. We are in the upland soil. We are in the buffer. For the wall of the building they will have a geotechnical engineer do some borings on site in the areas were the building corners are. Typically the do the four corners of the building and one in the center. They establish the capacity of soil and they design the spread footing accordingly to make sure it can support the building itself. For clarity, we are not in the wetland soil. If we were in the wetland we would have to strip out the loams and organic material and then do the testing. Structural and geotechs will look at this to make sure the soils can handle the loads.
- R Jurewicz: There is a soil survey in our packets.
- A Basso: The soil survey you see is generic county survey. We will have a soil scientist

survey the site using an auger to a depth of 40” and give the soils there proper names. What Randy was referring to goes much deeper. And that determines the size of the footings required for the building.

- N Brucker: I have never seen a site that has an existing well.
- A Basso: We are trying to get to the bottom of that. There is an existing well and someone has rights to it. The well is 100 years old but has not been used in many years. Since then town water has been run through. But someone still has rights and my client has his counsel trying to find who has the rights and hopefully extinguish those rights. We are working that. The last known rights were in the 1950’s and they were deeded through probate.

Site Walk for Map 165 Lots 145 & 146 scheduled for 25 June 2013 at 6:30 p.m.

B. Lake Host Contribution, Ottarnic and Robinson Pond

- J Battis: The Commission has received an invoice from the New Hampshire Lakes Association for \$4,000 reflecting 100% of our pledged hard cash amount for the Lake Host salaries, stature benefits and payrolls fees for the summer of 2013 at Robinson Pond and Ottarnic Pond. This is an annual assessment. The Lake Host program is run by volunteers who are there on weekends and some evenings greeting people who use the boat ramp telling them about invasive species and asking them to clean their boats before and after using the ponds. We have been doing this for a number of years. The \$4,000 was in our budget. I would entertain a motion to authorize the payment of this invoice.

Motion to authorize the expenditure of \$4,000 to pay the Lake Host Invoice from the New Hampshire Lakes Association.

Motion by: K Dickinson

Second by R. Jurewicz

Vote: For 4 Opposed 0 Abstain 0

IV. OTHER BUSINESS

A. Stewardship of Conserved Lands

- J Battis: In your packages you received a copy of the letter Patrick Colburn put together requesting an extension on the Musquash Trail grant. That has been submitted but we have not received a specific reply from the Bureau of Trails but the last time Pat spoke to them it appeared to be a pro forma action. We did have a trail cleanup on 1 June and we had six people attend and the major effort was to clear the vista on Meeting House Trail and at the end of Whispering Pine Trail and the end of 1st swamp. We also did some trail work at the Town Forest since the last meeting.
- K Dickinson: I noticed in the letter you did not have to incorporate those hours for the request for the extension of the grant.
- J Battis: Our problem on the grant is not that we do not have enough hours. After the Musquash trail cleanup we have accrued about \$2,000 dollars of volunteer labor which is equivalent to about \$8,000 of grant funds. We do not have enough expenses. The only expenses we have accrued so far are for rakes, hedge pruners, and loppers that Sandra Rumbaugh purchased for the trail cleanup. She has submitted that invoice in the

amount of \$109.73. Right now they are marked with HCC and in my garage. We need to figure out where we are going to store them. I ask the Commission to authorize the expenditure from our small equipment line item.

Motion to authorize the expenditure of \$109.73 from the Small Equipment Maintenance account (202-000) to pay for various small tools.

Motion by: K Dickinson

Second by R. Brownrigg

Vote: For 4 Opposed 0 Abstain 0

- K Dickinson: Do we want to schedule trail work at the town forest?
- J Battis: I suggest we do because I have had one comment on the trail which was that they had not been able to find it. I know that the segment that we worked on the western side was never really connected to the logging trail. We need to complete that link.
- R Jurewicz: Has this trail be mapped on paper as of yet?
- J Battis: We have it sketched out by hand and we will get GPS data once the complete trail is established.
- K Dickinson: I probably have extra copies of that.
- J Battis: Shall we schedule another trail day?
- K Dickinson: I am not sure I can do it this month. One thought would be to have it on Saturday, 13 July.
- J Battis: That is after the next meeting. I suggest we take a break and schedule the day at the next meeting.
- K Dickinson: I might be able to add some additional flagging.

B. Circumferential Highway Impact

- J Battis: We did do a site walk at the Spear Road Wetland crossings. Because of beaver activity on the north side of Spear Road the wetland has increased in size from what it used to be. It creates an interesting situation there. Within the Circumferential right of way you cannot get across the wetlands to the north. Wetlands to the south of Spear Road are a little unclear as were not able to clearly define the property line. Based on the map and aerials of the property there may be some issues. It is an area that will require a more serious site walk. We were also planning to redo the site walk from Bush Hill back.
- P Colburn: I just wanted to remind you that we have two summer interns who operate the GPS until the 3rd week of August.
- J Battis: After the next trail day at the Town Forest we would probably ask them to do it. That is probably an August time frame.
- N Brucker: Have signs been put up on any of the trails? I know we have talked about purchasing the material for the trails.
- J Battis: I will remind Joe Undercofler about the authorization of expenses.
- K Dickinson: Another thing might be to repaint the Town Forest sign.
- J Battis: The only other thing I have, as part of our Stewardship effort we have the test reports from the VLAP program. Just for information of the Commission and the public we do get reports every time they do the testing. The tests reports are kept at the Engineering Department.

V. Financial Status

- J Battis: Again you will see the encumbrance of \$26,925 under Professional Services which results in a balance of -\$10,992 which is the herbicide treatment for which we have not yet received an invoice. Referring to Kathy Carpentier's memo, when the invoice comes in we have a spreadsheet in there for how we will pay for it. This has been reviewed by the Board of Selectmen and the Finance Director.

VI. Correspondence

- J Battis: We have been notified of a Hudson project for "Routine Roadway and Railway Maintenance" for maintaining a culvert at 152 Robinson Road. We take no action on it. The other correspondence was from the Board of Selectmen and notified us that the trail names, as submitted, have been approved. As a final item, Sandra Rumbaugh has informed us of a new trail that is going in and for which they are soliciting a name. Finally, we have been notified of a wildlife and habitat conservation workshop on 18-21 July sponsored by the UNH Cooperative Extension Program

VII. Minutes

- J Battis: We have the minutes of the April and May meetings in our packages. Before we get into corrections, I would like to get a sense of the Commission on the adequacy of the minutes.
- K Dickinson: Perhaps it was a lot to read because there were two months worth rather than one. But it looks like a lot of work but it is up to the minute taker how much effort they want to put into it. They could be shorter although they don't need to be as short as they were previously.
- J Battis: Perhaps I need to be more sensitive to the content using more detail when we have an application before us and less when we are talking about Stewardship.
- N Brucker: Yes, I think that would work.
- K Dickinson: Ditto.
- J Battis: Are we prepared to do the minutes?
- K. Dickinson: No.
- R Jurewicz: I was not here for the April meeting so I only went over Mays.
- K. Dickinson: If there is no harm I would recommend waiting until next month.
- J Battis: Hearing no objects to tabling the minutes until the next meeting we will table them.

VIII. Commissioner's Comments

- R Brownrigg: Everything is going well and I enjoy being here. I will always keep an open mind and keep learning.
- R Jurewicz: I am new here and there is a learning curve but I enjoy it.
- K Dickinson: The fact that we have a case with a potential development would be a good site walk to attend. You can learn a lot. Mr. Basso is quick to provide technical answers and, over the past ten years, he has done most of the applications before us. It would be good experience. I don't know if there is any interest in reviewing the wetland that is near the end of the Circumferential Right of Way that you can view without going into it from the circle on Constitution Drive.

Site walk for Circumferential Right of Way Wetlands off Constitution Drive set for

Thursday, 13 June at 6:30 p.m.

- N Brucker: I wish I could do the site walks but I am waiting for a knee replacement. I am excited they are looking to redevelop that lot. It has been an eyesore for 25 years. But it looks like they are really getting into that buffer quite a bit. We have signed the papers for the transfer of \$36,000 for the Conservation Commission.
- P Colburn: I just wanted to bring up the DASH Operations.
- J Battis: Yes, AB Aquatics has a contract for Ottarnic Pond starting last Wednesday. I am not sure what their plans are as we had scheduled 10 days for the full year but they set up the contract for 10 days through 30 June. In one sense that is alright as we scheduled a 5 days at Robinson and 5 days at Ottarnic for spring operations and there will be no DASH operations at Robinson because of the lateness of the herbicide treatment. We need to get some clarification. Most of the DASH operation will be a the inlet which has been feeding the pond.
- R Brownrigg:: Has the growth been bad this year?
- J Battis: My suspicion is no but I have not spoken to the State limnologist yet. Last year was very bad due to the mild winter. I haven't heard anyone saying the growth has accelerated.
- K Dickinson: Do you know what date the herbicide treatment is scheduled for?
- J Battis: I have heard a couple of dates but it is late in the month of June. There has been a notice in the paper.

Motion to adjourn.

Motion by: R. Brownrigg

Seconded by: R Jurewicz

Vote: For 4 Opposed 0 Abstain 0

Meeting adjourned at 8:31 p.m.

James Battis, Chairman