

HUDSON CONSERVATION COMMISSION

JANUARY 18, 2008

MEETING MINUTES – Final

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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 on Friday, January 18, 2008 at 7:00 P.M. in the Community Development Room of Town Hall. Chairman Rumbaugh presided.

Members of the Commission present: Ken Dickinson, Michelle Champion, Linda Kipnes, and Jim Battis

Members of the Commission absent: Suellen Quinlan (Alternate), Bob Haefner, and Tim Quinn

Member of Town Staff absent: Tom Sommers

Board of Selectmen absent: Ken Massey

Also in Attendance: Gerald Prunier – Prunier & Prolman, 20 Trafalgar Square #626, Nashua, NH 03063, Jim Boyle - Bedford Design Consultants, 177 East Industrial Park, Drive, Manchester, NH 03109, Tony Basso (Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B Bedford, New Hampshire 03110

1. **ADDITIONS OR DELETIONS TO THE AGENDA** – None

2. **PUBLIC INPUT RELATED TO NON-AGENDA ITEMS** – None, closed at 7:04 P.M.

3. **OLD BUSINESS**

A. Case Tax Map 192 Lot 17, Empire Homes, 17 Elnathans Way, Hollis, NH 03049 (owner) and Keach-Nordstrom Associates, Inc. 10 Commerce Park No. Suite 3B, Bedford, NH 03110 (applicant), request a WSE to intrude into the Wetland Conservation District to construct road and utility accesses. T. Basso, Engineer for Keach-Nordstrom presented the highlights of the plan, which include a manufactured home park on 39.57 acres consisting of 31 lots with a private cul-de-sac road, community septic systems and a municipal water connection from Hillindale. When Mr. Basso appeared before the HCC in November 2007, he requested a site walk of the property. A site walk took place on December 2, 2007 with HCC and ZBA members in attendance. The proposed temporary and permanent wetland impacts are as follows: Temp. Wetland Buffer Impact = 3,981 SF, Tem. Wetland Impact = 595 SF, Permanent Wetland Buffer Impact = 32,126 SF, and Permanent Wetland Impact = 8,200 SF. In addition, the plan calls for 22.95 acres of open space. Mr. Battis asked for the width of the gravel path. Mr. Basso replied that it is 12 feet wide, which is the minimum requirement for emergency vehicles. Ms. Rumbaugh asked about the concerns the Planning Board had with the conceptual plan. Mr. Basso replied that in the first meeting with the Planning Board, a cul-de-sac was eliminated and in the second meeting the Planning Board was concerned with the length of the cul-de-sac and that they wanted the units to have sprinkler systems. Mr. Dickinson asked if the owner was intending to make a formal application. Mr. Basso replied yes, but that they have to get a WSE from the Zoning Board and the only reason they met with Planning Board was to get a "feel" for their interest in the plan. Ms. Kipnes (inaudible).. conservation easement. Mr. Basso indicated that the units will be a form of condominium ownership and that the conservation easement will be common land with covenants protecting the land and the owner is willing to mark the area with conservation markers. Ms. Champion asked about the draining and grading of the project. Mr. Basso stated that it is a gentle climb up the hill and about 4 spaces into the development it gets steep, with a lot of ledge. Mr. Battis asked if the condominium association will maintain the road and property. Mr. Basso indicated yes. Ms. Rumbaugh asked about the blasting on the site and what controls will be put into place to protect the wetlands. Mr. Basso stated that the contractor will follow Best Management Practices and that the owner intends to take the rock and crush it to form a base for the road base. Mr. Dickinson asked if the Planning Board commented on the height of the ledge, the proximity of the ledge to the buildings and the concern with the roadway alignment at the tightest turn. Mr. Basso stated that this is a private road and meets all the requirements for getting emergency vehicles in and out. Additionally, the turns are tight in order to minimize the wetlands impacts. The Planning Board did not have any comments regarding the other issues. In addition, since Mr. Sommers could not attend the 1/18/2008 meeting, Ms. Rumbaugh is including into the minutes, a memo from Mr. Sommers dated 1/17/2008 titled Rocky Ridge Estates WSE.

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Old Business Continued – Case Tax Map 142 Lot 17

MOTION by M. Champion to write a letter to the ZBA in support of a favorable recommendation for a Wetlands Special Exception to the project known as Case 192-17, concerning an application by Keach-Nordstrom Associates, Inc. 10 Commerce Park No. Suite 3B, Bedford, NH 03110 (applicant) and Empire Homes 17 Elnathans Way, Hollis, NH 03049 (owner) for a Wetlands Special Exception for intrusion into the Wetland Conservation District to construct 2 roadway crossings and two septic utilities crossings, one being temporary and the other one permanent on a 39.573 acre lot, located at 68 Pelham Road as shown on Master Plan Ridgewood Estates Map 192 Lot 17, 68 Pelham Road, Hudson, NH project number 06-0629-1, sheet 1 of 6, with 3 revisions, dated January 9, 2008 with the following stipulations:

1. All conservation areas are to be marked with appropriate conservation signs at 100 FT intervals.
2. The Town Engineer to provide careful oversight of all grading and blasting of ledge to prevent erosion effects on the wetlands.
3. Use of construction equipment will be allowed to be used in the Wetland Conservation District with subsequent restoration. All restoration of the area disturbed shall comply with the latest edition of the following NH Best Practices as applicable: Best Management Practices to Control Non-Point Source Pollution: A Guide for Citizens and Town Officials (NH Dept. of Environmental Services, 1994). The Town Engineer to inspect all restoration work.

SECONDED by J. Battis. **MOTION CARRIED** (4-0-1). Ms. Rumbaugh voted against the recommendation.

Comment on the vote: Ms. Rumbaugh voted against this motion because she was concerned with the amount of blasting on the site and the impact this would have on the surrounding wetlands.

B. Case Tax Map 150 Lot 14, Sunset Rock LLC, 1471 Methuen Street, Dracut, MA 01826 (owner) and Bedford Design Consultants, 177 East Industrial Park, Drive, Manchester, NH 03109 (applicant) request a WSE relative to an existing use that impacts the fifty wetland buffer requirement. K. Dickinson Stepped Down.

Mr. Prunier, representing the client noted that the owner wants to sub-divide the 7.3 acre parcel into two lots and that they are requesting a WSE for an existing gravel driveway and parking spaces. The disturbance is 10,958 SF of permanent impact to the wetlands buffer. Additionally, the owner will be going before the Planning Board for sub-division approval. The building on the lot is an old NH state maintenance building and has been in its current location since 1981 or 1982. Ms. Rumbaugh commented that a site walk was completed in December 2007. Mr. Prunier commented that as a result of the site walk, a dumpster in the wetlands buffer will be removed. Mr. Battis asked if the unregistered vehicles have been removed. Mr. Prunier was not sure, but that they are open to a stipulation to remove unregistered, non-business vehicles from the buffer. Mr. Battis observed that a number of the vehicles stored in the buffer area were unregistered and present a hazard to the wetland in terms of gasoline leakage. Additionally, he noted that the dumpster contained some roofing materials and could not tell what else was inside the dumpster. Ms. Champion referred to T. Sommers memo that the use has changed from the original site plan and a second building is on the site. Mr. Prunier stated that there is only one building, which was moved to its present location in the early 1980's and perhaps the second building is the dumpster. Mr. Battis asked for a clarification of non-business vehicles because the pictures provided by the applicant show a corvette, a trailer with skimobiles, and an unregistered dump truck, so therefore, would the dump truck remain. Mr. Prunier indicated yes. Ms. Champion asked why the business vehicles should be parked in the buffer. Mr. Prunier replied that the security lights are on the building and the closer you keep to the operations around the building, it will cut down on vandalism. Ms. Kipnes asked if we could request that the business vehicles that will be on site for a long time be parked on the north side, which is outside the buffer. Ms. Rumbaugh commented that if you move the non-business vehicles from the north side, then you will have plenty of room to park the business vehicles. Mr. Battis asked if you could create a parking area along the road, outside the buffer. Chairman Rumbaugh is including into the minutes, a memo from T. Sommers, dated 1/17/2008, titled 24 Barretts Hill Road – Special Exception Buffer Request.

MOTION by J. Battis to write a letter to the ZBA with an unfavorable recommendation for a Wetlands Special Exception to the project known as Case 150-14, concerning an application by Bedford Design Consultants, 177 East Industrial Park, Drive, Manchester, NH 03109 (applicant) and Sunset Rock LLC, 1471 Methuen Street, Dracut, MA 01826 (owner), for intrusion into the Wetlands Conservation District for parking and the site of a dumpster on the southeast edge of the property due to the potential for leakage of hazardous or toxic materials into the wetlands located at 24 Barretts Hill Rd,

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Old Business Continued – Tax Map 150Lot1

as shown on Special Exception Plan Tax Map 150 Lot 13 & 14, Sheet CC1 235-0016, with no revisions, dated November 19, 2007.

SECONDED by M. Champion. **MOTION CARRIED** (4-0).

Comment on the vote: Additional long term storage and parking could be created along the entry at the edge of the road.

MOTION by J. Battis to write a letter to the ZBA in support of an favorable recommendation for a Wetlands Special Exception to the project known as Case 150-14, concerning an application by Bedford Design Consultants, 177 East Industrial Park, Drive, Manchester, NH 03109 (applicant) and Sunset Rock LLC, 1471 Methuen Street, Dracut, MA 01826 (owner), for intrusion into the Wetlands Conservation District to access the building and parking on the existing roadway located at 24 Barretts Hill Road, as shown on Special Exception Plan Tax Map 150 Lot 13 & 14, Sheet CC1 235-0016, with no revisions, dated November 19, 2007.

SECONDED by M. Champion. **MOTION CARRIED** (4-0).

Comment on the vote: Due to the 20 year history of site usage prior to the application and the necessity to get to the building, members felt this was a reasonable request.

Mr. Dickinson resumed active participation.

4. OTHER BUSINESS

- A. Election of Officers – Deferred until 2/2008
- B. Prime Wetlands Study (T. Quinn) – Deferred until 2/2008
- C. Culverts – Nashua Telegraph Article (S. Rumbaugh) – Ms. Rumbaugh highlighted the main points and asked members to consider this type of construction in future projects. Mr. Battis commented that we did use the type of bridge on a recent project on West Road.
- D. Proposed workshop topics with Planning Board and ZBA (S. Rumbaugh) – Members responded with the following interests: Update to ordinances – members felt it was time for changes, Soils definition change – due to change in RSA ours is out of date, Environmental – Green building and friendly development, Backyard setback, Prime wetlands study – update and what does it mean for Hudson, Rezoning – what do we need to do to maintain the town’s rural character, Village plan, Open Space impact fees – some surrounding town have this in place, Open space ordinance, Workshops – prime wetlands and watershed, Ridge line protection, Tree ordinance
- E. Earth Day (S. Rumbaugh) – A suggestion was made to start the planning early. M. Champion and L. Kipnes agreed to coordinate Earth Day activities. They will contact the Green Team and the Recycling Committee to engage their participation.

5. COMMUNICATIONS

From: S. Rumbaugh (Nashua Telegraph – Article Published ½ 2008)

Re: Type of culvert a concern in Lyndeborough

From: Town of Hudson, ZBA (Handout)

Re: Decision to Recommend a WSE Permit -

From: S. Rumbaugh (NH DES Environmental Services – Handout)

Re: Habitat Sensitive Site Design and Development

Re: Minimizing the Impact of Development on Wildlife

From: Betty Holt, Town Engineer’s Office

Re: HCC 2008 Meeting and Deadline Dates

From: Betty Holt, Town Engineer’s Office

Re: HCC Appointed Members and Terms

From: NH DRED, Division of Parks and Recreation, Shari A. Colby

Re: Inspection of LWCF sites in Hudson

Recv: 1/16/2008. Pending

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Communications Continued

From: NH DES
Re: Alternation of Terrain Program Map/Lot No. 110/38 &39
Recv: No date. Pending
From: NRPC
Re: Funding Application Workshop
Recv: 1/9/2008. No Action Taken

From: Society for the Protection of NH Forests, Jane A. Difley
Re: Membership
Recv: 1/18/2008. Deferred until 2/2008

From: PSNH, Richard Plourde, Environmental Coordinator
Re: Emergency Wetland Authorization – Right of Way southwest of Power St.
Recv: 12/14/2007. No action taken, request withdrawn.

From: Town of Hudson, Tom Sommers – Town Engineer
Re: Map 192 Lot 17, Map 150 Lots 13 & 14

6. APPROVAL OF MINUTES:

MOTION by J. Battis to accept the December 10, 2007 minutes.

SECONDED by L. Kipnes. **MOTION CARRIED** (4-0-1) K. Dickinson abstaining.

7. COMMISSIONER'S COMMENTS

8. NON-PUBLIC SESSION

MOTION by M. Champion that the Commission go into non-public session by roll call pursuant to RSA 91-A:3, II (D) to consider the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community. **SECONDED** by L. Kipnes.

MOTION CARRIED (5-0).

The Commission entered into non-public session at 8:42 P.M.

MOTION by M. Champion that the Commission come out of the non-public session and returns to the regular meeting of the Conservation Commission. **SECONDED** by L. Kipnes. **MOTION CARRIED** (5-0).

The Commission came out of non-public session at 9:20 P.M.

MOTION by J. Battis that the Commission by roll call, seal the minutes of the non-public session until such time as the majority of the Commission votes that the purpose of the confidentiality would no longer be served. **SECONDED** by M. Champion. **MOTION CARRIED** (5-0).

9. ADJOURNMENT

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on January 18, 2008 adjourned at approximately 9:21 P.M.

Submitted,
Sandra Rumbaugh

Next Meeting – February 11, 2008 at 7:00 P.M. Town Hall.