

HUDSON CONSERVATION COMMISSION

MAY 14, 2007

MEETING MINUTES – Draft

Page 1 of 5

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 and shown on public television channel 22. Official copies of the minutes are available to read and copy at the Community Development 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 Community Development Office at 603-886-6005.

A regular meeting of the Hudson Conservation Commission (HCC) was held on Monday, May 14, 2007 at 7:47 P.M. in the Community Development Room of Town Hall. Chairman Rumbaugh presided.

Members of the Commission present: Bob Haefner-Vice Chairman, Ken Dickinson, Michelle Champion, Tim Quinn, Linda Kipnes, Phil Cassista (Alternate), Ray Orner (Alternate), and Sue Ellen Quinlan (Alternate)

Members of the Commission absent: Jim Battis

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

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

Also in Attendance: Richard Maynard (Maynard & Paquette Engineer Associates), David Robinson (5 Cutler Road), John Conrad (Building Trades Teacher-AHS), Dan Rullo (Student), Kyle St. George (Student), Richard Lutz (Career and Technical Director-AHS), Gary Flaherty, Michael & Lisa McElhinney (52 Kimball Hill Road), Bob Robbins (43 Hazelwood Drive)

Seating of Members: Ray Orner will take the place of Jim Battis

ADDITIONS OR DELETIONS TO THE AGENDA

MOTION by T. Quinn to defer Item B-New Business, at the applicant's request and without prejudice a hearing on the applicant's request for a site walk at RiverPlace project (Green Meadow Golf Course) located at 43 Steele Rd Hudson.

SECONDED by M. Champion. **MOTION CARRIED** (6-0)

PUBLIC INPUT RELATED TO NON-AGENDA ITEMS

None, closed at 7:51 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.

S. Rumbaugh to write a letter to Mr. Sundstrom expressing the Conservation Commission's willingness to have the properties nominated for further consideration and evaluation.

2. NEW BUSINESS

A. 5 Cutler Road, Case Tax Map 109 Lot 19, as shown on job number 11911 dated 2/28/2007 page 1 of 2. Richard Maynard, Maynard & Paquette Engineering Associates, LLC – 23 East Pearl Street, Nashua, NH (applicant), David and Pauline Robinson (homeowners), request a Wetlands Special Exception for intrusion into the wetland and buffer. 130 feet of driveway proposed to cross a delineated wetland on-site.

P. Cassista seated in place of K. Dickinson.

Mr. Maynard indicated that the lot is 12 acres, of which 4 acres is dry upland and the homeowners are trying to gain access to build a house. The lot is accessed by a narrow strip of land. Driveway is 130 feet long. Mr. Maynard corrected some data presented on the application. Driveway standards required by the fire department require 10 feet of hard surface and 2 feet of shoulders (2X) for a total of 14 feet. Therefore, the total amount of disturbance and/or fill is 3,040 sq feet, not the 2,040 as written on the application. Grades for the proposed driveway are 4.5% of moderate slope, wetlands have been mapped by Certified Wetlands Scientist Timothy J. Winings, and the land surveyed and stamped by Stephen L. Casey (Licensed Land Surveyor). Associated buffer disturbance is 4,020 sq feet, for a total impact of 7,060 sq feet.

Ms. Rumbaugh asked for any public input related to this matter. No response. Discussion continued.

HUDSON CONSERVATION COMMISSION

MAY 14, 2007

MEETING MINUTES – Draft

Page 2 of 5

5 Cutler Road, Case Tax Map 109 Lot 19 Continued:

Mr. Quinn commented that the HCC has reviewed this property in the past and a question remains if this is a legal property because there is only 17 feet of frontage. Mr. Maynard replied that this is a legal lot of record, but it will need a frontage variance.

Mr. Haefner asked if the property was in a walk able condition. Mr. Maynard indicated the wetlands were dry enough to cross.

Mr. Quinn indicated that there is a prior WSE on the adjacent property and asked the homeowner if he could view the property to verify if the remediation work was done. Mr. Robinson gave his permission. Mr. Maynard asked for a copy of the WSE and Mr. Quinn will get him a copy.

Ms. Rumbaugh asked about the pending Dredge & Fill and NH Natural Heritage Inventory and what impact that has on the WSE. Mr. Maynard commented that these are state requirements and it is always best to get the viewpoint of the local CC first. Mr. Maynard stated that neither application has been submitted to the state.

MOTION by T. Quinn to conduct a site walk scheduled for Monday 5/21/2007 at 5:30 P.M. for the purpose of viewing the property prior to providing a recommendation. **SECONDED** by B. Haefner. **MOTION CARRIED** (7-0).

3. APPROVAL OF MINUTES

- A. **MOTION** by B. Haefner to accept the 4/9/2007 minutes as amended. **SECONDED** by M. Champion. **MOTION CARRIED** (7-0).

4. VIOLATIONS

A. **13 Williams Drive (pending code enforcement case)**

Mr. Leo Garneau, Wetland Scientist from Northeastern Consulting Forestry Services, Lowell, MA (applicant) representing the homeowner, Mr. Beauregard (13 Williams Dr) was not present. Ms. Rumbaugh reported that a site walk was completed on Saturday, 4/14/2007.

MOTION by T. Quinn to defer further discussion until the June meeting and to have the chair send a letter to the applicant requesting him to be present to address the remediation plan. **SECONDED** by K. Dickinson. **MOTION CARRIED** (7-0).

B. **8 Pine Road (pending code enforcement case)**

Mr. John Conrad, (AHS Building Trades Teacher), Dan Rullo (Student), Kyle St. George (student), and Richard Lutz (AHS Career and Technical Director).
K. Dickinson seated in place of P. Cassista

B. Haefner recapped the history of the violation. The high school is building a house on town owned property and they have been cited for a violation for a disturbance in the wetland district.

Mr. Quinn asked for the specifics of the violation. Mr. Haefner replied that parts of the silt fence had fallen down, construction material was dumped on the silt fence, and fill was put in the buffer.

Mr. Conrad commented that the weather may have caused the silt fence to fall down, but that the fence still prevented silt from going into the wetland. After the rain, the silt fence was repaired and replaced. Additionally, all construction material was removed from the fence.

Mr. Sommers visited the site several times and reported that the lumber on the silt fence has been removed. However, there is still one section of the fence that is not properly toed in place. Approximately 150 feet needs to be shored up in the area of the septic system. Mr. Sommers agrees with Mr. Conrad that there is no silt behind the fence and agreed to help Mr. Conrad fix the problem this week.

HUDSON CONSERVATION COMMISSION

MAY 14, 2007

MEETING MINUTES – Draft

Page 3 of 5

8 Pine Road Violation Continued:

Mr. Haefner asked Mr. Conrad about the 10x20 feet edge of stone along the road. Mr. Conrad replied that the lot currently has a 30 feet wide by 40 feet deep concrete path in the buffer which the trucks have been driving on to clear their tires and prevent dirt going on to the road. Mr. Conrad does not understand the need for the stone, which would cost an additional \$800 to purchase and eventually removed. Mr. Sommers replied that this is a normal building practice to put stones down, but in light of the fact that concrete already exists, the stone is not needed, as long as the trucks do not track dirt on to the road.

Mr. Conrad asked if there is an issue with removing the concrete located in the buffer with a machine. Mr. Sommers suggested the applicant, as part of the remediation effort, remove the concrete while the silt fence is in place, restore the area with loam and seed, and put the silt fence back to a new line.

Mr. Quinn asked if the applicant should process a WSE. Mr. Dickinson replied that a WSE would complicate matters, but we should review the area after restoration.

MOTION by T. Quinn to enter into the minutes that construction at 8 Pine Road follows the plan as listed in a letter from Mr. Conrad to Mr. Sommers received 4/25/2007 and that the restoration of the buffer area will be done to the satisfaction of the town engineer. **SECONDED** by M. Champion. Discussion: Ms. Rumbaugh commented that the motion needs to be more specific and that there is a lot of misunderstanding with wetlands issues. Mr. Sommers agreed to list specific requirements, a schedule, and a procedure for restoration. Ms. Champion would like to see a “teaching moment” given to the students because the students need to learn correct construction techniques.

MOTION AS AMENDED by T. Quinn to include the stipulation that the restoration plan be developed by T. Sommers and T. Quinn and agreed upon by the HCC with the following elements: complete well construction, remove existing surface and temporary fill with rubber tire backhoe, remove concrete in wetland buffer working away from the wetlands up to the edge of the road, truck materials out, dispose materials, restore area with proper loam and conservation seed (at least 4-6 inches loam required), put silt fence in new location, remove silt fence when seed is germinated, final inspection by town engineer’s office, and take photos of restored area. **SECONDED** by M. Champion. **MOTION CARRIED** (7-0).

C. 52 Kimball Hill Road (pending code enforcement case)

Mr. Gary Flaherty, Wetlands Scientist 335 Broad Street Hollis, NH (applicant) and representing the homeowners, Michael and Lisa McElhinney.

B. Haefner recapped the history of the violation by noting that the applicant is reconstructing a garage in the buffer. A wetland swale was shown on the original plan.

Mr. Sommers commented that the Town sent a wetlands expert to determine the jurisdictional aspects of the wetlands of the garage being within the buffer. As result of a positive determination, the Town issued a cease and desist order.

Mr. Flaherty does not dispute Ms. Carbonneau’s findings and the Maynard & Paquette drawing job number 11877 dated December 26, 2006 with the location of the wetland swale. The Town issued a building permit and the owners poured a foundation. Currently, construction is completed up to the second floor with 2x4 framing. Currently, the wetland swale is dry.

The home and deck was built in 1979 before wetland ordinances were enacted in the Town.

Mr. Dickinson asked what the area of disturbance is in the buffer and the maximum depth of fill in the buffer. Mr. Flaherty replied that the disturbance is approx. 1,000 sq. feet and the depth of fill is approx. 3 feet deep.

Ms. Champion asked about the multiple vehicles parked in the buffer. Mr. McElhinney replied that the vehicles are registered.

HUDSON CONSERVATION COMMISSION

MAY 14, 2007

MEETING MINUTES – Draft

Page 4 of 5

52 Kimball Hill Road (pending code enforcement case) continued:

Ms. Rumbaugh asked about the intrusions into the buffer of grandfathered lots. Ms. Quinlan replied that parked vehicles in the buffer would be considered a legal non-conforming use of the property.

Mr. Flaherty commented that the homeowners are willing to clean up the back yard as a mitigation for keeping the foundation in its current location.

A WSE was filed by applicant after the May deadline. This item will be added to June's agenda under New Business.

MOTION by T. Quinn to conduct a site walk on Thursday, 5/17/2007 at 6:00 P.M. for the purpose of viewing the property prior to providing a recommendation. **SECONDED** by M. Champion. **MOTION CARRIED** (7-0).

5. COMMUNICATIONS

From: NH DES

Re: DES File No. 070417-01 Map/Lot No. 186/20 Alteration of Terrain Kara's Crossing

Received: 4/26/2007. No Action Taken

From: Town of Hudson, S. Jasper, Chairman, Board of Selectmen

Re: Curfew Town Staff Land Use Board Meetings

Received: 4/17/2007

From: J. Carroll, University of NH

Re: NH Statewide Comprehensive Outdoor Recreation Plan

Received: 4/27/2007. L. Kipnes to respond

From: Peter & Dorene Krauss

Re: RiverPlace Development

Received: 5/7/2007

From: E. Vydra W/S Development Associates LLC

Re: RiverPlace, May 14, 2007 Conservation Commission Meeting

Received: 5/7/2007. Item added to agenda.

From: E. Vydra W/S Development Associates LLC

Re: RiverPlace, May 14, 2007 Conservation Commission Meeting

Received: 5/14/2007. Agenda item deferred until June.

From: NRPC

NH Land Use Law Workshop, May 22, 2007 Milford Town Hall

6. BOARD AND COMMITTEE REPORTS

- A. Board of Selectmen (K. Massey) – Mr. Massey gave an account on the first annual Volunteer Appreciation Ice Cream Social held 5/3/2007. Approximately 30 people attended. He has appreciation certificates for Linda Kipnes, Michelle Champion, and Jim Battis for 10 years of volunteer service.
- B. Planning Board & NRPC (S. Quinlan) – No Report
- C. Open Space Sub-Committee (M. Champion) – May's meeting has been rescheduled for Monday, 6/4/2007 at 7:00 P.M.

HUDSON CONSERVATION COMMISSION

MAY 14, 2007

MEETING MINUTES – Draft

Page 5 of 5

7. OTHER BUSINESS

- A. Bob Robbins gave a presentation on Low Impact Development. He is currently the chairman of the Lower Merrimack River Local Advisory Committee.
- B. Tracking WSE's – Mr. Quinn gave out an updated list of properties that need to be checked.
- C. Prime Wetland Study – Ms. Rumbaugh announced RFP's received: AD Klumb Environmental, Webster, NH and VHB, Bedford, NH. The sub-committee of members interested in reviewing the proposals is: T. Quinn (leader), K. Dickinson, Linda Kipnes, M. Champion, T. Sommers, and S. Sullivan. Ms. Rumbaugh will provide members copies of the proposals.
- D. Earth Day – Ms. Kipnes reported that 14 bags of trash were collected on Wason Road. Please let her know if you are interested another clean-up day.
- E. Conservation Signs – Ready to install. Mr. Haefner is coordinating the effort.
- F. Wetlands Workshop – May 30, 2007 7-9:00 P.M. Community Development Room. Presenter is Sandy Crystall from NH DES Wetlands Bureau. Members felt the workshop should be televised. L. Kipnes will host the event.

8. COMMISSIONER COMMENTS

T. Quinn suggested a copy of the Jean Serino program on Conservation Issues be send to the Alvirne High School Building Trade School Program.

M. Champion announced that the Hazardous Waste Collection will be held on Thursday, 6/7/2007 from 3-7:00 P.M. in Nashua. There is a \$10 fee per household and an additional fee for electronics. Volunteers are needed to help out, please let her know if you are available. Also, there may be a clean-up with AHS students at the entrance of the Town Forest this Sunday, May 20, 2007 at 1:30 P.M.

B. Haefner reported on his tour of the Seabrook Nuclear Facility as a member of the State Representatives of NH. Also, a walk of the Guertin property has been scheduled for Saturday 5/26/2007 at 9:00 A.M. Meet at Copper Hill Estates. This will be a bushwhacking hike, as trails do not exist. He will send a notice to the HLN.

S. Rumbaugh met with the friends of Ottarnic Pond and outlined some of the clean- up issues. A meeting has been set up with Amy Smagula from NH DES to address the invasive plant problem at the culvert on Route 111 near Burger King.

P. Cassista reported on the Saving Special Places Workshop. He received a user friendly handbook called Conserving Your Land.

R. Orner requested that housekeeping issues be moved to the latter part of the agenda.

11. ADJOURMENT

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on May 14, 2007 adjourned at approximately 10:15 P.M.

Submitted,
Sandra Rumbaugh

Next Meeting: June 11, 2007, 7:00 P.M. Town Hall.