



# TOWN OF HUDSON

## Conservation Commission



William Collins, Chairman      Dave Morin, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

**DATE: November 13, 2023**

MEETING MINUTES: 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.

In attendance = X    Alternates Seated = S    Partial Attendance = P    Excused Absence = E

William Collins Chairman <u>  X  </u>	Carl Murphy Vice-Chair <u>  X  </u>	Ken Dickinson Clerk <u>  X  </u>	Brian Pinsonneault Member <u>  X  </u>
Sandra Rumbaugh Member <u>  X  </u>	Linda Krisciunas Alternate <u>  X  </u>	Open Seat Alternate <u>    </u>	David Morin Selectman Rep <u>  X  </u>
			Elvis Dhima Town Rep <u>  X  </u>

CALL TO ORDER BY CHAIRPERSON AT 07:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SEATING OF ALTERNATES:

Public Input Related to Non-Agenda Items: None

## I. New Business

### a. Eagle Scout Project -

Eagle scout candidate, Christopher Darbe, from Troop 20 and residing at 65 Bear Path Lane; presented a kiosk project that is intended to be constructed and installed in early summer 2024 at the Pelham Road Conservation Area. The kiosk will be similar to our other trailhead kiosks (8' height X 4' width overall dimensions). Mr. Darbe intends to conduct a car wash in effort to raise a minimum of \$200.00 for material costs. Mr. Pinsonneault asked where the kiosk would be located and noted that this project would be a great addition to the property. Mr. Darbe stated it would be installed along the Pelham Road frontage at the trail entrance. Mrs. Rumbaugh asked to have the name of the property clarified. Chairman Collins responded that it should be Pelham Road Conservation Area as it is currently identified as such. Mr. Dickinson asked if Mr. Darbe was willing to construct another kiosk. Mr. Darbe responded that he was open to the idea; however he wanted to build one kiosk successfully prior to committing to a second kiosk. Mrs. Krisciunas asked how the information would be displayed and what material would be used to protect the map. Mr. Darbe responded that he could install Plexiglass or whatever material the Commission desired to protect the map. Chairman Collins thanked Mr. Darbe for his presentation and encouraged other scouts to pursue their Eagle Scout projects with the Conservation Commission.

### b. Conditional Use Permit Application – 78 Highland Street:

Steve Riker, CWS of Ambit Engineering, Inc. representing Ms. Christine Floyd, presented a request to remove 4300 SF of fill located in the adjacent wetland area found towards the rear of the property and restore 7848 SF of adjacent wetland buffer area. This project is a continuance of the restoration that was conducted within the last decade by Eversource on the adjacent lot. Steve Riker flagged the wetland in February 2021 for Chris Floyd. Mr. Floyd formerly conducted a landscape business on the property and filled wetlands as his business operations expanded. In June 2022, Mr. Floyd received an administrative order from NHDES informing him that he was in violation of RSA 42A (filling wetlands without permit). Chris Floyd no longer resides at 78 Highland St. and was not present at the meeting. Subsequently, Ms. Christine Floyd has worked with Mr. Riker in effort to obtain NHDES approval for the restoration plan.

Mr. Riker utilized aerial photo interpretation to determine historic wetland boundaries as it is completed obscured by the depth of imported fill. Imported fill is to be removed as indicated and a new slope established beyond the wetlands. The proposed slope will have a decreased gradient providing increased capacity for erosion control within the proposed wetland buffer area. Existing arborvitae shrubs are to be relocated to the proposed top of slope and the project area is to be seeded with a seed mix as specified from NE Wetland Plants. Wetland functions and values are to be enhanced by the proposed wetland restoration plan as per the submitted assessment and supporting documentation.

Mr. Dickinson requested the proposed erosion control devices to be more substantial, as the adjacent restoration had implemented, to better retain the proposed slope which has a net vertical change of approximately 20 feet. He also requested the existing arborvitae to be further identified. Mr. Riker stated that this would be a substantial operation that would require observation and enhanced erosion controls as recommended by the Town Engineer. Mr. Dickinson asked if the applicant had an excavating company selected for the project. Mr. Riker stated negative. Mr. Dickinson noted that Gove Environmental had previously prepared a wetland restoration plan that may have not been fully executed. Mr. Riker was unaware of the previous restoration efforts that occurred within the past

decade. Mr. Dhima confirmed that Gove Environmental had attempted to work with both Eversource and Mr. Floyd; however an agreement of restoration services was limited to the adjacent lot. A minor amount of incidental grading has occurred within the subject property boundary line.

Mrs. Rumbaugh asked several questions regarding Mr. Riker's qualitative assessment of the wetland complex. Mr. Riker stated that the wetland is large and has high functions and values; however no vernal pools were filled within the subject property. Mr. Pinsonneault asked if the fill material would need to be hauled off-site. Mr. Riker stated that the majority of the fill would need to be exported as there is not enough space to relocate the excavated fill on-site. Mr. Murphy asked if there was proposed vegetation for the proposed wetland buffer area. Mr. Riker stated that a conservation wildlife mix was proposed for the wetland area; however Mr. Murphy restated his question. Mr. Riker noted that he will amend his plan accordingly with an appropriate slope restoration/erosion control mix for the proposed wetland buffer area. Chairman Collins asked Mr. Dickinson for his input regarding an erosion control mix. Mr. Dickinson stated that NE Wetland Plants has a mix specific for erosion control and he highly recommended that Mr. Riker review the plans that Gove Environmental prepared for the adjacent lot. Mrs. Krisciunas asked if the fill was clean and Mr. Dhima stated that it is undetermined. Chairman Collins and Mr. Dhima clarified the exportation process. Selectman Morin added that it most likely would be taken to another construction project that requires fill.

Mr. Dhima asked for clarification from Mr. Riker that all runoff would be treated on-site and that all vehicles would be parked outside of the 50 foot wetland buffer area. Mr. Riker responded yes. Mrs. Rumbaugh asked who would provide project oversight. Mr. Dhima responded that the Town would provide oversight and possibly NHDES to a limited extent. Mr. Riker also noted that a Certified Wetland Scientist is required to perform oversight and signoff upon completion of the restoration. He intends to be present on-site to perform construction oversight. Mr. Collins asked what was stored in the temporary structure shown on the existing conditions plans. Mr. Riker thought it was landscape related material that was stored; however it is possible that it could be salt storage shed as plows and a loader are present in the photos. Mr. Dickinson added that Mr. Riker may want to consider adding some native deciduous shrubs that will assist with slope stabilization, i.e. Myrica (bayberry), Comptonia (sweetfern), Viburnum dentatum (arrowwood), and Cornus (red twig dogwood). A site walk was scheduled for Saturday, November 18<sup>th</sup> at 9:30AM.

## **II. Old Business**

### **a. Draft Warrant Discussion:**

Chairman Collins asked the Commission for comment on the draft aquifer protection district, as prepared by Mrs. Rumbaugh, that was deferred from our last regular meeting. Mr. Collins noted that the district perimeter would require mapping. Mr. Dhima informed us that a petition was submitted today which included wetland ordinance revisions by another group of residents. Mr. Dhima expressed some uncertainty of how an aquifer protection district would be executed. Selectman Morin asked about PFA levels in our soils and a brief discussion followed regarding potential soil contamination. Mrs. Rumbaugh expressed that she would like to have more scientific information, i.e. mapping and would have preferred to have worked with the Planning Board on the draft warrant article versus a petitioned warrant article that had no review from the Conservation Commission. Mr. Dhima will provide a copy of the mapping that was referenced in the petition.

Mrs. Rumbaugh asked what would happen with the revised draft of the wetland conservation

ordinance. Chairman Collins had submitted it earlier to Mr. Groth; however Mr. Groth could not review it as the Planning Board and ZBA had already closed commentary on the wetland ordinance revisions. Furthermore, Mr. Groth will be leaving his position shortly. Chairman Collins noted that an increased buffer width of 75 feet for non-residential uses was proposed. Mrs. Rumbaugh responded that it was not good enough. Mr. Dickinson recommended that a workshop be scheduled prior to the next meeting to discuss these items if the Chairman determines that it is necessary and a productive use of the Commission's time. A brief discussion followed regarding process moving forward and a future workshop would be considered after reviewing the draft petitioned warrant article.

### **III. Other Business**

#### **a. Trail Work Day:**

Chairman Collins noted that we had a very productive trail work day last weekend at Musquash Conservation Area (MCA). After some discussion of the need for continued work activities at MCA, the HCC scheduled a trail work day on Saturday, Dec. 16, 2023, 9–11:30 AM with meeting point TBD. November 19 work day duration will be 9–11 AM meeting at Woodland Dr. A site walk will be scheduled to review our newest conservation property located at 13 Tiger Rd. (along Robinson Pond) in December. Mr. Collins intends to perform trail improvements on the eastern side of MCA this winter.

#### **b. Melendy Rd. Bridge Replacement Project:**

Mr. Dhima stated that the Town is pursuing a bridge replacement project where Melendy Road crosses First Brook. Mr. Dhima noted that the bridge will have an open bottom culvert design with river stones naturally placed to facilitate access for turtles and other amphibians.

Motion by Mr. Pinsonneault to authorize the Chairman to sign a letter of support for the “Melendy Road Bridge Replacement Project” to be constructed by the end of October 2024; as proposed by the Town Engineer.

Mr. Murphy seconded the motion.

Motion Carried 5/0/0

### **IV. Financial Status:**

Chairman Collins followed up with Town of Hudson's Finance Director, Lisa Labrie, regarding the Town's Forestry Account. The Forestry Funds will not appear as a separate line item on our monthly reports as it is technically part of the General Fund. The Conservation Commission remains as the caretaker for the funds. The Chairman will need to contact the Finance Director if a request is made to expend any of these forestry funds. \$0 expended was from the Professional Services account in October as there was no DASH or herbicide treatment conducted this year.

As of 2013, there was \$544,882 in Hudson's Conservation Land Capital Reserve Fund. A Town Vote via a warrant article is required to expend money from this fund. There was also a smaller Pond Reclamation Capital Reserve Fund \$10,189, and several small donations, as per memo prepared by our former Finance Director on February 11, 2013. Conservation Fund Balance = \$770,603. – \$328,452 (13 Tiger Rd purchase) = \$442,151. Mr. Dhima noted that a significant amount of money will be received soon into the Conservation Fund to replenish it. Mrs. Rumbaugh asked if funds can be used from the Conservation Fund and Land Capital Reserve Fund for the same property. Chairman Collins responded in the affirmative. Mrs. Krisciunas asked if there is expiration on usage of the funds. Mr. Dhima responded that it depends how it is written and that many warrant articles have a five year expiration timeframe. Further discussion followed on this general topic.

**V. Correspondence:**

Chairman Collins reviewed our monthly correspondence which included the following:

- a) Lake Host Program
- b) NHDES Aquatic Species Control Grant Program
- c) Piscataquog News Land Trust Periodical (Winter 2023)
- d) Permit By Notification along Eversource corridor due west of Musquash Rd. as submitted by VHB
- e) NH Lakes Donation Request (deferred to HCC December regular meeting)

**VI. Approval of Minutes:**

Deferred to HCC December regular meeting

**VII. Commissioner’s Comments:**

Mr. Dickinson noted that the redevelopment of the Riverview Golf Course has commenced. The HCC had a successful work day last weekend clearing several trees, blowing trails, removing litter and a large metal truck part from Musquash Conservation Area.

Chairman Collins informed us that timber harvest work at Rangers Town Forest is going well and should be completed by November 25th. The land has been opened up for winter activities, i.e. snowshoeing and cross-country skiing. Mr. Collins also informed everyone that a new local newspaper “Hudson Times” is now in publication.

**VIII. Motion to enter into Non-Public Session:**

Mr. Dickinson moved to enter into a non-public session at 8:36 PM; seconded by Mr. Pinsonneault.  
Motion Carried 5/0/0

**IX. Motion to seal Non-Public Session Meeting Minutes:**

Mr. Pinsonneault moved to seal the non-public session meeting minutes; seconded by Mr. Murphy.  
Motion Carried 5/0/0

**X. Motion to adjourn:**

Mr. Murphy moved to adjourn our regular meeting at 8:59 PM; seconded by Mr. Pinsonneault.  
Motion Carried 5/0/0

*Ken Dickinson*

Ken Dickinson, Clerk