



TOWN OF HUDSON

Conservation Commission



Jim Battis, Chairman

Nancy Brucker, Selectmen Liaison

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DATE: 13 May 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, P. Dubay, K. Dickinson (Late), R. Jurewicz, P. Nappo

Members of the Commission absent: T. Boland

Member of Town Staff present: P. Colburn

Board of Selectman Representative present: N. Brucker

Seating of Alternates: None

Called to Order at 7:03 p.m.

I. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS

None

II. OLD BUSINESS

None

III. NEW BUSINESS

None

IV. OTHER BUSINESS

A. Stewardship of Conserved Lands

- P. Colburn: Following the last meeting I communicated with Megan DeNutte, the specialist who manages the trail grants for the New Hampshire Bureau of Trails. I called her regarding the Benson and Musquash trail grants. The Musquash grant has not been

touched and still stands at \$20,000 which is based on a 20% share from the Town. This Town share has been traditionally paid by volunteer labor at something like \$18/hour for unskilled labor. Essentially, nothing has been done on the grant since it was received. I was told those monies would expire come 30 June. The grant is good for one year; June to June. I wanted to bring this before you tonight because I believe the first order of business would be to request an extension of the grant monies. I want to make sure we have an associated timeline and budget so we have some teeth when we submit this request.

- J. Battis: The problem that has evolved here is that it came to our attention that we had gotten notification of the grant in October 2012 and our plans were to expend the funds over the summer, assuming an October to October window. We do have plans to expend funds. At our last meeting Sandra Rumbaugh came in and gave us a summary of her plans for trail work at Musquash. I think we can provide you with the information you requested and I will take action to get a level of effort for volunteer work since last July and plans for this summer and next spring. I will have this before the next meeting.
- P. Colburn: The only concern I have is the next meeting would be 10 June which does not give them much time. I wonder if we should prepare the request between now and then, say within the next week or so.
- J. Battis: If the commission will authorize me, with Pat's assistance, to put together the request and submit it I would do that.

Motion to authorize the Chairman and the Town Engineer to submit a Trail Grant extension request to the New Hampshire Bureau of Trails.

Motion by: P. Dubay

Second by R. Brownrigg

Vote: For 5 Opposed 0 Abstain 0

- P. Dubay: I will research the volunteer work associated with the Eagle projects that were conducted last summer.
- J. Battis: That is the most important item as we do not want to lose a substantial amount of money. At our last meeting Mrs. Rumbaugh brought up the issue of a hunter's tree stand near the Whispering Pine Loop Trail. She raised the question could the Town remove the stand? I received a response from Fish and Game this morning. In New Hampshire if the land is not posted any hunter can put a tree stand on the property. The response is from Lt. Robert Bryon, a Fish and Game Officer. My question was knowing that one can place a tree stand on private land, is there any requirement to remove it? He states, "There are no rules pertaining to the removal of a tree stand. However, a landowner certainly has the ability to remove a stand if they choose. I might suggest posting a note in a plastic holder on the tree letting the person know how they can reclaim their stand especially since there is nothing illegal about it. You may end up finding a name on it somewhere and may be able to contact the person directly". So it turns out that the tree stand is not improper or illegal, as long as it does not damage the tree and we do have the right to take it down. I will forward that on to Mrs. Rumbaugh.
- R. Brownrigg: When you say, 'damage the tree' you mean no nails, no 2x4s. It is not a tree fort. It cannot be built onto the tree.

- J. Battis: That is correct. I would even think if you took nylon webbing wrapped around the tree it would need to be loose enough not to restrict the tree.
- N. Brucker: Don't we have no-hunting areas?
- J. Battis: The Musquash area is open to hunting. I would imagine Bensons is no hunting. Conservation land we leave open to hunting. However, there are restrictions on firearms being discharged within so many feet of houses and roads.
- P. Dubay: The deed itself restricted the use of ATVs, but not hunting?
- J. Battis: That is correct.
- R. Brownrigg: Ken and I meet two or three weeks ago at the Town Forest. We worked on creating two trails. If you enter through the gate and go straight back and bear to the right there is a pond. In that area one of the trails was flooded out and we were talking about putting a small ramp or bridge going over that area. We also noted a lot of ATV traffic back there. I don't know if that is something that is allowed or not. We went back on the other side and started new trails that we marked off with orange ribbons spaced at about 25 or 30 feet. We want to go back and walk on those trails again.
- R. Jurewicz: Which area was this?
- J. Battis: The Town Forest off Kimble Hill Road just before the Pelham line.
R Brownrigg: Ken also brought up the idea of placing a wooden map at the entrance. I don't know if that is in the works or being discussed. I thought it was a great idea so people can get an idea of what is there.

K. Dickinson is seated at 7:20 p.m.

- J. Battis: We were hoping to use some of the trail grant to build the kiosk. Going back to the ATVs, to my knowledge, there is no restriction on ATVs at the Town Forest. I should back up on that. The Town has no ordinance to restrict them. The State policy is for an ATV to operate on someone else's land, which would include the Town of Hudson, they have to have the written permission of the land owner. I know that those ATV operators have not requested permission of the Town of Hudson. So they are in violation of the requirements that the State puts on them but I will also say that at the present time the Town has no way of enforcing the ATV requirement. Ken, do you have anything to add to our discussion on the trail work?
- K. Dickinson: I wanted to see if we could schedule another time to continue that effort?
- J. Battis: If you want to schedule a site walk this would be an appropriate time to do it.
- P. Dubay: The hours that they work on the trails. Will those be used on the grant?
- J. Battis: Absolutely.
- P. Colburn: It should be at Musquash.
- J. Battis: Last year the Conservation Commission did check and it was any conservation land in the Town of Hudson for including labor and expending money.
- P. Colburn: OK.
- P. Dubay: How do you get that volunteer paperwork?
- J. Battis: When people come to the meeting, such as the Scout project, I spoke to the Scout and to Joe Undercofler, asking them to keep track of their hours.
- P. Dubay: I mean for our people.
- J. Battis: We will have to reconstruct them using conservative estimates.

- R. Brownrigg: I don't know what you are talking about.
- J. Battis: As part of the trail rant our volunteer hours can be used against the Towns portion of the grant at about \$18.00 per hour. So if you were out at the Town Forest for 2 hours that is \$70 that the Town has contributed. For the \$70 you get \$210 of expendable money. We have to be extremely conservative. When you do trail work just send me an email.
- P. Colburn: How many people and how long.
- J. Battis: For record keeping names would be nice but not necessary.

Town Forest Trail Workday scheduled for 9:00 a.m. on 19 May.

- J. Battis: One other thing I should bring up to close some business we had at the last meeting. At our last meeting we had some public input concerning ATV use near Second Brook across from Oban Drive. The Code Enforcement Officer, Mr. Oleksak, was able to contact the homeowner. The homeowner had agreed to stop using the ATV near the Brook and it was Mr. Oleksak's opinion that no remediation work was required.

B. Circumferential Highway Impact

- J. Battis: The Planning Board is considering the implications of building a two lane road along the Circumferential Right of Way. The Circumferential Highway was a plan to build an eastern loop bypass around the Nashua area. In the late 1990's or early 2000's the EPA said that the plan was a lost cause due to the sensitive nature of the wetlands between 111 and the Sagamore Bridge. The Right of Way is still in the hands of the State. The Planning Board is investigating to see if building such a two lane road would alleviate some of the traffic problems along Lowell Road. They asked the NRPC to do a study of the possible route. The CD, which I have given you includes the NRPC study, the Prime Wetlands Study which discusses some of the wetlands they would have to cross, an Open Space Report which the Conservation Commission just completed last year, excerpts from the original Environmental Impact Study for the original Circumferential Highway. The Planning Board, through Mr. Maddox has asked us to review the study and the Circumferential Right of Way and provide them, at some point, a report on the environmentally sensitive areas so they can do the planning process. The Commission did a site walk on part of the Right of Way but we have three new members. I was going to suggest we pick that up again. Ken has walked pretty much the entire right of way. Are there areas we could do in an evening walk of about an hour? I was thinking about the Spear Road area.
- K. Dickinson: There are wetland crossings close on both sides of Spear Road. If we got out early enough we might be able to add some lesser crossings also.

Spear Road Site Walk scheduled for 6:30 p.m. on 20 May.

- J. Battis: This is just to familiarize us with the terrain.
- K. Dickinson: Because we have new people on the committee I would not be opposed to redoing the walks that we did.
- J. Battis: Right now I would like to get a view of the whole path and then go back and review segments in a little more detail.

- N. Brucker: I think it would be helpful to video tape these site walks.
- J. Battis: I will be taking still pictures.
- P. Dubay: Ken, did you send around a map for the last walk?
- K. Dickinson: I can do something for this walk.
- J. Battis: If you look at the Open Space report, several of our medium ranked parcels for open space are part of the Circumferential Highway right of way. One last item I would like to bring up is to ask our Selectmen's Liaison if the Board of Selectmen approved the trail names at your last meeting.
- N. Brucker: Yes, they were accepted.
- P. Dubay: I sent you an email regarding Musquash trail signs.
- J. Battis: When Sandra Rumbaugh came before us discussing the Musquash trail work she stated that she would come before us to request funding for trail signs. The recommendation is that we recommend the expenditure of \$300 for material for signs in the Musquash Conservation Area.
- P. Dubay: That is correct. It is approximately \$25/sign and there are about 12 signs. We will coordinate with Joe Undercofler and Sandra to start the purchase of the material and make the signs.
- R. Brownrigg: Does the pond off Musquash Road fall under the grant?
- J. Battis: Yes.
- R. Brownrigg: Could we put "Beaver Crossing signs on the roadway? Beavers take care of that little dam. Two or three years ago three of them got killed. I haven't seen any recently but I assume they are back there. It would probably slow traffic down a bit.
- J. Battis: Would that be the highway?
- P. Colburn: That is not a standard highway sign. I think you would have to pay for it.

Motion to expend \$300 for materials for signs for the Musquash Conservation Area.

Motion by: R. Jurewicz

Second by: K. Dickinson

Vote: For 6 Opposed 0 Abstain 0

V. FINANCIAL STATUS

- J. Battis: We got the financial statement in their packages. What you see is interest of \$12.52 on three quarter of a million dollars. In the Expenditure Report there is a deficit of \$10,992 under Professional Services. That is the charge for the herbicide treatment which has not been invoiced yet. I will just state that that does not come just from the Conservation Funds but we will ask that it be covered by the Pond Reclamation Capital Reserve Fund and other funds. It is not the big whole in our budget as it appears there.

VI. CORRESPONDENCE

- J. Battis: When NRPC study on the highway was made available to us Appendix A, the estimated costs of constructing the roadway, was not include in the copy provided to us. I did obtain it and a copy was provided to us.
- P. Dubay: In the package there was the memo on 13 Oak Street.

- J. Battis: Apparently there was an issue of ownership of part of Map 190 Lot 163, 13 Oak Street. I did a quick inquiry of the Commission if anyone thought the lot had conservation interest. I received no responses, except for Mrs. Brucker, and I submitted that to Mr. Malizia.
- K. Dickinson: Did any of the parcel touch the Merrill Brook Park or is that further downstream?
- J. Battis: No, that is further downstream.
- K. Dickinson: So it is inaccessible to the public.
- J. Battis: No. Another item of correspondence from the Department of Transportation. A month ago or so they sent us information concerning the installation of centerline and shoulder rumble strips on NH 111. They are informing us that there is a public meeting on 21 May at 7:00 p.m. at the Windham High School Cafeteria to discuss the project. We determined, at the time there were no conservation issues involved. We also have some brochures on the New Hampshire Lake Association, water quality, and the Army Corps of Engineers Wetland Delineation Workshop, The New Hampshire Association of Natural Resource Scientists Spring Quarterly Meeting. The last item of correspondence is a membership notice for the New Hampshire Lakes Association. We are members of the association and participate in several programs as part of our invasive species including the Lake Host Program that checks boats coming to and leaving the ponds for invasive species.

Motion to renew our membership in the New Hampshire Lakes Association for the amount of \$300.

Motion by: K. Dickinson

Second by: P. Dubay

Discussion:

- P. Colburn: Looking at the Expenditure Report the line item for Association Dues and Fees is already in arrears by about \$309. Where are you drawing this from.
- J. Battis: In the past we have taken it out of other line items.
- P. Colburn: It looks like you have funds in Office Supplies and Stationary. We will bill it against the 217 account for record keeping.
- J. Battis: I have spoken to the Finance Director and she does not consider the line items inviolate, but rather the total budget.

Vote: For 6 Opposed 0 Abstain 0

- J. Battis: We have one more item, a Roadways and Railways Activities Notification from the State of New Hampshire DES Wetland Bureau for maintenance of a culvert on Kimball Hill Road.
- P. Colburn: Kimball Hill Road is a DoT roadway so they are just notifying the Wetland Bureau of maintenance involving crossing wetland. It is a notification so DoT and municipalities do not have to go through a full permit application.
- J. Battis: So it is just a notification and there is nothing for us to do.
- P. Colburn: Yes.

VII. MINUTES

- P. Dubay: The minutes were not in our package.
- J. Battis: We will Table the April minutes to the next meeting.

VIII. COMMISSIONER'S COMMENTS

- K. Dickinson: One comment on the Circumferential corridor site walk, I put together a series of PDF files from the National Wetlands Inventory showing about 18 wetlands in the corridor. I will try to forward those. It is nice to see that we have a new member onboard.
- P. Dubay: Welcome to Ray. It is great to see all this work getting done especially at Musquash and the Town Forest. If you need any assistance getting the grant renewal I will help and I will try to collect as much of the volunteer information as I can from the Scouts.
- R. Brownrigg: I had fun out there with Ken. I just want to inquire why there is not more discussion about the ATVs. What does it take to get written permission? Why can't we do something like they do in Berlin, NH. If people are going to ride their ATVs why can't they insure it like a car. Or if you are going to ride your ATV on our property you pay a yearly fee.
- J. Battis: We have no enforcement authority. The people who have to enforce are the Police Department and they would need a Town Ordinance. The State, through Fish and Wildlife, would be responsible for enforcing their regulations.
- P. Dubay: Signage?
- J. Battis: No, it is my understanding for ATVs signage is not an issue. It is my understanding that if you are not the land owner you must have written permission. We have had previous Chairmen talk with the Police Department about enforcement and they have their priorities. Enforcement is a big issue.
- R. Brownrigg: I have only been here for two meetings but it does seem to be an issue during the summer months.
- J. Battis: Signage would probably help.
- K. Dickinson: This is an issue that comes up regularly. I think if someone wants to do some research and if there is some new information to bring it to the table that is great.
- P. Dubay: Is it new information that the deed for Musquash does not allow ATVs?
- J. Battis: No, this has been known but the problem is enforcement. The trail along the power line goes all the way to Quebec and gets heavy usage.
- K. Dickinson: I know people in other towns in Massachusetts know that that path is there and provides an interesting route for ATV usage.
- R. Brownrigg: I would like to take on that research.
- J. Battis: As you are aware, Fish and Game has the jurisdiction at the State level and there are ATV organizations who emphasis respecting land owner rights and it might be worth talking to one of those groups. I think signage would help.
- N. Brucker: On that same subject, I think if there were criminal activities involved it would be easier to get the police involved. I would like to welcome Ray and, I don't know if I was here for your first meeting, also Pat.
- R. Jurewicz: It is a pleasure to be here and I look forward to serving.

- J. Battis: For the new members, you are getting a very limited view of the Commission. We have been talking about Musquash and the Town Forest. I hope at some point, you get to see a Wetland Special Exception application. We do have other functions beside the stewardship roles.
- P. Colburn: I just wanted to let everyone know that Betty Holt is retiring in two weeks. Her replacement, Doreena Stickney, started work today. Betty will help here warm up to the job and then be full time retired.
- J. Battis: I wish her well in her second retirement that I am aware of.

IX. MOTION TO ADJOURN.

Motion by: P. Dubay

Seconded by: K. Dickinson

Vote: For 6 Opposed 0 Abstain 0

Meeting Adjourned at 8:30 p.m.

James Battis, Chairman