

# HUDSON CONSERVATION COMMISSION

FEBRUARY 12, 2007

## MEETING MINUTES – FINAL

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A regular meeting of the Hudson Conservation Commission (HCC) was held on Monday, February 12, 2007 at 7:05 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), and Suellen Quinlan (Alternate).

Members of the Commission absent: Tim Quinn, Ray Orner (Alternate)

Also in attendance: Ken Massey (Selectmen's Representative), Tom Sommers (Town Engineer), Kimberly Pease (Normandeau Associated), Tony Basso (Keach-Nordstrom Associates), Patrick Corbin (Keach-Nordstrom Associates), Richard Maynard (Maynard & Pacquette Engineering Associates), Matthew Trudel (Homes by Trudel)

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

### 1. PUBLIC INPUT

None, closed at 7:06 p.m.

### 2. OLD BUSINESS

A. **Case 134,135,143,144-5 3,20,2,3:**  
Stepped Down: S. Quinlan

Prior to the meeting, Mr. Sundstrom informed Chairman Rumbaugh that he would not have the property assessment on the 17 acre parcel in time for the meeting. Chairman Rumbaugh asked the members if they wanted to schedule a non-public meeting before the March 12, 2007 meeting. J. Battis replied that he wanted time to review the proposal.

**MOTION** by J. Battis to schedule a non-public meeting after receipt of assessment information from Mr. Sundstrom.

**SECONDED** by B. Haefner. **MOTION CARRIED** (7-0).

B. **Case 100/3**, Keach-Nordstrom Associates, Inc. 10 Commerce Park Drive Bedford, NH requests a Wetland Special Exception to impact the wetland (8,617 sq ft) and wetland buffer (13,805 sq ft) for the purpose of accessing an existing lot of record located at 22R West Road/Old Landfill Road Hudson, NH. Tony Basso presented the highlights of the plan including changes made as a result of a site walk taken with members in November 2006. Particulars of the plan are: Reduced wetland and buffer impact by using conspan bridges with natural open bottoms, direct drainage that keeps run-off away from wetlands into storm water management areas before it is treated and discharged, and a conservation easement of 27.91 acres of which 7.04 acres are upland and 20.87 acres are wetland.

Stepped Down: S. Quinlan

P. Cassista asked where the biofence would be located on the site. Mr. Basso proposed extending the biofence in the impact area, along the edge of the wetlands and buffers to the limit of where the grading is necessary.

P. Cassista asked about wildlife in the area, particularly certain species of turtles which take 22 years to reach maturity and would the applicant consider fencing the perimeter to protect nesting turtles in the area. Mr. Basso replied that he does not have a problem putting up a fence, however the purpose of a natural bottom conspan bridge is to provide wildlife access.

M. Champion voiced several concerns regarding the use of the site: proposal to build a 40k sq ft building without knowing its intended purpose, building on an island surrounded by significant wetlands, legal restrictions on what the owner can and cannot do once access to the site is approved, and the impact on the wetlands from the use of the site. Mr. Basso replied that the HCC in its recommendation to the ZBA, include a special exception that the site be restricted from hazardous chemicals.

**Case 100/3 Old Landfill Road Continued:**

M. Champion asked how enforceable such a condition would be in the future. T. Sommers replied that the restriction would go on the site plan. S. Quinlan (50 Pelham Rd ) concurred that if the restriction is on the site plan, it is on record and subject to enforcement. Additionally, if you have a concern with current uses, you can look at the present operations by the company and make that determination if that site is compatible with their operations and make those recommendations.

J. Battis asked if the town requires a site plan review if the building changes ownership. T. Sommers replied that any new occupancy would have to meet the requirements of the site plan in perpetuity.

J. Battis asked if anyone in the town reviews changes in occupancy. K. Massey replied that a change in use requires a new site plan.

P. Cassista asked if there was any concern with the rising of the water table during flooding. T. Sommers replied that the site plan is set high enough and that the area is part of a meandering brook system with a large storage and as long as the storage is preserved, the area can handle large storms. Mr. Basso replied that as part of the site plan, he would be looking at the storm water as required in the regulations and also the floodway through here would be part of the analysis for the culverts.

Vice Chairman Haefner asked about plans for the conservation easement. Mr. Basso stated that the easement is not a fee title, the restriction would be over the land, the town would be the holder of the easement, the client would retain ownership of the underlying land, and that the easement would be put into the deed.

M. Champion asked if the easement would contain the entire buffer. Mr. Basso replied in the affirmative and additional acreage could be added during the planning board process.

**MOTION** by J. Battis to provide a favorable recommendation for a wetlands special exception to the project known as Case 100/3 located at Landfill Road as shown on plan project # 06-0410-1 Dated Sept 2006 with the following stipulations:

1. The conservation easement depicted on the plan, reference date February 2007 Sheet 1 of 1, and provided that the final conservation easement be set at the limit of the final disturbance be granted to the town subject to approval and review of documents and deed by town council.
2. Use restricted to industries that do not require the use or bulk storage of corrosive and/or hazardous materials, including salt and fertilizer.
3. Earthen berm along the southern edge of site development be maintained and/or enhanced to ensure that run-off drains into retention pond.
4. Utilize NH Best Management Practices for construction of bridge.

**SECONDED** by Vice Chairman Haefner. **MOTION CARRIED (7-0)**

**MOTION** by P. Cassista to amend the previous motion to add another stipulation that the plan require further study of a wildlife barrier between wetlands and pavement.

**SECONDED** by L. Kipnes. **MOTION FAILED (2-5)**

3. **NEW BUSINESS**

- A. **Case Tax Map 186 Lot 20**, as shown on job number 11861 dated December 1, 2006 drawing number 2 of 10. Richard Maynard, Maynard & Paquette Engineering Associates – 23 East Pearl Street, Nashua, NH (applicant), Richard Maynard (project engineer). Town of Hudson Planning Board requests a CONCEPTUAL REVIEW of a 10 lot residential subdivision, known as Kara's Crossing, on 44 acres in a G-1 Zone located at 75 Speare Road Hudson, NH.

Richard Maynard is here at the request of the planning board to understand the HCC's policy with respect to conservation signs along the wetland buffers. Two prime wetlands are located on the north and south side of property. He is asking for a recommendation of signage at 100 ft intervals along the buffer.

M. Champion asked about the existing houses on the plan. Mr. Maynard replied that the subdivision is going through the process and the one existing house, dog kennel and garage belong to the owner of property. He did not bring drawings with house placements and septic systems. Mr. Maynard commented that this zoning requires 2 acres of contiguous buildable area and 200 ft frontage lots.

M. Champion asked about Lot 20-6 and the wetlands. Mr. Maynard replied that this lot was 200 ft wide by 150 ft deep outside the buffer.

Chairman Rumbaugh asked if the planning board is asking for a policy for the delineation of the edge of the wetland buffer. Mr. Maynard replied yes and anything else you want to add.

S. Quinlan (50 Pelham Rd) commented that the issue that was raised at the planning board, along with the wetland delineation was whether or not there was sufficient contiguous dry land on this parcel to support these 10 house sites. If the HCC had any concerns above and beyond signage, the planning board would be amendable to hearing them.

J. Battis asked why there was no topography on the plans and what were they on the sites. Mr. Maynard replied that the topography is moderate and the road is between 3-5% grades. Mr. Sommers pulled the property up on the GIS system said there were 2 ft contours on the map and the middle of site has moderate steepness. Mr. Maynard replied that any steepness is not on their property.

T. Sommers asked if it made sense to reconfigure lots 29 & 20 to get more use out of the back area. Mr. Maynard replied that the plan shows what the owner requested.

P. Cassista asked the acreage of the open water and whether it meets the 10 acre threshold for a shoreline protection area. Mr. Maynard replied that this area is not standing water and does not meet the criteria.

J. Battis commented that without seeing the property, it appears to him that there is nothing terribly significant that impacts the wetlands, assuming they build the houses in a logical area.

K. Dickinson commented that this issue is a result of conversations relative to the Copper Hill signage that the HCC required signs on the back lots. Signs were placed every 50 ft. Additionally, signs were required on the Sparkling River development.

T. Sommers stated that his biggest concern was the construction of the driveway to the dog kennel that it does not intrude into the buffer due to the topography and location of the pond. He recommends signage along this area.

J. Battis asked how signs were mounted at Copper Hill. K. Dickinson replied that he visited the site last fall and the signs were mounted to individual trees of significant size.

M. Champion commented that she prefers signage on trees, but in the absence of mature trees, she will support green, cedar, or granite posts.

**Case 186-20, 75 Speare Road Continued:**

Vice Chairman Haefner asked about Lot 20-2 and the room available to build a house. Mr. Maynard replied that the front section is 200 ft wide by 100 ft deep from set back to set back.

**MOTION** by M. Champion to send a letter to the planning board with the following recommendations:

1. The wetland buffers be delineated with our standard wetland conservation plaques every 50 feet, either on existing mature trees or if a tree does not exist on metal fence posts on lots 20-1, 2, 3, 4, 5, 6, 7, 8, 23, and 24.
2. The driveway going into Lot 24 is an area of concern that the wetland buffer should be clearly marked by a licensed land surveyor prior to any construction or grading of the site.
3. Situate the houses, in such a way that there is ample room for front, rear, and side yards outside the wetland buffer.

**SECONDED** by J. Battis. **MOTION CARRIED (7-0)**

Mr. Maynard requested a copy of the letter be sent to his office.

- B. **Case 239-1** W/S Development Associates, LLC 1330 Boylston St. Chestnut Hill, MA request for a review of a Dredge & Fill application for the RiverPlace (Green Meadow Golf Club) project located at 43 Steele Road Hudson, NH.

Stepped down: K. Dickinson, S. Quinlan

On 2/5/2007, 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. Due to the complexity of filings with the town's land use boards, NH DES, and the Army Corps of Engineers, the applicant requests the review of RiverPlace take place during the March 12, 2007 HCC meeting.

**MOTION** by Vice Chairman Haefner, to defer, at the applicant's request, review of the RiverPlace proposal to the March 12, 2007 meeting.

J. Battis asked if the meeting could be deferred to a time after the applicant meets with the planning board. K. Massey replied that the applicant is meeting with the planning board on 3/7/2007 and the HCC meeting is 3/12/2007.

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

- C. **Case 239-1**, Normandeau Associates, Inc.- 25 Nashua Road Bedford, NH, forwards a written estimate for an Environmental review of the RiverPlace (Green Meadow Golf Club) project located at 43 Steele Road Hudson, NH. Kimberly Pease, representing Normandeau Associates Inc., presented highlights of the proposal, including the scope and amount of time.

Stepped down: K. Dickinson, S. Quinlan

Chairman Rumbaugh asked how long it would take to complete the work. Ms. Pease replied that it would take two weeks to complete the work, plus time to present their findings to the HCC. Ms. Pease suggested the HCC request a delay until April 16, 2007.

Chairman Rumbaugh asked if there were contingency fees added to the proposal cost. Ms. Pease indicated that there were no extra fees.

S. Quinlan (50 Pelham Road) asked if Normandeau Associates has had any past or present contractual relationship with W/S Development LLC and/or Gove Environmental Services. Ms. Pease replied that they have never

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**Case 239-1 Continued:**

worked for W/S Development LLC and in the past have teamed up with Gove Environmental Services on projects. T. Sommers commented that he has checked into Normandeau's background and agreed with Ms. Pease's statements.

Chairman Rumbaugh asked who from the town will sign the contract between Normandeau and the Town of Hudson and who will administer the funds. T. Sommers replied that the Community Development Director will sign the contract and the town engineer's office will administer the money through an agency fund set up specifically for that purpose.

**MOTION** by M. Champion to accept the proposal as per the letter from Normandeau Associates dated 2/1/2007 and amended at the 2/12/2007 HCC meeting adding \$1,670 to the cost estimate.  
**SECONDED** by Vice Chairman Haefner. **MOTION CARRIED** (6-0)

**MOTION** by M. Champion to send a letter to W/S Development LLC and request \$7,096 to pay for wetland application review and copy the Town Engineer and Community Development Office.  
**SECONDED** by Vice Chairman Haefner. **MOTION CARRIED** (6-0)

**MOTION** by J. Battis to send a letter to Department of Environmental Services to request a delay until 4/16/2007 and copy W/S Development LLC.  
**SECONDED** by L. Kipnes. **MOTION CARRIED** (6-0)

**4. COMMUNICATIONS**

From: NH DES  
Re: File # 070112-01 Map/Lot No. 167/9. Alternation of Terrain Permit – Public Service of NH, Manchester. Received 1/19/2007. No Action Taken.

From: Vanasse Hangen Brustin, Inc., Kilton Road Six Bedford Farms, Suite 607 Bedford, NH  
Re: Proposed RiverPlace Development, Review of Other Recent W/S Development Projects

From: NH Fish and Game Department, K. Tuttle Nongame and Endangered Species Program  
Re: NHFG 2006-0218 Proposed Mixed Use Development, RiverPlace Development, Steele Hill Road, Hudson, NH

From: Gove Environmental Services, Inc., James P. Gove  
Re: Notification that W/S Development Associates LLC is applying to the NH DES for a dredge and fill permit for the mixed-use development known as RiverPlace Development.

From: K. Massey  
Re: Notification to HCC, that W/S Development LLC submitted their mixed-use development site plan, known as RiverPlace Development to the Town. Requests the HCC initiate action to request intervener status with NH DES to the proposed development.

From: Chairman Rumbaugh  
Re: RiverPlace Dredge and Fill Application. Solicit member's opinions to request intervener status.

From: NH DES  
Re: Map/Lot Nos. 239/1, 234/1,5,34, Map 240/12,13,14 – W/S Development Associates, LLC, Chestnut Hill, MA.

**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).

Letter sent to NH DES 1/24/2007.

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**Communications Continued:**

- From: Richard J. Maddox, Board of Selectmen Town of Hudson  
Re: Establishment of a Community Technical Assistance Program Committee. K. Massey reported that the purpose of this committee is for the town to come up with a proposal for spending money, as part of the mitigation for the I-93 widening and \$15k has been earmarked for the town of Hudson. L. Kipnes agreed to represent the HCC. Chairman Rumbaugh to notify R. Maddox of Ms. Kipnes appointment.
- From: NH Department of Transportation  
Re: Notice of pavement rehabilitation NH route 102 and NH Route 3A in Hudson.
- From: Chairman Rumbaugh  
Re: Notification to members of ZBA rehearing of the Hawkview Estates case on 2/8/2007 at 7:00 p.m.
- From: Meridian Land Service, Inc., Timothy Ferwerda  
Re: File No. 2006-01363, Rose Realty Trust, James Way, Hudson
- From: NH Department of Transportation  
Re: Informational meeting of the pavement rehabilitation NH route 102 and NH Route 3A in Hudson. Vice Chairman Haefner to participate in future meetings and correspondence.
- From: Normandeau Associates, Inc.  
Re: Proposal to review RiverPlace Wetland Application
- From: Nashua Regional Planning Commission, S. Williams, Executive Director  
Re: Shaping Our Future: Nashua Region 2030 meeting notice.
- From: J. Bradford Westgate, Winer and Bennett, LLP  
Re: RiverPlace W/S Development Associates LLC  
Action Taken under item B, New Business.
- From: Society for the Protection of NH Forests  
Re: Membership Request. P. Cassista to research and report back to HCC.

**5. OTHER BUSINESS**

- A. Tracking WSE's  
Did not receive in packet resolution of violations at 13 Williams Dr. and 15 Parker Dr. K. Massey to meet with Community Development on remediation plans and report back to HCC.
- B. Stewardship Plan  
J. Battis agreed to meet with Community Development in April to establish a set of guidelines.
- C. Prime Wetlands Study  
K. Dickinson proposed separate meetings to prepare the Request for Proposal for interested parties. The first meeting will take place at 2/22/2007 Town Hall at 7:00 p.m. and if necessary the second meeting on 3/29/2007.
- D. Approval of January 2007 Minutes.  
MOTION by J. Battis to defer until next meeting. SECONDED by Vice Chairman Haefner.  
MOTION CARRIED (7-0).

**6. COMMISSIONER COMMENTS**

J. Battis questioned whether the HCC is correct in approving separate crossings in a multiple crossing wetlands special exception. During the ZBA rehearing of Hawkview Estates, the applicant wanted only a rehearing of crossings previously

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**Commissioner Comments Continued:**

denied. In the future, he recommends the HCC discuss each crossing and make one recommendation, either in favor or not in favor of the plan as presented to us.

L. Kipnes reported on the R2C2 "Shaping our Future" meeting held last Monday. Information on Hudson, the town's potential build out, and a questionnaire on the future were given to members.

Vice Chairman Haefner asked members if they were familiar with the mitigation plan when Walmart was built in the southern part of town. M. Champion replied that wetland mitigation was done on the town forest property. The two ponds were cleared of debris and trees planted in the center area. Members were informed of an energy efficiency workshop held at Nashua North High School on 2/28/2007.

S. Quinlan informed members of the NRPC meeting "Shaping our Future", to be held on 2/15/2007 at Town Hall.

P. Cassista commented on the impropriety and ethics of posting the RiverPlace plans in Town Hall. The colorful drawings seem more like a motivational poster, than traditional site plan drawings. He would like to see more objective maps posted outside the meeting room.

**7. ADJOURNMENT**

There being no further business before the Commission, Chairman Rumbaugh declared the meeting, February 12, 2007 adjourned at approximately 10:42 p.m.

Submitted,  
Sandra Rumbaugh

Next Meeting: 3/12/2007 7:00 p.m.