

HUDSON CONSERVATION COMMISSION

MARCH 12, 2007

MEETING MINUTES – Final

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, March 12, 2007 at 7:00 P.M. in the Community Development Room of Town Hall. Chairman Rumbaugh presided.

Members of the Commission present: Bob Haefner, Vice Chairman, Ken Dickinson, Jim Battis, Michelle Champion, Linda Kipnes, Phil Cassista (Alternate), Suellen Quinlan (7:19 P.M.-Alternate), and Ray Orner (7:24 P.M.-Alternate)

Members of the Commission absent: Tim Quinn

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

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

Also in Attendance: Nicolas and Marisol Yassmine (33 Bush Hill Rd)

Seating of Members: Phil Cassista will take the place of Tim Quinn

1. ADDITIONS OR DELETIONS TO THE AGENDA

- A. Addition – Letter from Winer and Bennett, LLP, dated 3/9/2007
- B. Addition - Receipt of Appraisal Report for property lot 144-5 Robinson Pond Drive

2. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS

None, closed at 7:06 p.m.

3. APPROVAL OF MINUTES

- A. **MOTION** by Vice Chairman Haefner to accept the 1/8/2007 minutes as amended.
SECONDED by J. Battis. **MOTION CARRIED** (7-0)
- B. **MOTION** by M. Champion to accept the 2/12/2007 minutes as amended.
SECONDED BY J. Battis. **MOTION CARRIED** (7-0)
- C. Defer 2/22/2007 Workshop minutes until April meeting.

4. NEW BUSINESS

- A. **Case Tax Map 185 Lot 5**, Nicolas and Marisol Yassmine (applicants), requests a WETLANDS SPECIAL EXCEPTION for replacement of a shed, 15 ft. non-intrusive encroachment into the Wetland Conservation District located at 33 Bush Hill Road Hudson, NH.

M. Champion clarified the applicants positioning of the shed as 15 ft inside the wetland buffer.

As this was the second time the applicant has come before the commission on a wetlands issue, Ms. Champion asked the applicants if they had read the Town's Wetland Ordinances. Mrs. Yassmine replied that she was not familiar with the Town's zoning ordinances and thought she only needed to apply for a building permit.

Mr. Yassmine commented that he received a permit from the town to put up a shed. A copy of the permit was not available.

Mr. Sommers asked for the dimensions and foundation of the shed. Mr. Yassmine replied that the dimensions were 10 feet by 15 feet and the shed is on cement blocks.

Chairman Rumbaugh asked the applicants what they store in the shed. Mrs. Yassmine replied that they store miscellaneous items. Machinery and pool chemicals are not kept in the shed.

HUDSON CONSERVATION COMMISSION

MARCH 12, 2007

MEETING MINUTES – Final

Page 2 of 5

Case 185/5 33 Bush Hill Rd Continued:

Chairman Rumbaugh asked why the shed was located in the front yard and not in the back. Mr. Yassmine replied that there was no room in the backyard.

P. Cassista asked where the pool chemicals were stored. Mrs. Yassmine replied that they do not have any chemicals because they hire people to clean their pool.

MOTION by J. Battis to conduct a site walk scheduled for 3/17/2007 at 9:00 A.M. for the purpose of viewing the property prior to providing a recommendation.

SECONDED by M. Champion. **MOTION CARRIED (7-0)**

- B. **Case 239/1**, W/S Development Associated, LLC 1330 Boylston St. Chestnut Hill MA, request for ZBA input for the RiverPlace (Green Meadow Golf Course) project located at 43 Steele Rd Hudson, NH.

Stepped down: K. Dickinson, S. Quinlan

Seated: R. Orner

On 3/9/2007, the HCC received a letter from Mr. J. Bradford Westgate (Winer and Bennet LLP Attorneys at Law) who is currently representing W/S Development Associates on the RiverPlace project, requesting the HCC's input to the ZBA scheduled for 3/12/ 2007 be deferred to a later date. Additionally, Mr. Westgate asked for HCC's consideration to schedule a site walk on the property in late March.

J. Battis asked how the delay to the April meeting will affect our response to the dredge and fill application.

Mr. Sommers replied that it would be reasonable to send the state another letter requesting additional time to comment on the dredge and fill application with the understanding that our appeal is in response to W/S Development requesting a continuance.

MOTION by J. Battis to write a letter to the appropriate state agency requesting additional time to comment on the W/S Development Dredge and Fill application for RiverPlace, the additional time to be not less than 30 days following the presentation of the application by W/S Development to the HCC. **SECONDED** by M. Champion.

S. Quinlan (50 Pelham Rd) asked J. Battis if the HCC should consider adding to the letter that W/S Development asked for this continuance. J. Battis agreed.

MOTION AS AMENDED by J. Battis to write a letter to the appropriate state agency requesting additional time to comment on the W/S Development Dredge and Fill application for RiverPlace, the additional time to be not less than 30 days following the presentation of the application by W/S Development to the HCC. The letter should state that W/S Development requested a continuance relative to this application. **SECONDED** by Vice Chairman Haefner. **MOTION CARRIED (7-0)**

Mr. Sommers agreed to draft the letter to NH DES.

Discussion continued in response to applicant's request for a site walk on the property.

S. Quinlan (50 Pelham Rd) commented that the Planning Board rejected the initial site plan. The Board determined on a number of levels that the plan did not fit the town's ordinances. W/S Development will be meeting with the Planning Board on 3/28/2007 to go over the planning process.

M. Champion heard that the W/S Development was going to rework their plans and the D&F application submitted to the state was not the final configuration.

HUDSON CONSERVATION COMMISSION

MARCH 12, 2007

MEETING MINUTES – Final

Page 3 of 5

Case 239/1 RiverPlace Continued:

P. Cassista asked if our consultant is currently working on the D&F application. Mr. Sommers replied that the consultant will not start to work on the application until W/S Development makes a presentation to the HCC. J. Battis asked if the Army Corp of Engineers declared this a regional impact development. Mr. Sommers replied that it is his understanding that W/S Development's environmental consultant, Gove Environmental expects this to be a major project.

In response to the Chair's request for a site walk, several members felt that due to the changing nature of the project, a site walk before the applicant's presentation to the HCC was not a good idea.

5. 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.

Chairman Rumbaugh reported that the HCC received the appraisal information from Mr. Sundstrom.

S. Quinlan suggested the HCC include Town Counsel in our discussions. Attorney Buckley will be invited to our April meeting for an attorney client session.

6. VIOLATIONS

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

Letter received from S. Sullivan, Community Development Director. Owner has until 3/16/2007 to file a formal application to the HCC. Chairman Rumbaugh asked how the HCC will recover money spent from the Commission's budget to investigate the violation. Mr. Sommers suggested that the remediation plan include provisions to recoup the money.

7. COMMUNICATIONS

From: NH DES – Collis G. Adams

Re: Changes to the NH Natural Heritage Bureau Environmental Review Process
Received 3/2/2007. No Action Taken

From: NH DES – Gloria S. Andrews

Re: Alteration of Terrain Permit Application #061108-02, Tracy Lane
Received 2/9/2007. No Action Taken

From: NH DES – William A. Thomas

Re: Hawkview Estates LLC #2005-06174, Request for Information
Received 2/9/2007. No Action Taken

From: NH DES – Wetlands Bureau

Re: Wetlands File # 2007-00252, DOT Proj. # 13337, Notice of Adm. Completeness D&F
Received 2/20, 2007. No Action Taken

From: NH DES – Gloria S. Andrews

Re: Alteration of Terrain Permit Application #061108-02 Tracy Lane Facility Site Plan
Received 2/16/2007. No Action Taken

HUDSON CONSERVATION COMMISSION

MARCH 12, 2007

MEETING MINUTES – Final

Page 4 of 5

Communications Continued:

From: Town of Hudson – T. Sommers

Re: RiverPlace Development Major Impact Dredge and Fill Application
Received 2/20, 2007. In response to January 2007 Motion.

From: Town of Hudson Conservation Commission – S. Rumbaugh

Re: RiverPlace Mixed use Development, Steele Rd Hudson, Requesting Funds
Received 2/26/2007. In response to January 2007 Motion

From: Winer and Bennett, LLP – J. Bradford Westgate

Re: RiverPlace, W/S Development Assoc. LLC Application for Input to the ZBA for a Wetland Special Exception
Received 3/9/2007. Reference New Business Case 239/1 for Motions.

MOTION by J. Battis to affirm the email poll taken 1/24, 2007 to intervene in the above referenced Dredge and Fill Application related to the RiverPlace Project.

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

8. BOARD AND COMMITTEE REPORTS

A. Board of Selectmen (K. Massey) – No Report

B. Planning Board (S. Quinlan) – Passed along general comments with regards to future road developments from Planning Board associates.

C. NRPC (S. Quinlan) – Meeting next week, will report in April. Additionally, CTAP is meeting on Thursday, 3/15/2007 at 7:00 P.M. Hudson Town Hall. L. Kipnes is the HCC representative.

D. Open Space Sub-Committee (M. Champion) – The committee has identified all potentially open space properties over 10 acres. The next step is to update the map with new information and correct classifications used on some of the mapped properties. Additionally, the committee will need some money to purchase maps from NRPC.

R. Orner asked if we could get the information on electronic format. Mr. Sommers replied that it should be no problem.

MOTION by M. Champion for the HCC to expend, not more than \$200 to purchase maps from NRPC detailing potential open space parcels in Hudson. **SECONDED** by Vice Chairman Haefner. **MOTION CARRIED** (7-0)

9. OTHER BUSINESS

A. Expenditure Report – Chairman Rumbaugh reported that YTD expenses total \$5,800 and \$4,000 remains in the budget.

B. Tracking WSE's – No report

C. Prime Wetlands Study – K. Dickinson announced 3/20/2007 meeting at 7:00 P.M. in Town Hall to finalize RFP.

D. Earth Day Activities – M. Champion suggested cleaning up a conservation area and that she will contact R. Beals to coordinate clean-up efforts. Mr. Sommers asked for a write-up of Earth Day environmental efforts which will be included in his storm water management report. Members agreed that Wason Rd is a prime candidate for clean-up. L. Kipnes, M. Champion, and S. Rumbaugh to coordinate efforts.

HUDSON CONSERVATION COMMISSION

MARCH 12, 2007

MEETING MINUTES – Final

Page 5 of 5

Other Business Continued:

E. 2007 Nature Walks/Activities – B. Haefner and M. Champion will come up with a list of walks for the public to participate. Some suggestions from members: Guertin property in May and the Circumferential.

10. COMMISSIONER COMMENTS

L. Kipnes reminded people to vote tomorrow and support the climate change ballot initiative.

B. Haefner conveyed Selectmen McLean's appreciation for the work of the HCC. Additionally, he reported on his legislative activities of the NH Environment and Agricultural Committee.

S. Rumbaugh alerted members of the recurring fanwort problem in Ottarnic Pond. Additionally, she had information on Nashua's use of conservation markers.

T. Sommers reported that the town is working with the Ottarnic Pond Co-op to put in a new sewer system by the end of the year.

J. Battis encourage voters to support the ballot initiatives on climate change and to improve the energy efficiency of the schools.

P. Cassista gave members several articles on fences for the protection of Turtles. He would like to see the town adopt a policy that protects turtles from automotive and/or human foot traffic in high risk areas.

11. ADJOURNMENT

There being no further business before the Commission, Chairman Rumbaugh declared the meeting on March 12, 2007 adjourned at approximately 8:53 P.M.

Submitted,
Sandra Rumbaugh

Next Meeting: April 9, 2007, 7:00 P.M. Town Hall.