

# HUDSON CONSERVATION COMMISSION

JULY 9, 2007

## 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 Monday, July 9, 2007 at 7:03 P.M. in the Community Development Room of Town Hall. Chairman Rumbaugh presided.

Members of the Commission present: Bob Haefner-Vice Chairman, Ken Dickinson (7:14 P.M.), Ray Orner- Alternate (7:17 P.M.), Linda Kipnes, Michelle Champion, Sandra Rumbaugh, Jim Battis, and Suellen Quinlan-Alternate

Members of the Commission absent: Tim Quinn, and Phil Cassista (Alternate)

Members of the Staff Present: Tom Sommers (Town Engineer)

Member of Board of Selectmen Present: Ken Massey (Liaison)

Also in Attendance: Robert and Christine Sinclair (10 Flying Rock Road), Dana Cook (PM Mackay Group)

**SEATING OF ALTERNATES:** S. Quinlan seated for T. Quinn

### **ADDITIONS OR DELETIONS TO THE AGENDA:**

Addition to Correspondence: Letter received from Jeff Cantara, Gove Environmental, dated 7/5/2007

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

None. Public input closed at 7:05 P.M.

#### **1. OLD BUSINESS**

**A. Case 134,135,143,144-3,5,20,2,3** Tim Sundstrom (applicant), Peter Heller (owner), John Berrigan (owner) would like to sell land to the Town of Hudson to create a conservation corridor along Robinson Pond on properties located at 16, 20, 46, 58 Robinson Rd and 25 Robinson Pond Dr.

**MOTION** by J. Battis to lay this item on the table until further notice.

**SECONDED** by B. Haefner. **MOTION CARRIED** (6-0).

**B. Case 185-9**, Robert D. and Christine C. Sinclair (owners) 10 Flying Rock Road. The homeowners are requesting a wetlands special exception to construct a retaining wall and add fill into the wetlands buffer. This case was discussed during the May 2006 meeting and later deferred at the homeowner's request.

K. Dickinson seated at 7:14 P.M.

Mr. Sinclair reviewed the highlights of the plan. Currently the backyard extends into the buffer with a four foot drop near a silt fence. The Sinclairs want to build a wall, approximately four feet high and add fill to extend the backyard to the wall. The purpose of the wall is to add a fence to enclose the yard. The reasons for the wall are to prevent further erosion into the buffer and to erect a fence to protect a young child playing in the backyard.

Ms. Quinlan asked if the HCC did a site walk of the property last year. Mr. Sinclair replied that it was his understanding that the wetlands needed to be flagged before a site walk could be done. The Sinclairs have since hired Mr. Mark Jacobs to flag the wetlands.

Ms. Champion asked the homeowners where the wall would be located. Mrs. Sinclair replied that the wall would follow the tree line in the backyard.

Mr. Battis asked if the area that is being filled is the same height as the current backyard. Mr. Sinclair indicated in the affirmative. Mr. Battis then asked the homeowners if they would consider building a shorter wall to allow the backyard to drop off gradually. Mr. Sinclair again indicated in the affirmative and stated that the main reason for the wall is to put up a fence.

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### Old Business – 10 Flying Rock Road Continued:

Ms. Champion asked the homeowners if they were going to re-direct the run-off. The homeowners thought that by leveling the ground, it would prevent further erosion.

**MOTION** by B. Haefner to conduct a site walk scheduled for Tuesday 7/10/2007 at 7:00 P.M. for the purpose of viewing the property prior to providing a recommendation. **SECONDED** by J. Battis. **MOTION CARRIED** (7-0).

### 3. NEW BUSINESS

A. **Case 203-41**, PM Mackay Group, 5 Pine Street Extension 6 Mill Annex Nashua, NH requests a temporary Wetlands Special Exception for intrusion into the wetlands buffer during construction. Dana Cook presented the highlights of the plan which included the construction of a 16x16 family room and a 16x16 deck which are outside the buffer; however, one corner of the addition will be along the side of the buffer. The estimated intrusion into the buffer is 200 square feet. The area will be restored back to the original condition of the backyard.

Mr. Battis, Ms. Kipnes, Ms. Champion, Ms. Rumbaugh, and Mr. Haefner indicated prior dealings with the homeowner and did not see any conflict of interests.

Mr. Haefner asked Mr. Cook to clarify where the deck and family room were located on the drawing. Mr. Cook replied that the deck is adjacent to the family room and outside the 50 foot setback. Mr. Haefner noted that the deck is not on the drawing.

Ms. Rumbaugh asked about the restoration plan to restore the grass lawn located in the buffer. Mr. Cook indicated that the yard has been there for years and that homes in the area are at least 30 years old.

Mr. Dickinson asked about the amount of intrusion into the buffer. Mr. Cook explained that the intrusion will include excavation for the foundation and the digging of sono-tubes for the deck. All concrete work will be pumped in from the street.

Mr. Dickinson asked about the topography of the site. Mr. Cook said the backyard was flat to the edge of the wetlands which then has a steep drop-off.

Mr. Battis asked that if the 16 x 16 deck was built, would it be feasible to keep the structure outside the buffer. Mr. Cook indicated that the footings for the deck would not be in the buffer.

Ms. Champion wanted some clarification on the drainage. Mr. Cook indicated that water will be collected in gutters and brought down and flow into the sono-tubes in the ground, similar to mini drywalls.

Ms. Kipnes commented that the HCC does not generally vote in favor of structures going right up to the buffer, but since this yard has been grassed for many years, it is not a major issue. However, she asked Mr. Cook if there were stairs with the deck and will the stairs be in the buffer. Mr. Cook said there are stairs, but that they will not extend into the buffer.

**MOTION** by K. Dickinson to write a letter to the ZBA in support of a favorable recommendation for a Wetlands Special Exception to the project known as Case 203-41 located at 45 Cottonwood Drive as shown on plan name 45 Cottonwood Drive, Certified Building Plot Plan, prepared for Arlene M. Creeden TTE, prepared by Patriot Land Surveying LLC, P.O Box 949 Pelham, NH 03076, date stamped 7/17/2007 with no revision with the following stipulations:

- a. Use of construction equipment will be allowed 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).

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### New Business – 45 Cottonwood Drive Continued:

- b. The deck and stairs are shown with exact dimensions on the plan and the revised plan is signed and approved by the HCC chairman prior to submittal to the ZBA.
- c. Positive drainage is provided to direct the flow away from the wetlands and to ensure that the flow towards the wetlands is not increased.
- d. The general grades and drainage are shown on the revised plan prior to acceptance by the HCC Chairman and submittal to the ZBA.
- e. All footings for the deck are completely outside the wetlands buffer.
- f. Pictures provided to the HCC of the restored area.

### **SECONDED** by B. Haefner. **MOTION CARRIED** (5-2)

Comment on the vote: K. Dickinson supports this motion because of the existing conditions of the yard as described by Mr. Cook and the temporary intrusion into the buffer during construction. S. Quinlan and M. Champion voted against this motion because the HCC does not have a complete drawing showing the location of the deck and which might set a bad precedent for future cases before the Commission

### **4. OTHER BUSINESS**

A. Conservation Walks – Due to personal commitments, Ms. Champion and Mr. Haefner cancelled July's walk. A tentative date for August's walk is 8/25/2007. M. Champion's suggested the walk to either be the New England Forestry Foundation property on Gowing Road or a walk along the Circumferential Corridor in the reverse direction.

### **5. APPROVAL OF MINUTES**

- A. **MOTION** by L. Kipnes to approve the 5/14/2007 minutes and the 5/30/2007 workshop minutes.  
**SECONDED** by B. Haefner. **MOTION CARRIED** (7-0).
- B. **MOTION** by J. Battis to defer the approval of the 6/11/2007 minutes until August.  
**SECONDED** by S. Quinlan. **MOTION CARRIED** (7-0).

### **6. CORRESPONDENCE**

From: Friel Golf Company, T.J. Leonard

Date: 6/10/2007

Re: RiverPlace Applications/ Section 401 Water Quality Certificate Application – DES File #2007-00201

From: UNH Cooperative Ext., J.W. Nute

Date: 6/21/2007

Re: Granite State Woodlot and Wildlife Mgmt. Course

From: Northeastern Consulting Forestry Services, L. Garneau

Date: 6/27/2007

Re: Remediation of Wetlands – 13 Williams Drive

From: Gove Environmental Services, J. Cantara

Date: 7/5/2007

Re: Green Meadow Golf Course – Site walk Pending DES Wetlands Application

Discussion:

Mr. Orner asked for clarification on Mr. Cantara's request. Selectmen Massey replied that W/S Development has withdrawn their interest in the Green Meadow property. The Friel Family has indicated that they will move forward with RiverPlace and the first item in the process is to continue the application with the state for a Dredge & Fill Permit. Additionally, the Friel Family is before the Planning Board with a conceptual subdivision plan including the road layout and wetland impacts. This is a Friel project and continues to be called RiverPlace.

Mr. Battis asked if anyone knows the deadline for public input into the Dredge & Fill Permit. Selectmen Massey said the deadline was 8/19/07.

Suggested dates for a site walk are: 7/31/07 (Tuesday) or 8/4/07 (Saturday).

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Ms. Rumbaugh will contact Mr. Cantara of Gove Environmental to finalize the details of the site walk and invite other members of the land use boards in town.

### 7. BOARD AND COMMITTEE REPORTS

Board of Selectmen (K. Massey) – No Report

A. Planning Board & NRPC (S. Quinlan) – No Report

### 8. COMMISSIONER'S COMMENTS

Mr. Dickinson wanted to know the status of the prime wetlands study. Ms. Rumbaugh reported that the HCC has received a contract from VHB, which several members of the Commission and the town attorney reviewed. The amended contract has been sent back to VHB and we are waiting to hear from them.

Ms. Kipnes announced the meeting information for the Energy Committee. Applications are still being accepted for individuals who want to join. The first meeting will be held on 7/16/2007 (Monday) at 7:00 P.M. in the Community Development Room in Town Hall. Everyone is welcomed to come and participate

Ms. Rumbaugh is preparing the budget for next year and asked for input from the other members. Additionally, Ms. Rumbaugh informed the members of a potential open spot on the Commission, as one of the current members will be moving out of Hudson.

Mr. Haefner reported on an abandoned car found in the town forest during a tour of the property. Mr. Haefner is in contact with the police to remove the car from the area.

### 9. NON-PUBLIC SESSION

**MOTION** by B. Haefner 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 M. Champion.

**MOTION CARRIED** (7-0).

The Commission entered into non-public session at 8:40 P.M.

**MOTION** by B. Haefner that the Commission come out of the non-public session and returns to the regular meeting of the Conservation Commission. **SECONDED** by M. Champion. **MOTION CARRIED** (7-0).

The Commission came out of non-public session at 9:08 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 L. Kipnes. **MOTION CARRIED** (7-0).

### 10. ADJOURNMENT

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on July 9, 2007 adjourned at approximately 9:08 P.M.

Submitted,  
Sandra Rumbaugh

**Next Meeting - August 13, 2007, 7:00 P.M. Town Hall.**