

HUDSON CONSERVATION COMMISSION

JANUARY 8, 2007

MEETING MINUTES – FINAL

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A regular meeting of the Hudson Conservation Commission (HCC) was held on Monday, January 8, 2007 at 7:16 p.m. in the Selectmen's Room of Town Hall. Chairman Quinn presided.

Members of the Commission present: Bob Haefner, Vice Chairman, Ken Dickinson, Jim Battis, Michelle Champion, Linda Kipnes (arrived 7:45 p.m.), Sandra Rumbaugh, Phil Cassista (Alternate), and Suellen Quinlan (Alternate).

Members of the Commission absent: Ray Orner (Alternate)

Also in attendance: Ken Massey (Selectmen's Representative), Tom Sommers (Town Engineer), Tom Huot (Bedford Design Consultants), Tony Marcotte (Bedford Design Consultants), Tim Sundstrom (84 Sullivan Road)

1. NOMINATION OF 2008 OFFICERS

A. B. Haefner nominated S. Rumbaugh for Chairman
M. Champion seconded. Motion Carried (7-0)

B. S. Rumbaugh nominated B. Haefner for Vice-Chairman
M. Champion seconded. Motion Carried (7-0)

2. PUBLIC INPUT

None, closed at 7:22 p.m.

3. OLD BUSINESS

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

Suellen Quinlan stepped down due to a potential planning board conflict.

Chairman Quinn asked about costs associated with this donation. Mr. Sundstrom replied that the owners would like to sell the 17 acre and 28 acre parcels for \$600,000, with a small amount going to the owners and the remainder going to road improvements on Robinson Pond Drive to bring the road conditions up to town standards.

M. Champion asked if an assessment and wetland flagging was completed on the two parcels. Mr. Sundstrom replied that the HCC already has the assessment on the 28 acre parcel and that he will provide an assessment on the 17 acre parcel. Additionally, it would be too cost prohibitive to flag the 28 acre parcel, but he would flag the wetlands on the 17 acre parcel.

Chairman Quinn commented that wetlands were not mapped on the 28 acre parcel owned by Mr. Berrigan because in prior discussions, land was going to be donated to the town and the commercial value was considered low due to the large amount of wetlands.

K. Dickinson recently walked both parcels and observed standing water and more wetlands than indicated on the current plan. He questioned Mr. Sundstrom about public accessibility for the two parcels and design of the road. Mr. Sundstrom replied that the road is 3,000 feet long with a low impact design, similar to the Nadeau/Qroe project. This includes vegetation to road, no granite curbing, culvert piping, and no sidewalks.

M. Champion asked about the future use of the two lots left in current use and the lot available to the owner for his personal use. Mr. Sundstrom replied that lot 21 has a summer residence which belongs to Mr. and Mrs. Ireland. Mr. Berrigan would like access to Robinson Pond for recreational use and maintain privacy for the Irelands. However, the future may include plans to build a cabin on the lot. The lots in current use have the potential to be subdivided into 2 acre lots.

Chairman Quinn asked if both landowners are aware that this proposal is a joint proposal. Mr. Sundstrom indicated yes and the owners realize the need to improve the road.

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Case 134,135,143,144-5 3,20,2,3 Continued:

Tom Sommers asked if the project can be done without redoing the entire road and just to the three new lots. Mr. Sundstrom replied that another reason to improve the road to the end is to improve access for police and fire vehicles.

MOTION by K. Dickinson for a site walk on the properties located at 16, 20, 46, 58 Robinson Road and 25 Robinson Pond Drive with the following stipulations:

1. Defer case to 2/12/2007 HCC meeting, pending site walk
2. Property assessment on 17 acre parcel
3. Wetlands flagged on 17 acre parcel
4. Revised plan to show actual wetlands

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

Site walk set for January 14, 2007, Sunday at 1:00 p.m. Meet at Robinson Pond Drive.

NEW BUSINESS

- A. 17 Dracut Road, Case 241, Lot 35, Tom Huot, Bedford Design Consultants – 177 Industrial Park Drive, Manchester, NH (applicant), Tony Marcotte, Bedford Design Consultants (project engineer), Wetlands Special Exception requested to sub-divide existing 5.908 acre parcel into 2 lots. One parcel will contain the existing commercial building with improvements and the second will be used to build a private residence. Proposed 1,611 square feet of buffer impact for the construction and grading of new driveway. Tony Marcotte presented the highlights of the plan indicating that the plan has not been approved by the NH Department of Transportation which he hopes that any modifications will be resolved by the time of the ZBA hearing. The wetlands were flagged in October 2006 by NH Sources Consultants.

Stepped Down: K. Dickinson, S. Quinlan

Seated: L. Kipnes, P. Cassista

Chairman Quinn noted that although the well is in the buffer area, it is an allowed use.

P. Cassista asked the applicant if the road could be moved to lessen the impact. Mr. Marcotte replied that is was not a problem, because the site distance requirements were within code. DOT requires 400 feet in both directions which the plan currently allows. However the buffer impact would not change, but the driveway would be further away from the wetlands.

J. Battis asked about the attributes of the wetland on the property. Mr. Marcotte replied there was no standing water as there is good drainage on the southern side of the property.

S. Rumbaugh asked about the zoning designation G1 and R2. Mr. Marcotte replied that each requires different setbacks and he has already approached Mr. Sullivan and the Zoning Administrator. A letter is on file establishing a 150 foot setback.

Chairman Quinn asked if this is part of a larger wetland and what the land is like around the buffer. Mr. Marcotte replied that the water drains south off the property and the property in the area of the NW corner, where the driveway will be build is already developed.

MOTION by J. Battis to provide a favorable recommendation for a wetlands special exception to the project known as 17 Dracut Road as shown on plan 1036-001, sheet 1 of 1, dated 10/27/2006 with the following stipulations:

1. Utilized Best Management Practices
2. Move driveway as close to 15 foot property setback as appropriate.

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

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COMMUNICATIONS: None

TRACKING WETLANDS SPECIAL EXCEPTIONS (WSE)

- A. 33 Bush Hill Road
Per Chairman Quinn, this property will no longer be an issue per town decree as the town has established a precedent on other town property. The NH courts have ruled that a structure in a property adjacent to this one, did not materially impact the wetlands, and denied the town's motion. Therefore, based on the court's earlier ruling, the zoning administrator concluded that the town would not be successful in bringing this case to court. The case is closed, there is no violation.

Several members present disagreed with the town's decision.

- B. 5 Cutler Road
Per Chairman Quinn, the HCC is unable to determine if the property owner has complied with the town order because the property owner barred entry to verify if remediation work was done. Aerial pictures provided by the Town Engineer's office cannot show evidence of completed work.

S. Quinlan recommended to the Chairman that he send a letter to the Community Development Director and the Code Enforcement Officer detailed the particulars of the case and ask them to intercede and verify the property's owner compliance with the court order.

- C. 13 Williams Drive
Selectmen Massey reported on a discussion with the Community Development Director (CDD) at the Planning board joint meeting held the previous week. The history of the case is that there is a complaint of extensive clear cutting in the wetland on the property and adjacent property. The HCC authorized the CDD to spend \$1,000 to hire a consultant and investigate the damage. The Department of Environmental Services also investigated the incident and reported that this is not in the State's jurisdiction and belonged to the town. The CDD issued a letter to the property owner to provide a remediation plan by 2/15/ 2007.

Chairman Quinn noted that in the past, remediation plans have not come back to the HCC for review. Selectman Massey concurred and will talk to the CDD and report back to the HCC.

OTHER BUSINESS

- A. Expenditure Report
Chairman Quinn reported that the HCC over spent its budget last year by \$2,100 and that money was taken from the Conservation Fund to cover the deficiency. January 2007 expenditure report was not available.
- B. Signs for Conservation Properties
Vice Chairman Haefner reported that an update will be available in April 2007. Mr. Martineau, the Forestry instructor at Alvirne High School will donate wood for the project.
- C. Stewardship Plan
Chairman Quinn reported that per S. Malizia, there is no problem legally with the proposed plan. The HCC needs to meet with the CDD to develop operating procedures and areas of responsibility. S. Rumbaugh to meet with the CDD.
- D. Open Space Sub-Committee
M. Champion reported that all parcels greater than 10 acres have been mapped into 14 neighborhood zones. The next step is to evaluate the parcels. Additionally, Ms. Champion recommended keeping the open space group as a sub-committee through 2007 with the completion of the open space plan. In 2008, she would like to form an Open Space Committee with responsibilities of stewardship of conservation properties, trail maintenance, and implementation of the open space plan. Ms. Champion is willing to take leadership of this new committee.

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OTHER BUSINESS Continued:

It is Michelle's belief that a move in this direction will encourage more of the town's citizens to participate in conservation efforts if they are actively engaged in conservation projects.

- E. Prime Wetlands Study
K. Dickinson reported that he identified wetland areas from old tax maps to determine the scope of the project. Initial estimates show approx. 1,000 acres of significant quality wetlands in Hudson. S. Rumbaugh to meet with Ken to review the material and develop a timeline of activities.
- F. Approval of December minutes – not available.

COMMISSIONER COMMENTS

Mr. Haefner announced his appointment to the Environment and Agriculture Committee, State of NH House of Representatives.

Selectmen Massey advised the members on any land use board to use caution in voicing personal opinions on upcoming cases. The best policy is to maintain a neutral position to avoid stepping down on a case due to conflict of interest. The state statute allows for feedback during a conceptual review; however, once a formal plan is submitted, the statute changes regarding personal comments during a review. Additionally, email correspondence related to HCC matters is subject to disclosure via the right-to-know law. One suggestion is to submit copies of emails and enter them into the public record.

ADJOURNMENT

There being no further business before the Commission, Chairman Quinn declared the meeting, January 8, 2007 adjourned at approximately 10:00 p.m.

Submitted,
Sandra Rumbaugh