

# HUDSON CONSERVATION COMMISSION

DECEMBER 10, 2007

MEETING MINUTES – Final

Page 1 of 4

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 Monday, December 10, 2007 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, Jim Battis, and Tim Quinn

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

Member of Town Staff present: Tom Sommers

Board of Selectmen present: Ken Massey

Also in Attendance: MJ Grainger – MJGrainger Engineering Inc. 220 Derry Road, Hudson, NH 03051, Denise True – 81 Bush Hill Road, Hudson, NH, Gerald Prunier - attorney, Jim Boyle - Bedford Design Consultants, 177 East Industrial Park, Drive, Manchester, NH 03109, Joe Decarolis – 4 Mohawk Drive, Londonderry, NH

## 1. 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** (6-0).

The Commission entered into non-public session at 7:04 P.M.

**MOTION** by J. Battis 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** (6-0).

The Commission came out of non-public session at 7:34 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** (6-0).

## 2. ADDITIONS OR DELETIONS TO THE AGENDA – None

## 3. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS – None, closed at 7:35 P.M.

## 4. 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), case deferred until next month at the applicant's request.

## 5. NEW BUSINESS

**A. 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 sq. feet 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.

Mr. Quinn asked about the use of the building. Mr. Prunier replied that the current operation is a roofing business and the building is used for the storage of roofing materials. Ms. Champion commented that Mr. Prunier indicated that the owner received a variance in 1981 and our wetlands ordinances have on the books since 1977, she asked if the use of the property has changed since the original variance. Mr. Prunier indicated no. Ms. Rumbaugh asked about proposed mitigation on the

**HUDSON CONSERVATION COMMISSION**  
**DECEMBER 10, 2007**  
**MEETING MINUTES – Final**  
**Page 2 of 4**

New Business Continued - 24 Barretts Hill Road:

site. Mr. Prunier indicated that they are not adding more intrusion into the wetlands buffer, but dealing with an existing condition and will not have any proposed mitigation. Mr. Quinn asked what the purpose of sub-dividing the property. Mr. Jim Boyle of Bedford Design replied that it was brought to the owner's attention the dual use of the property. Ms. Champion expressed her concern with the current plan showing parking spaces in the buffer and the same parking spaces not shown on the original plan. Additionally, she commented that the application shows pictures of a number of vehicles and wondered if they were parked in the buffer. She stated her concern that there may be uses of the property not identified in the current plan. Mr. Prunier indicated that the vehicles are parked in the buffer, as shown on the plan. Ms. Kipnes stated her concern with the location of the parking spaces in the buffer.

**MOTION** by T. Quinn to recommend a WSE to accept this property as it exists with the following stipulations:

- a. No further alteration be made to the wetlands terrain
- b. No outside storage be permitted

**SECONDED** by M. Champion. Discussion on the motion: Mr. Battis asked Mr. Quinn to explain what he meant by outside storage. Mr. Battis expressed concerns with the amount of storage shown on the pictures. Mr. Quinn and Ms. Champion withdrew their motion.

**MOTION** by J. Battis to conduct a site walk at the property known as 24 Barretts Hill Road, prior to providing a recommendation. **SECONDED** by L. Kipnes. **MOTION CARRIED** (5-0).

Time of the site walk: Saturday December 15, 2007 at 9:00 a.m.  
K. Dickinson returned.

B. **Case Map 200 Lot 40**, Denise True – 81 Bush Hill Road, Hudson, NH (owner), M.J. Grainger – Grainger Engineering, 220 Derry Road, Hudson, NH 03051 (applicant) request a WSE to fill approximately 690 sq. feet of wetlands and 3,200 sq. feet of wetlands buffer to construct a driveway and 200 ft. retaining wall. Mr. Grainger informed members that the owner received a frontage variance from the ZBA in 2006. Additionally, the owner appeared before the HCC in August 2006 with a plan to construct a driveway and did not receive a favorable recommendation. Mr. Quinn clarified for the record that the old plan, date stamped August 2006 showed 1,600 sq feet of wetlands impact and 5,000 sq. feet of wetlands buffer impact. Mr. Grainger said the new plan reduces the amount of impact and also incorporates a retaining wall. Mr. Grainger explained that the reason the driveway has to go through wetlands is that the property borders the proposed Circumferential Highway and the state took 90 feet of frontage property and the variance from the ZBA allows for 36 feet of frontage on a town road. Additionally, there is a telephone pole in the 36 feet of frontage. Mr. Quinn asked about the width of the driveway. Mr. Grainger indicated that it is 12 feet wide plus 1.5 feet of retaining wall on either side. Mr. Quinn asked if the amount includes disturbance created through the use of construction equipment. Mr. Grainger replied no, but the plan shows a silt fence 3 feet from the retaining wall. Mr. Dickinson asked how much of the wall is above 5 feet in height. Mr. Grainger replied the first 100 feet. Mr. Battis asked if the Town Engineer had any comments. Mr. Sommers replied not at this time, but that any wall over 9 feet requires an engineering drawing. Ms. Rumbaugh asked about compensatory mitigation on the site due to the amount of disturbance. Mr. Grainger indicated that the site is approximately 50 percent wet and it is not feasible with this property. Ms. Champion asked about the orientation of the house because she is concerned with a yard setbacks and future homeowners accidentally intruding into the wetlands to increase their usable space. Mr. Grainger replied that the yard would be facing south and that he was open to wetland markers.

**MOTION** by J. Battis to write a letter to the ZBA in support of a favorable recommendation for a Wetlands Special Exception to the project known as Case 200-40, concerning an application by Michael Grainger, MJ Grainger Engineering, 220 Derry Road, Hudson, NH 03051 and Denise True (owner), 81 Bush Hill Road, Hudson, NH for a Wetlands Special Exception for intrusion into the Wetland Conservation District to construct a retaining wall, approximately two hundred feet in length, a 25' culvert piping to allow drainage, and a driveway for a single family home on a 4.5 acre lot., located at 81 Bush Hill Road as shown on Wetland Crossing Plan Tax Map 200 Lot 40, 81 Bush Hill Road, Hudson, NH number JN 05-155, with no revisions, dated November 27, 2007 with the following stipulations:

1. Use of construction equipment will be allowed to be used in the wetland buffer 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.

**HUDSON CONSERVATION COMMISSION**  
**DECEMBER 10, 2007**  
**MEETING MINUTES – Final**  
**Page 3 of 4**

New Business Continued – 81 Bush Hill Road:

2. Wetland Buffers to be marked at 100 foot intervals and approved by the Town Engineer.
3. Provide for a 10 foot easement on each side of driveway for construction disturbance. The construction engineer on the project to mark the area and the Town Engineer to validate the dimensions.

**SECONDED** by K. Dickinson. **MOTION CARRIED** (5-0-1). Ms. Rumbaugh voted against the recommendation. Comment on the vote: Ms. Rumbaugh voted against this motion because she is concerned about the driveway blocking the flow of water in the wetland and doesn't think a culvert is an adequate solution.

**6. COMMUNICATIONS**

From: Town of Hudson ZBA (Handout)

Re: Decision to Grant a Wetlands Special Exception Permit, 43 Cottonwood Drive, Hudson, NH

Re: Decision to Grant a Wetlands Special Exception Permit, 5 Cutler Road, Hudson, NH

From: NH DES Wetlands Bureau, Collis Adams

Re: Wetlands Bureau File # - 2007-00201, Greenmeadow Golf Club Inc. Steel Road, Hudson

Received: November 30, 2007. No Action Taken.

From: Northeastern Consulting Forestry Services, Leo Garneau

Re: Remediation at 13 Williams Drive, Dated October 30, 2007

Received: December 3, 2007. No Action Taken.

From: Town of Pelham, Forestry Committee, Deborah Waters Committee Member

Re: Timber Harvest – Gowing Road – Hudson and Pelham

Received: December 5, 2007. Recommendation to BOS to waive timber tax.

**7. OTHER BUSINESS**

A. Prime Wetlands Study – Mr. Quinn provided an update with status of the study. Currently, 241 abutting properties that need to be notified and there may be an issue with rental properties. He proposes that a footnote be added to the letter which asks owners to notify the correct individuals on the property. Additionally, Mr. Quinn wanted to know if we should go forward with the additional 13 wetlands identified by VHB. Members agreed to postpone the decision until January 2008.

B. Timber Tax Waiver on Gumpus Pond – Ms. Rumbaugh told members that Debra Waters from the Pelham Forestry Commission are asking us to support their proposal before the Hudson BOS to waive the timber tax on the Gumpus Pond Conservation Area. Mr. Battis recalls a discussion back in 1998 or 1999 that the HCC proposed a similar abatement on the timber tax on the town forest and Mr. Malizia noted that there is a state law that requires the town to collect the tax. Mr. Dickinson asked if Pelham had to pay the last time they logged the area. Mr. Sommers remember discussing the matter with them in 2002 and then sending them to the assessor's office. Ms. Champion noted that the town of Pelham owns the property. Mr. Massey will verify with Mr. Malizia the state law and if the conditions have changed, he will convey the Commission's support for the abatement.

**8. APPROVAL OF MINUTES:**

**MOTION** by M. Champion to accept the October 15, 2007 minutes as amended.

**SECONDED** by L. Kipnes. **MOTION CARRIED** (6-0).

**MOTION** by J. Battis to accept the November 19, 2007 minutes.

**SECONDED** by L. Kipnes. **MOTION CARRIED** (5-0-1) T. Quinn abstaining.

**HUDSON CONSERVATION COMMISSION**

**DECEMBER 10, 2007**

**MEETING MINUTES – Final**

**Page 4 of 4**

**9. COMMISSIONER'S COMMENTS:**

Generally, members wished the public a Merry Christmas and Happy Holliday.

T. Quinn commented that this was a good year.

J. Battis informed K. Massey that he will be unable to attend the BOS meeting tomorrow night.

K. Massey extended an invitation for a workshop meeting with the BOS to discuss our future plans. The workshop will either be in February or March 2008.

S. Rumbaugh commented on the joy that Jim, Michelle and Ken are re-applying for their positions on the Commission. Their length of service and depth of knowledge are key components for the success of this group. Additionally, two alternate positions on the Commission are available.

L. Kipnes informed members that she is scheduled to meet with the BOS on December 18<sup>th</sup> to get approval for an EPA energy audit and PSNH audit on town buildings.

**10. ADJOURNMENT**

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on August 13, 2007 adjourned at approximately 9:07 P.M.

Submitted,  
Sandra Rumbaugh

**Next Meeting – January 14, 2007, 7:00 P.M. Town Hall.**