



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

CONSERVATION COMMISSION MEETING AGENDA March 16, 2021

The Town of Hudson Conservation Commission will hold its next meeting on **March 16, 2021** at 7:00 p.m. in the Community Center, located at 12 Lions Ave., Hudson, NH.

- ✓ Call to Order
- ✓ Pledge of Allegiance
- ✓ Roll Call
- ✓ Alternates
- ✓ Public Input Related to Non-Agenda Items

I. Old Business:

- a. Musquash Parking Area Status – Bill Collins
- b. Trail Names Status – Paula Hubert/Ken Dickinson
- c. Dash Harvesting at Robinson and Ottarnic Ponds – New Contractor for 2021
- d. Trail Guide/Maps Creation – Ken Dickinson
- e. Leslie Bockes Tri Town Forest input from SPNHF – Bill Collins

II. New Business:

- a. Conditional Use Permit Addendum – Friars Dr. (formerly 161 Lowell Rd) Map 209 Lot 001

The applicant is seeking approval of an additional 1450 square feet of Temporary Wetland Buffer impact along Friars Drive to interconnect the existing water service to the new water service constructed along the Friars Drive Extension. Site walk was completed on February 19, 2021. This is an amendment to a previously approved CUP.

- b. The Conservation Commission's role in the Dredge and Fill Permitting process
- c. Resource Tab on the HCC Town website.

III. Other Business

- a. Property inspections at Musquash, Kimball Hill and Rangers Drive.

Recent heavy winds may have led to potential dangers along the trails.

- b. Trail work day Colburn Property – Finish marking the trail

IV. Financial Status:

Current numbers

V. Correspondence:

VI. Approval of Minutes:

- a. February 08, 2021 Meeting Minutes
- b. February 19, 2021 Meeting Minutes

VII. Commissioner's Comments:

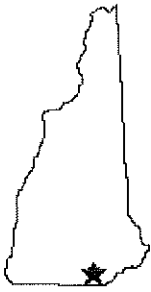
II

- VIII. Non Public Session** - RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Next Regular Meeting: Monday, April 12, 2021 at 7:00 p.m.

William Collins

William Collins
Conservation Commission Chairman

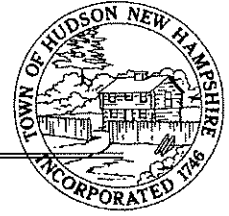


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Motion to Recommend/Not Recommend the Conditional Use Permit Application Amendment as presented by the Dubay Group Inc.

Date: March 16, 2021

Case: Friars Drive Utilities Connections
Hudson, New Hampshire
Map 209, Lot 001
Zone: Industrial (I) and General (G)

Description of work to be performed: The project entails interconnecting an existing water main end point located along Friars Drive to the newly installed water service built along the Friars Drive extension. Completing this connections will results in improved water service and quality by reducing sedimentation build up that is produced by the current configuration. The applicant is seeking an amendment to a previously approved Wetlands Conditional Use Permit submitted in 2019 to include another 1450 sq. ft. of wetland buffer impact in Impact Area 1 as shown on the "Friars Drive Utility Interconnection Plan" for Friars Drive Map 209, Lot 1 received prior to this meeting. New buffer impact total if accepted will equal 35,586 sq. ft. total.

Note: On February 19, 2021 representatives of the Hudson Conservation Commission accompanied by the Town Engineer Elvis Dhima toured the site to evaluate current conditions of where the work is to take place. The applicant or their representatives were not present. HCC members Present for the February 19 site walk included: Randy Brownrigg, Bill Collins, and Ken Dickinson

Conservation Members Stepping Down:

Alternates Seated:

Motion to “Not Recommend”

_____ moved to not recommend a favorable acceptance of the proposed 1450 sqft. Wetland buffer impact amendment proposed by the applicant as noted on the “Friars Drive Utility Interconnection Plan” for Friars Drive Map 209, Lot 1. Motion second _____

Roll Call Vote: Paula Hubert _____, Ken Dickinson _____, Randy Brownrigg _____,
Bill Collins _____

Reason for not recommending: (i.e. Compliance to Regulations)

Motion to “Recommend”

_____ moved to recommend a favorable acceptance of the Conditional Use Permit amendment for an additional 1450 sq. ft. of wetland buffer impact to previously approved WCD Impact #1 proposed by the applicant and as noted on the “Friars Drive Utility Interconnection Plan” Friars Drive Map 209, Lot 1 for the purpose of interconnecting the existing water main on Friars Drive to the new water main constructed along the Friars Drive extension with the following recommendations.

1. Construction and restoration shall comply with Best Management Practices set forth in New Hampshire Storm Water Manual Volume 3: Erosion and Sediment Control
2. Prior to the start of construction erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer
3. Conservation Commission members shall be allowed to inspect the site during construction and report its findings to the applicant and Town engineer for immediate remediation.
4. This motion is based on the plan(s) submitted by the applicant. It is recommended that if additional impacts are necessary the plan be returned to the Conservation Commission for further review.

Motion Second: _____

Roll Call Vote: Paula Hubert _____, Ken Dickinson _____, Randy Brownrigg _____,
Bill Collins _____

William Collins
HCC Chairman

A copy of this recommendation/motion shall be stapled to the CUP application and forward it to the Town Planning Office for inclusion in the Planning Board Member Packets.

Draft

Wetland Protection

Wetlands are among the most biologically diverse, productive, and unique habitats on earth. No part of our landscape provides so many benefits at so little cost to the public. Wetlands play a role in flood control, water quality maintenance and improvement, groundwater discharge and recharge, shoreline stabilization, fish and wildlife habitat, recreation, and education.

NH Wetlands Bureau permits

Wetlands Bureau rules classify projects as major, minor, or minimum impact. The three most commonly used permit applications by the State of New Hampshire, Department of Environmental Services (DES) are the Permit-By-Notification (PBN) Application, the Minimum Impact Expedited Application and the Standard Dredge and Fill Application, each with its own filing process and timetable.

Standard Dredge and Fill Application

For major and minor projects, and currently for some minimum impact projects as defined in Wetlands Bureau rules, an applicant completes 5 copies of the Bureau's standard application form, all of which must be signed and dated by the town or city clerk of the municipality in which the project is proposed. The date of signing by the clerk is the "filing date". The applicant also submits to the clerk postal receipts or copies thereof to show that abutters have been notified.

Only a conservation commission has the power to "intervene", or provide comments on an application to the Wetlands Bureau to allow for local review of the proposal. To obtain additional time, a commission must notify the Bureau in writing that it wishes to investigate an application. The Bureau must receive this notification (also called an "intervention") within 14 days of the filing date.

Some commissions vote to designate a member of the commission to correspond with DES; notifying them if they plan to review a permit.

If a commission intervenes, the Wetlands Bureau must delay action on an application until the Bureau receives a written report from the commission or until 40 days after the filing date, whichever comes first. Then the Bureau reviews the application and conservation commission report and comments.

After review, with or without a public hearing, the Bureau issues a permit with conditions or denies the application. If a decision is contrary to recommendations of a conservation commission, it must be supported by findings of fact.

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Minimum impact permit applications

The minimum impact classification is intended to cover those projects that, provided they are done properly, ought to be permitted with minimal oversight. The concern is to ensure that what the applicant calls minimum impact complies with the Bureau definition and that work is conducted properly so that environmental degradation is avoided. In the last decade, various arrangements to permit minimum impact projects without, or with less, individual scrutiny have been adopted, some in statute and some in rules.

Permits by notification in rules

For many minimum impact projects, an applicant can fill out a PBN form, attach the additional information required, and file it with DES. The PBN will require the commission's signature to waive the right to intervene in order to put a PBN project through in 5 days. Wetland Bureau staff may deny an application if it is incomplete or fails to meet the minimum impact criteria. If denied, the applicant shall submit a new application for a PBN or may submit a Standard Permit application.

Expedited applications

In order to use an expedited application form, the applicant must obtain the signature of the conservation commission on the application prior to filing it. Signing the permit indicates that the commission (1) believes the plans and application are accurate, (2) has no objections to the proposed project, and (3) waives its right to intervene, or investigate, the proposal. Should a commission refuse to sign an application, an applicant can still apply for a permit but must file either the standard application form described above or resubmit the EXP permit application with complete information.

Statutory Permit by Notification (SPN)

The following minimum impact activities may be undertaken under an SPIN in any jurisdictional area without obtaining a permit, provided the conditions and the requirements of Env-Wt 308.05 -Env-Wt 308.08 are met:

- Temporary seasonal dock installations (RSA 482-A:3, IV-a).
- Timber harvesting (RSA 482-A:3, V).
- Construction/maintenance of recreational trails (RSA 482-A:3, XII).
- Maintenance and repair of existing utility services within existing rights-of-way by utility providers (RSA 482-A:3, W).
- Repair or replacement of culverts or stream crossing structures, including culverts up to and including 48 inches in diameter (RSA 482-A:3, WI).

Conservation commission participation

A conservation commission should, but is not required to, participate in the fill and dredge permit process. Bear in mind that Wetlands Bureau staff is familiar with many, but not all, NH wetlands, and that the Bureau. If a commission does not look at the site of a proposed project, it may not be inspected.

To be effective in the fill and dredge permit process, a conservation commission must establish a reliable system with the town or city clerk to ensure that the commission is informed at once when an application is filed. Each application should be reviewed immediately. If a commission foresees no problems with a proposed project, it should write and tell the Wetlands Bureau.

If a commission needs more time to assess a proposal filed on a standard application form, a letter should be sent to the Bureau as soon as possible in order to reach the Bureau within 14 days of the filing date. A commission vote is not needed; any member may write expressing the commission's desire to investigate. To ensure that commission processes applications consistently, the procedure to be followed should be in a commission's by-laws.

The commission should investigate and report its findings and recommendations on standard applications without delay. However, the Bureau will not act on a standard application until it receives a report from the commission or until 40 days from the filing date, whichever occurs first.

A commission's report need not be elaborate; the Wetlands Bureau wants to know if the application and plan accurately describe the proposed project and its impacts. A commission should report on:

- **the application, plan and photographs:** Does the information appear accurate? Are all wetlands on the parcel delineated? Are all impacts shown?

- **the wetland:** Is the type of wetland correctly identified (e.g. bog, marsh, forested, wet meadow, vernal pool)? Is it isolated, adjacent to open water, contiguous to wetlands on abutting parcels, part of a wetland complex? Does the wetland have a special value or function?

- **the project:** Are there alternatives to achieving the project's objective with reduced wetland impact? Will the project impact abutters?

- **the application:** Were there questions about the information supplied in the application that were answered by site inspection?

- **other information:** Is there anything unusual about the parcel, such as ownership, previous violations or permits for work on the lot or in the same wetland?

Commission recommendation to the Bureau can specify:

- Not opposed if conditions are met
- Recommend to deny or approve

Be sure to mention any concerns or questions the commission has about the proposed project.

Standard Wetlands Permit Review

What you should know for Standard wetlands permit review?

Read [RSA 482-A](#) for more information

Check Soils, Vegetation and Hydrology:

1. Are hydric soils on the property identified on NRCS soil survey maps?

Check Conservation Plans:

2. Is this parcel/location mentioned in the town's conservation plan?
3. Is this parcel indicated as a conservation priority on other plans?
State Conservation Plan or Wildlife Action Plan
National Wetland Inventory or Natural Heritage Bureau

Check local and town ordinance:

4. Is this wetland under the jurisdiction of the town's ordinance? (Keep in mind all wetlands may not be jurisdictional)
5. Is the area designated as prime wetlands?
6. Are the wetland classifications(s) identified?

Your commission should visit the site and determine what the impacts to the wetlands will be if permit is approved as presented. When you are at the site you should check to make sure the basic information on the application is correct.

Check the application for:

- Is the info accurate and current? Are measurements correct?
- Is there a report that accompanies the delineation plan?
(You should request a delineation report.)
- Are ALL wetlands delineated on the parcel map?
- Are individual flag locations identified on the plan?
- Are ALL impacts outlined and shown on the application?
- Who delineated the wetlands?
 - a. Are they certified by NH Board of Natural Scientists?
 - b. Is the plan stamped by a Certified Wetland Scientist? (Beware of cut & pasted stamps).
- Review the description of the wetland:
 - a. Is it correctly identified/classified?
 - b. Is it isolated or contiguous to another parcel?
 - c. Does it have a special value or function?
 - d. Is this a natural wetland boundary or man-made boundary?

Check the proposed project:

- Are ALL alternatives listed on the applications that would reduce wetland impacts?
- Will it impact abutters? • Do you have any questions regarding the information on the permit? Do you need additional information?

Your commission should determine what recommendations and questions you have for the Wetlands Bureau. Your commission can specify:

- Not opposed if conditions are met
- Recommend to deny or approve

Make sure you include the reason why you want the application denied or approved. When your commission has voted on a response it is helpful to send a copy of the letter to the applicant. Make sure you include any questions or concerns you have about the project



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Wetland Permit Application Type	Time frame	Conservation Commission Responsibilities	Amount of Impact
Wetlands Permit Application Standard Review	CC has 14 days to notify DES if they want to intervene. If a commission intervenes, the Wetlands Bureau must delay action until 40 days after the filing date, or until they receive a written report from the CC.	The commission should be notified at once by town clerk as soon as an application is received. The CC may review the permit application and choose to provide comments to DES within the 40 day period. The commission should investigate and report its finding and recommendations on a standard application without delay.	see below
Major	Permits will be processed within 50 days of the DES notice of administrative completeness for projects under one acre of impact and 75 days for all other projects	See above for Standard Permit	≥ 10,000 SF
Minor		See above for Standard Permit	≤ 3,000 SF to 10,000 SF
Minimum		See above for Standard Permit and below for PBN or EXP	<3,000 SF
Expedited Review – Minimum Impact only	Permit will be process in 30 calendar days if CC signs application form to waive right to intervene	If the application does not have Conservation Commission signature the application will be processed as a Standard Permit or the applicant can re-submit the EXP form.	<3,000 sq ft
Wetlands Permit by Notification (PBN) – Minimum Impact only	Permit will be process in 5 days if CC signs application form to waive right to intervene	The Conservation Commission is not required to sign. If the Conservation Commission does not sign for any reason, the application is not eligible for 5 day processing and will be processed as a Standard Permit or the applicant can re-submit the PBN form.	<3,000 sq ft
Applicant request for Waiver when working in Prime Wetlands	CC has 14 days to review the prime wetland waiver request. A waiver shall not be issued by DES prior to 14 days from its receipt of the request.	Applicant must submit the prime wetland waiver request signed by the CC with this notification before they begin work in wetland. The CC may report violations to NH DES Wetlands Bureau if work begins before application is completed.	Located in a designated Prime Wetland or duty established buffer

Wetlands Permit Application Type	Signature of CC Required?	Applicability	Special Notes
<p>Statutory Permit by Notification (SPN)(Env-Wt 308.04 - 308.08) Applicant sends application and materials directly to the NHDES Wetlands Bureau.</p>			
Culvert Repair-Replacement Statutory Permit by Notification	No	Applies to minimum impact projects involving the repair or replacement of culverts or stream crossing structures up to and including 48 inches in diameter or the functional hydraulic equivalent.	All work must comply with NH BMPs for Routine Roadway Maintenance.
Utility Maintenance Activity Statutory Permit by Notification	No	Applies to minimum impact projects for the maintenance (inspection) and repair of existing utility services within existing rights-of-way. An evaluation for the presence threatened and endangered species from the Natural Heritage Bureau is required.	These projects must comply with the BMP Manual for Utility Maintenance in and Adjacent to Wetlands Waterbodies in NH.
Forestry Statutory Permit by Notification	No	Applies to forest management or timber harvesting activities that impact wetlands, or other areas of jurisdiction of NHDES under RSA 482-A. The Forestry SPN is only available for those projects that qualify as minimum impact under Env-Wt 520	Projects must comply with the Forestry Best Management Practices (BMPs).
Trails Statutory Statutory Permit by Notification	No	Applies to Minimum Impact projects involving the construction or maintenance of recreational trails.	All projects must comply with BMPs for Erosion Control During Trail Maintenance and Construction.
Seasonal Dock Notification for Lakes and Ponds	No	Allows for construction of a seasonal dock. (temporary docks constructed to be removed from the water for the non-boating season) on lake or pond frontages.	



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Bill Collins, Chairman

Dave Morin, Selectmen Liaison

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DATE: February 8, 2021

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>	Ken Dickinson Vice-Chair <u> X </u>	Paula Hubert Member <u> X </u> (Remote)	Randy Brownrigg clerk <u> X </u>
David Morin Select. Rep. <u> X </u>	Elvis Dhima Town Engineer <u> X </u>		

-
- I. CALL TO ORDER BY CHAIRPERSON AT 07:00 P.M.
 - II. PLEDGE OF ALLEGIANCE
 - III. ROLL CALL
 - IV. SEATING OF ALTERNATES
 - V. PUBLIC INPUT RELATED TO NON-AGENDA ITEMS
 - A. John Dubuc, 11 Eagle Drive, spoke on the Hudson Logistics Center project.
 - VI. OLD BUSINESS
 - A. The HCC received the Shoreland Protection Permit back from the State and can now

move forward with the Musquash Parking area. The tree service selected to clear the trees has put us on their schedule for February 22, 2021, weather permitting. The question was asked, would it be possible for the Conservation Commission to borrow a couple of construction sawhorses to limit automobile access to the site while he's in there clearing trees? Mr. Brownrigg said he would be happy to swing by the Highway Department to pick them up.

- B. Conservation Property List: Mr. Brownrigg gave a presentation. There was discussion about a plan for the 2021 year, and how the HCC is going to keep up with the work that needs to be done on each property, what properties need work and when the board will hike the properties. This list will be kept up monthly, and will be available to anyone that wants to see it.

VII. NEW BUSINESS

- A. Forestry Management Plan for Rangers Town Forest Update - Mr. Collins gave an update.
- B. The committee will be receiving a \$12,000 Grant Award and \$18,000 local cost from the Department of Environments Services. This is the Aquatic Species 2021 Grant Award.
- C. Bestway Wildlife control, deferred action until further study can be done
- D. Naming of Trails at Musquash and Pelham Road - Mr. Dickinson and Mr. Hubert agreed together to come up with a new name for the properties at Musquash and Pelham.
- E. Discussion was on Trails guides/maps. Mr. Dickinson is currently working on trails signs, markers and location with distances at each marker.
- F. Discussion was on NH Grant Programs for Land and Water Protection - Mr. Collins will be bringing more information to the commission meeting in April.
- G. Mr. Brownrigg gave a presentation on "Animal Crossing" signs. Signs are to be placed on the south side and the north side of Musquash Road. These are warning signs that turtle and beaver may be crossing. Over the years, these animals have been hit and died from cars. Mr. Brownrigg explained how these signs would help wild life and the environment.

VIII. OTHER BUSINESS

- A. Lake Host Annual Contribution - Mr. Dickinson made a motion to contribute \$300.00 to the NH Lakes, 2021 Lake Host Program in support of lake host monitoring at Robinson and Ottarnic Pond. Monies to be paid from the Conservation Association Dues/Fees account, 4619-5586-217. Motion seconded by Mr. Brownrigg.

Roll Call Vote: Mr. Brownrigg – yes; Mr. Dickinson – yes; Mrs. Hubert – yes; Mr. Collins – yes.

- B. The Society for the Protection of New Hampshire Forests Donation – After some discussion, Mr. Brownrigg made a motion to contribute \$55.00 to the Society for the Protection of New Hampshire Forests in support of the society’s efforts to continue land preservation throughout the state. Monies to be paid from the Conservation Association Dues/Fees account, 4619-5586-217. Motion seconded by Mr. Dickinson.

Roll Call Vote: Mr. Brownrigg – yes; Mr. Dickinson – yes; Mrs. Hubert – yes; Mr. Collins – yes.

- C. Decision on Petition Warrant Article 21 regarding the proposed change of classification from conservation land to a Town Forest.
Mr. Brownrigg was not in support of Warrant Article 21, and stated that there is no real need for the change. A Town Forest does have an expense and will need a management plan and other costs to the article. Mrs. Hubert was in agreement with Mr. Brownrigg. Mr. Collins was indifferent on Warrant Article 21, but reiterated that there is a cost and extra work associated with a Town Forest, which is generally about \$3,000 for a plan of this size, and he mentioned that while there is a Forestry Account, that money can only be accessed through a town vote. Mr. Collins also stated that the land was previously given to the commission from the BOS as conservation land, and he saw no indication that there is a threat to the land and saw no urgency to change the classification. Mr. Dickinson was thinking it would require some thought and said that while it might be a good idea to forest the land eventually, it was not a candidate for forestry any time soon.

IX. FINANCIAL STATUS: None to be recorded

X. CORRESPONDENCE:

A Conditional Use Permit was received for an amendment to the previously approved application for the Friars Drive parcel, which will be heard at the March meeting. The members discussed scheduling a site walk for Friars Drive on Friday, February 19, 2021. Details to be determined later.

XI. APPROVAL OF MINUTES:

- A. December 14, 2020 Meeting Minutes: Motion to approve the minutes made by Mr. Brownrigg, seconded by Mr. Dickinson.
Roll call vote: Mr. Collins – yes; Mr. Dickinson – yes; Mrs. Hubert – yes; Mr. Brownrigg – yes.
- B. January 11, 2021 Meeting Minutes: One correction made on page three, and the minutes were approved with amendment. Motion to approve the minutes made by

Mr. Collins, seconded by Mrs. Hubert.
Roll call vote: Mr. Collins – yes; Mr. Dickinson – yes; Mrs. Hubert – yes; Mr. Brownrigg – yes.

XII. COMMISSIONER’S COMMENTS:

Due to a conflict with the Election Day set up, the next meeting was changed from March 8, 2021, to March 4, 2021. Motion made by Mr. Brownrigg, seconded by Mr. Dickinson.

Roll Call Vote: Mrs. Hubert – yes; Mr. Dickinson – yes; Mr. Collins – yes; Mr. Brownrigg - yes.

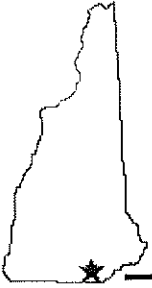
NOTE: After the meeting, it was determined that there was a conflict with the March 4th date as well, and the new date for next month will be March 16, 2021.

Motion to adjourn:

Mr. Collins made a motion to adjourn the meeting at 8:25 p.m. Motion seconded by Mr. Brownrigg, Motion Carried: 4/0/0.

Randy Brownrigg

Randy Brownrigg
Conservation Commission Clerk



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CONSERVATION COMMISSION - SITE WALK TOWN OF HUDSON, NH FEBRUARY 19, 2021

MEETING MINUTES: The Hudson Conservation Commission conducted a site walk on Friday, February 19, 2021 at 9:00 A.M. at the Friars Drive construction site relative to the previously approved wetland buffer impact.

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

William Collins Chairman <u> X </u>	Ken Dickinson Vice-Chair <u> X </u>	Paula Hubert Member <u> E </u>	Randy Brownrigg Clerk <u> X </u>
David Morin Select. Rep. <u> E </u>	Elvis Dhima Town Engineer <u> X </u>		

- I. CALL TO ORDER BY CHAIRPERSON AT 09:02 A.M.
- II. ROLL CALL
- III. SITE WALK

A. **Site walk for Friars Drive, Map Lot 209-1:** The Conservation Commission and the Town Engineer conducted a site walk of the area that was to be impacted. The purpose of this site walk was to amend the previously approved wetland buffer impact. No vote was taken on site.

Motion to adjourn:

Mr. Brownrigg moved to adjourn the site walk meeting at 9:12 a.m. Motion was seconded by Mr. Collins; Motion Carried: 3/0/0

Randy Brownrigg

Randy Brownrigg
Conservation Commission Clerk