



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 May 9, 2022

The Town of Hudson Conservation Commission will meet on **May 9, 2022** at 7:00 p.m. in the Buxton Meeting Room, located in Town Hall 12 School Street, Hudson, NH.

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

I. Old Business:

- a. Public Hearing for the purchase of land – 150R Kimball Hill Road

II. New Business:

- a. Conditional Use Permit for Eversource Energy ROW, 326 Transmission Line Structure Replacement Project
- b. Conditional Use Permit for Frenette Gardens; 65 Central St., Map 182, Lot 003-000

III. Other Business

- a. Volunteers - Old Home Days 2022
- b. NHACC- E-Mail Opportunities
- c. Sustainability Committee May 21, 2022 Eco Fest Event
- d. Trail work day May 14th, 2022 Kimball Hill Town Forest

IV. Financial Status:

Current Numbers

V. Correspondence:

VI. Approval of Minutes:

- a. April 7, 2022 Site Walk Minutes
- b. April 11, 2022 Meeting Minutes

VII. Commissioner's Comments:

Next Regular Meeting: Monday, June 13, 2022 at 7:00 p.m.

William Collins

William Collins, Chairman

Agreement between Hudson Conservation Commission and Pelham Conservation Commission

The Hudson Conservation Commission (CC) and the Pelham Conservation Commission are working together to protect two adjacent parcels of open space. One parcel, a 28.3 acre parcel identified as MBLU 172-2, is being purchased by the Hudson CC and the other, a 25.2 acre parcel identified as MBLU 1-5-105, is being purchased by the Pelham CC. Both parcels abut the Hudson Town Forest on Kimball Hill Road. These two new acquisitions will increase the size of the Hudson Town Forest from 52 acres to 105 acres.

The parcel in Pelham is landlocked and cannot be accessed from Pelham. But, it can be accessed from the Hudson Town Forest by crossing the 28.3 acre parcel being acquired by the Hudson CC. Therefore, the Hudson CC and the Pelham CC agree to the following;

- 1) Pelham residents will be allowed to use the Hudson Town Forest and thereby gain access to the newly acquired open space in Pelham.
- 2) Hudson residents will be allowed to use the newly acquired land in Pelham.
- 3) When the Hudson CC conducts a timber harvest on their newly acquired parcel, they will notify the Pelham CC such that a timber harvest can be conducted on the parcel in Pelham, simultaneously.
- 4) Should the Hudson Town Forest sign be replaced, the Hudson CC agrees to rename this the Hudson Pelham Town Forest.

Al Steward, Chair, Pelham Conservation Commission

Date signed

William Collins, Chair, Hudson Conservation Commission

Date signed

_____ moved to spend \$150,000 from the Town of Hudson Conservation Fund to purchase approximately 28 acres of land currently owned by the Mary E. Macfarlane, Trustee of the Mary E. Macfarlane Realty Trust and located at 150R Kimball Hill Road. Reference Map 172, Lot 1.

Motion second _____

Roll call vote

Wetland Permit Application Type

Time frame

Conservation Commission Responsibilities

Amount of Impact

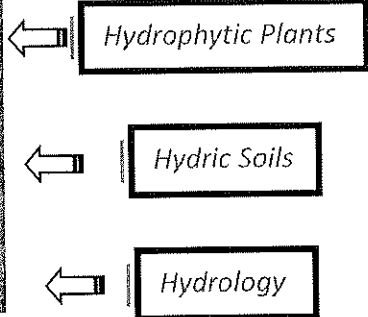
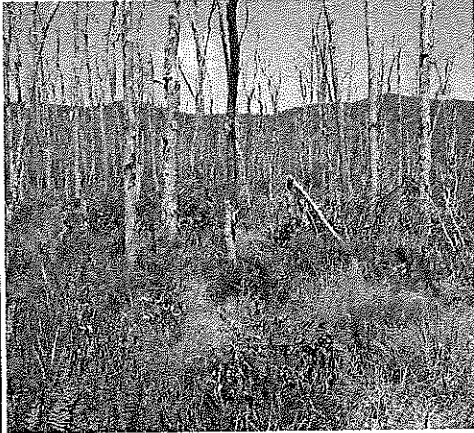
<p>Wetlands Permit Application Standard Review</p>	<p>CC has 14 days to notify DES if they want to intervene. If a commission intervenes, the Wetlands Bureau must delay action until 40 days after the filing date, or until they receive a written report from the CC.</p>	<p>The commission should be notified 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.</p>	<p>see below</p>
<p>Major</p>	<p>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</p>	<p>See above for Standard Permit</p>	<p>≥ 10,000 SF</p>
<p>Minor</p>		<p>See above for Standard Permit</p>	<p>≤ 3,000 SF to 10,000 SF</p>
<p>Minimum</p>		<p>See above for Standard Permit and below for PBN or EXP</p>	<p><3,000 SF</p>
<p>Expedited Review – Minimum Impact only</p>	<p>Permit will be process in 30 calendar days if CC signs application form to waive right to intervene</p>	<p>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.</p>	<p><3,000 sq ft</p>
<p>Wetlands Permit by Notification (PBN) – Minimum Impact only</p>	<p>Permit will be process in 5 days if CC signs application form to waive right to intervene</p>	<p>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.</p>	<p><3,000 sq ft</p>
<p>Applicant request for Waiver when working in Prime Wetlands</p>	<p>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.</p>	<p>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.</p>	<p>Located in a designated Prime Wetland or duly established buffer</p>

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	<p>No</p>	<p>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.</p>	<p>All work must comply with NH BMPs' for Routine Roadway Maintenance These projects must comply with the BMP Manual for Utility Maintenance in and Adjacent to Wetlands /Waterbodies in NH.</p>
Utility Maintenance Activity Statutory Permit by Notification	<p>No</p>	<p>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.</p>	
Forestry Statutory Permit by Notification	<p>No</p>	<p>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</p>	<p>Projects must comply with the Forestry Best Management Practices (BMPs).</p>
Trails Statutory Permit by Notification	<p>No</p>	<p>Applies to Minimum Impact projects involving the construction or maintenance of recreational trails.</p>	<p>All projects must comply with BMPs for Erosion Control During Trail Maintenance and Construction.</p>
Seasonal Dock Notification for Lakes and Ponds	<p>No</p>	<p>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.</p>	

GUIDANCE ON WETLANDS

1. DEFINITIONS – What is a Wetland?

Wetlands include those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.



2. TECHNICAL CRITERIA – Federal & State

Vegetation

- Prevalence indicated by 50% dominance measure (usually areal cover)
- Adaptations include buttressing, stooling, multiple trunks, inflated root cells

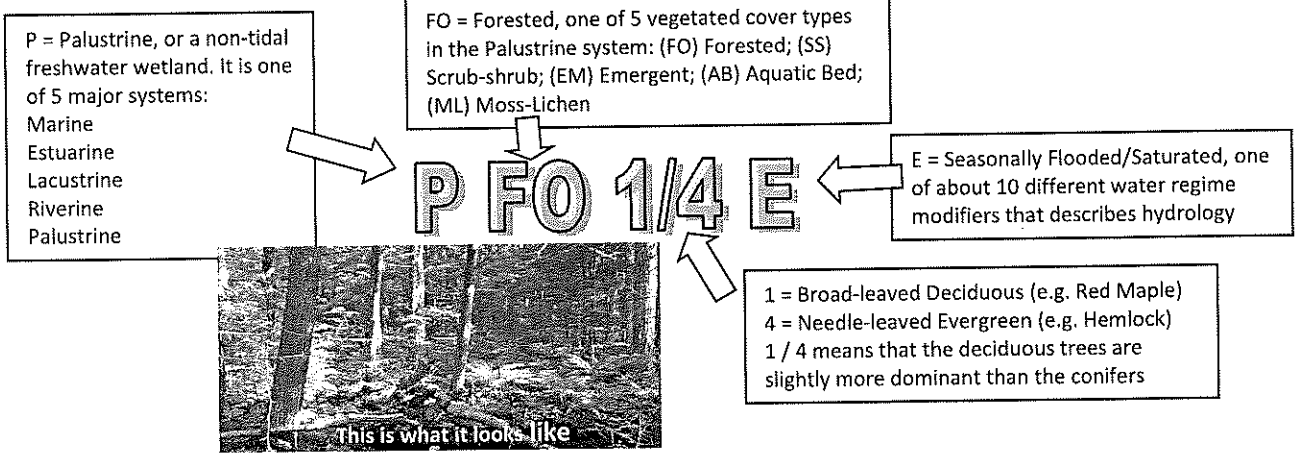
Soils

- Saturation typically creates a thick surface organic layer
- Subsurface often grayish, or with mottles that reflect oxidation/reduction of Fe

Hydrology

- Water at or near the surface for ≥12.5% of the growing season
- Usually two weeks or more

3. CLASSIFICATION – the Cowardin System

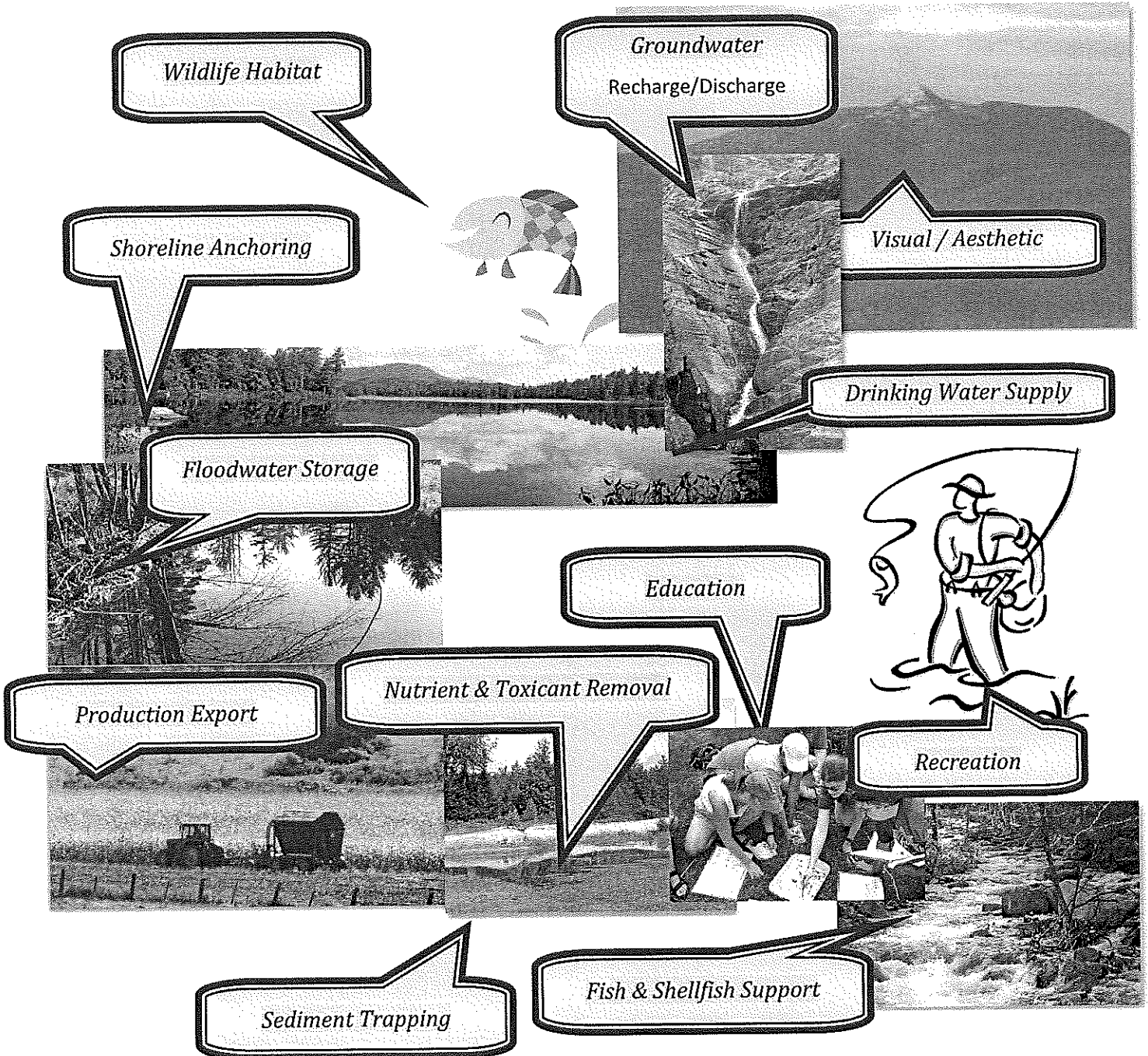


4 WETLANDS FUNCTIONS & VALUES

All wetlands have functions that serve the surrounding *ecosystem*. All of these **functions** contribute to the well-being of humans, therefore they are highly valued by society



The following list of functions and values represent the most commonly recognized ones associated with wetlands. Can you think of others that we have left out?



5. WETLAND MAPPING & DELINEATION

How do I find a good wetlands map for my town?

Wetlands maps are easily available from various federal or state agencies. A good starting point is the **National Wetlands Inventory (NWI)**, a branch of the U.S. Fish & Wildlife Service that is responsible for classifying and mapping all wetlands in the United States. There are over 200 quad sheets – equivalent in size to the USGS topographic quads – of nearly all areas of the state. These are available on-line at <http://www.fws.gov/nwi/> or as hard copy maps (for a small copying fee) through the N.H. Office of Energy and Planning.

The second most-often used source for wetland maps on a local or regional scale is the **Natural Resource Conservation Service or NRCS** (formerly the Soil Conservation Service). They have the responsibility of maintaining and updating soil maps for every county in the United States, including the depiction of *hydric soils*, which are roughly equivalent to areas of wetland. These maps can be obtained through the Soil Data Mart at <http://soildatamart.nrcs.usda.gov/>.

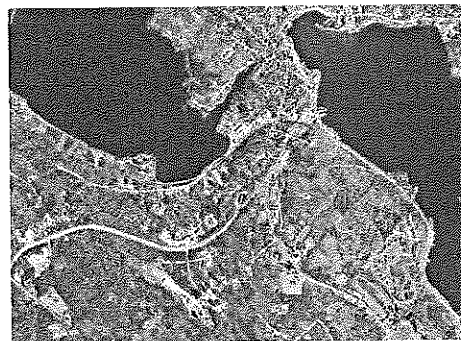


Figure 1 1998 Aerial photo base map

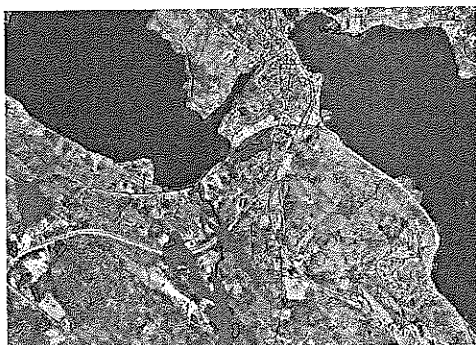


Figure 2 Aerial Photo with NRCS hydric soils and NWI wetlands data

How accurate are these maps?

Both of the above sources of wetlands information were largely derived from remote data sources – i.e. from high altitude aerial photographs. These were interpreted by mapping specialists using very large-scale maps. It is a stated fact by the agencies that publish these maps that there are certain levels of error in these maps, for instance, up to 3 - 5 acres of upland within a hydric soil map unit. As a general rule, NWI maps *underestimate* the actual amount of wetlands on the ground and NRCS hydric soil maps *overestimate* the amount of wetlands on the ground.

How can I improve the accuracy of these maps?

Perhaps the best (and least expensive) way to check the accuracy of the NWI and NRCS wetland maps is to have a mapping professional utilize existing, high altitude photography to re-interpret the location of wetlands on the ground. The advantages of doing this are 3-fold: 1) there are already several sources of high-altitude photography available for review; 2) the most recent aerial photography is likely much more up-to-date than that used for the initial



Figure 3 Aerial photo interpretation map - final

mapping by the NWI or NRCS; and 3) by using a combination of black-and-white, color infrared and/or stereoscopic (3-D) images of the ground, much greater resolution and accuracy can be effected. There are several sources of high-altitude aerial photographs for download and review – perhaps the most complete source is the New Hampshire Geographically Referenced Analysis and Information Transfer System (NH GRANIT), which is located on-line at http://www.granit.sr.unh.edu/cgi-bin/load_file?PATH=/about.

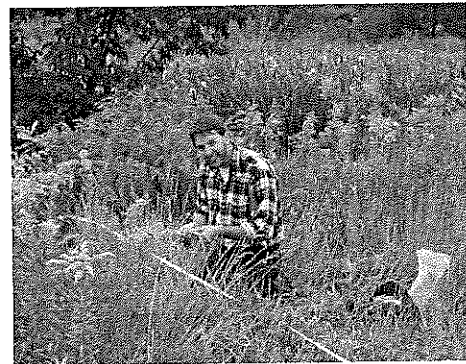


Wetland Delineation

The best way to derive an accurate map for a given area is to have a certified wetlands professional conduct an on-the-ground wetland delineation of the area in question. There are over 200 Certified Wetland Scientists (CWS) in the state of New Hampshire and their contact information is provided by the certifying body, the N.H. Joint Board of Natural Scientists at <http://www.nh.gov/jtboard/ns.htm>. Wetland delineators are required to follow state and federal wetland guidelines as defined above, yet map standards depend upon the intended use of the map. For small-scale development projects involving wetlands, the state mapping standards of +/- 10 feet must be adhered to, that is, the wetland line depicted on any map sheet

must be within 10 feet of the actual line of the ground. For larger scale mapping projects, such as a town-wide map, the map standards can be relaxed as long as they are clearly stated on the map.

Wetland delineations are never 100% accurate! Owing to varying environmental conditions over time, as well as the professional judgment of the delineator, wetland lines as flagged in the field may vary. [Note that it is within the powers of the Planning Board to contract an independent review of any wetland delineation performed by a developer.] While this may cause some consternation among town officials and concerned citizens, the important thing to note is that **wetland functions do not stop at the wetland line!** Whenever a development project is being planned that impacts wetlands, it is essential for all reviewers of the proposed project to consider what essential functions – those invaluable services that promote the public good – are being lost or otherwise irreparably impaired. Only then can adequate mitigation for wetland impacts be crafted and adhered to. A comprehensive set of wetland **regulations** at the federal, state, and local level typically offer guidelines for understanding and minimizing the effects of human impact on wetland functions and values.



6. WETLAND REGULATIONS



A. FEDERAL


Federal regulations arise from several laws that have been passed over the past 110 years. The 1899 Rivers and Harbors Act established the United States governmental authority over navigable rivers and interstate commerce on them, and created the U.S. Army Corps of Engineers as the lead agency to oversee such activities. Since then, several laws have modified the jurisdiction over "waters of the United States," but no act has had such a sweeping effect as the **Federal Water Pollution Control Act** of 1974 and its subsequent amendment in 1977 known as the **Clean Water Act**.

These laws defined wetlands and included them under the regulation of surface waters, as well as certain lands that are adjacent. They provided a permitting mechanism for filling and dredging waterways and wetlands, which included oversight of permit approvals by the U.S. Environmental Protection Agency, and classification and mapping authority of the U.S. Fish & Wildlife Service. Agricultural impacts to wetlands and surface waters were to be administered by the Soil Conservation Service (now Natural Resource Conservation Service), as set out by subsequent legislation such as the **Food and Security Act of 1985**.

For Further Information: <http://www.nae.usace.army.mil/> ; <http://www.epa.gov/owow/wetlands>


B. STATE

The state of New Hampshire adheres to the regulatory authority of the United States Government, yet has actually protected wetlands on its own since 1969. Under a cooperative agreement with the U.S. Army Corps of Engineers known as the **Statewide Programmatic General Permit** or SPGP, the state handles all permitting activity for impacts to wetlands yet shares permit applications for larger projects with the Army Corps for their review and consideration. Unless the project is a large one (generally > 1 acre of impact), permits need only be applied for to the state Wetlands Bureau. The jurisdictional authority of the state of New Hampshire is slightly different, however, since it includes all lands within 100 feet of the highest observable tide line *and* intermittent streams. Statewide jurisdiction also includes certain isolated wetlands that, based on a recent Supreme Court decision, currently fall outside of federal regulatory authority. The state administers their wetlands program through the **Department of Environmental Services Wetlands Bureau**, with permitting approval oversight by the governor-appointed **Wetlands Council**.



NEW HAMPSHIRE
DEPARTMENT OF
Environmental
Services

DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS BUREAU
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web site: www.des.state.nh.us/wetlands email: wetmail@des.state.nh.us




**CHECKLIST FOR PREPARING A
STANDARD DREDGE & FILL APPLICATION**

ALL INFORMATION MUST BE SUBMITTED FOR THE APPLICATION TO BE PROCESSED

For Further Information: <http://www.des.state.nh.us/wetlands/> ; <http://www2.des.state.nh.us/OneStop/>

C LOCAL

Local wetlands authority is usually derived from a local ordinance or zoning provision that regulates projects that impact wetlands within the municipal boundary. There are at least 65 towns in the state that have some type of local restrictions that address wetland impacts. Most of these are stand-alone ordinances that were passed by a majority of town voters as a part of an annual warrant article. In the early 1980's there was a considerable effort on behalf of the state and regional planning agencies to get local wetland ordinances passed and adopted in New Hampshire. Many of these earlier ordinances look the same and have "boiler-plate" provisions that include a purpose section, a definitions section, a permitted uses section, a section on special exceptions, and a special provisions section that addresses specific setbacks. Utilizing the fairly well-known section A:15 of RSA 482-A, many towns have added **prime wetland** language to their original wetland ordinance. While there are many different versions of these sections, as well as a number of unique special provisions dealing with subdivisions and site plan review, it is important to note that since 1980, a large number of **court cases have upheld the rights of municipalities to regulate, protect and conserve wetlands at a more rigorous standard than either the state or the federal government.**


2006
Municipal Law
 LECTURE SERIES

LECTURE 2:

**ENVIRONMENTAL PERMITTING:
THE ROLE OF LOCAL OFFICIALS**

Presented By:

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For Further Information: See above document inset, available through the Local Government Center at <http://www.nhlgc.org/>
<http://www.nh.gov/government/laws.html> ; <http://www.nh.gov/htdig/> ;
<http://www.gencourt.state.nh.us/ie/billstatus/billstatuspwr.asp> ;
<http://des.state.nh.us/wetlands/Guidebook/primewet.htm>

**RSA 482-A: Conservation Commissions Responsibilities in Wetland Permitting
and NHDES responsibilities to Conservation Commissions/ municipalities**

CC Role/ Responsibilities	RSA 482-A section	NHDES Responsibilities to CC/ municipalities	RSA 482-A section
Receives copies of applications	3, I (a)(1)		
Within 14 days of municipal clerk signature on application, the CC notifies NHDES in writing that it intends to investigate application.	11, III (a)	Permit decision placed on hold until receipt of written report or within 40 days of municipal clerk's signature, whichever occurs earlier (subject to an extension of up to 40 days as permitted by the department).	11, III (a)
CC sends to NHDES a written report from such commission.	11, III (a)	NHDES receives and acknowledges receipt of written report from CC.	11, III (a)
if local informational meeting or public hearing is held, the record of it shall be made part of the NHDES record.	11, III (a)	NHDES notifies CC of public hearing "for projects with significant impact" on jurisdictional resources or "of substantial public interest."	8
CC receives any prime wetland waiver filed by applicant for forest management work ...	11, IV (b)(3)	NHDES shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department.	11, III (a)
CC receives any prime wetland waiver from property owner for proposed work not addressed under subparagraph (b) ... the property owner shall notify, by certified mail, the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which the waiver is being sought that a waiver is being sought from the NHDES.	11, IV (c)	NHDES shall not grant a permit with respect to any project to be undertaken in... a prime wetland pursuant to RSA 482-A:15, or within 100 feet of any prime wetland where a 100-foot buffer was required at the time of designation, unless the NHDES first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. *	11, IV (a)
Right to appeal NHDES decision where permit is granted for impacts in or adjacent to prime wetland.	10, XVIII		
Any municipality, by its conservation commission... may undertake to designate, map, and document prime wetlands The conservation commission... shall give written notice to the owner of the affected land and all abutters 30 days prior to the public hearing, before designating any property as prime wetlands.	15, I (a)		

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:

1. Is this parcel/location mentioned in the town's conservation plan?
2. 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:

1. Is this wetland under the jurisdiction of the town's ordinance? (Keep in mind all wetlands may not be jurisdictional)
2. Is the area designated as prime wetlands?
3. Are wetlands classification(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.



NHACC

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NHACC.org

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 are protected under state law in accordance with the Fill and Dredge in Wetlands Act (RSA 482-A). 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 submits the original permit application form with their signature to the Town/City Clerk. The Town/City clerk must immediately sign the original application form. The date of signing by the clerk is the **“filing date”**. The clerk must return the signed original form to the applicant so that they may submit the application form to NHDES. The Town/City clerk must immediately distribute a copy of the application to each of the following bodies: the municipal conservation commission, the Board of Selectmen/City Council, and the Planning Board.

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.



NHACC

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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 SPN 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, XV).
- Repair or replacement of culverts or stream crossing structures, including culverts up to and including 48 inches in diameter (RSA 482-A:3, XVI).

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. 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.



NHACC

54 Portsmouth Street
Concord, NH 03301
603.224.7867
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NHACC.org

Expenditure Report - Including Carry Forward Activity
Conservation Committee
 Town of Hudson, NH
 As Of: April 2022, GL Year 2022

Run: 4/28/22
 3:03PM

Page: 1
 bmckee
 ReportSortedExpenditure
 Conservation

Account Number	Budget	Prior Year Encumbered	Budget & PY Adjustments	Net Budget	MTD Exp	YTD Exp	Encumbered	Balance Available	%Used
Conservation Fund									
06-4619-5586-202-000	Conserv Comm, Sm. Equipment Mlce 2,300.00	0.00	0.00	2,300.00	0.00	640.64	0.00	1,659.36	27.854
06-4619-5586-217-000	Conserv Comm, Assoc Dues/Fees 1,327.00	0.00	0.00	1,327.00	55.00	1,105.00	0.00	222.00	83.271
06-4619-5586-235-000	Conserv Comm, Registration Fees 500.00	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.000
06-4619-5586-252-000	Conserv Comm, Prof Services 48,626.00	12,830.00	0.00	61,456.00	3,175.00	39,899.45	71,785.00	-50,228.45	181.731
06-4619-5586-340-000	Conserv Comm, Sm. Oper. Mtls. 0.00	0.00	0.00	0.00	0.00	185.00	0.00	-185.00	0.000
Total Conservation Fund									
Selected Year	52,753.00	0.00	0.00	52,753.00	3,230.00	29,000.09	71,785.00	-48,032.09	191.051
Prior Year	0.00	12,830.00	0.00	12,830.00	0.00	12,830.00	0.00	0.00	100.000
Sort Total	52,753.00	12,830.00	0.00	65,583.00	3,230.00	41,830.09	71,785.00	-48,032.09	173.239

Expenditure Report - Including Carry Forward Activity
Conservation Committee
Town of Hudson, NH
As Of: April 2022, GL Year 2022

Account Number	Budget & PY			Net Budget	MTD Exp	YTD Exp	Encumbered	Balance	
	Budget	Prior Year Encumbered	Adjustments					Available	%Used
Selected Year	52,753.00	0.00	0.00	52,753.00	3,230.00	29,000.09	71,785.00	-48,032.09	191.051
Prior Year	0.00	12,830.00	0.00	12,830.00	0.00	12,830.00	0.00	0.00	100.000
Grand Total	52,753.00	12,830.00	0.00	65,583.00	3,230.00	41,830.09	71,785.00	-48,032.09	173.239

**Town of Hudson, NH
Conservation Cash Flow
Fiscal Year 2022**

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Conservation Beginning Bal.	748,170.57	748,183.28	748,195.99	748,208.29	748,221.00	748,233.30	748,246.01	748,258.72	748,270.20	-	-	-
Income	-	-	-	-	-	-	-	-	-	-	-	-
Deposits	12.71	12.71	12.30	12.71	12.30	12.71	12.71	11.48	51.46	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-
Total Income	12.71	12.71	12.30	12.71	12.30	12.71	12.71	11.48	51.46	-	-	-
Expenditures	-	-	-	-	-	-	-	-	-	-	-	-
Expenditures	-	-	-	-	-	-	-	-	-	-	-	-
Bank Charges	-	-	-	-	-	-	-	-	-	-	-	-
Total Expend.	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	748,183.28	748,195.99	748,208.29	748,221.00	748,233.30	748,246.01	748,258.72	748,270.20	748,321.66	-	-	-



TOWN OF HUDSON

Conservation Commission



Randy Brownrigg, Chairman

Dave Morin, Selectmen Liaison

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

DATE: April 7, 2022

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>	Sandra Rumbaugh Member <u> X </u>	William Kallgren Member <u> X </u>
Brain Pinsonneault Member <u> X </u>	Carl Murphy Alt. Member <u> E </u>	David Morin Select. Rep. <u> X </u>	Elvis Dhima Town Engineer <u> E </u>

Noted:

Applicant Representative: Mr. Chris Michailides, Mrs. Sephera Michailides, Property Owners; Mr Mike Grainger – Project Engineer 202 Derry Road, Hudson NH.

- I. CALL TO ORDER BY CHAIRPERSON AT 6:00 P.M.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SEATING OF ALTERNATES

V. Site Walk for 3 Nathaniel Rd. Garage Addition.

A. Conditional Use Application, 3 Nathaniel Rd, Map 242, Lot 28

The purpose of the site walk was to evaluate additional wetland buffer impacts requested by the applicant that will be needed to accomplish a proposed building expansion and on site improvements. The area of interest is located along the easterly portion of property line adjacent to Nathaniel Rd. Impacts being sought for approval are:

Permanent wetland buffer impact of approximately 900 sq-ft.,

No decision or motions were made and all members attending the site walk adjourned at 7:00 p.m.

Bill Kallgren

Bill Kallgren, HCC Clerk



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: April 11, 2022

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.).

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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>	Bill Kallgren Member <u> X </u>	Brian Pinsonneault Member <u> X </u>
Sandra Rumbaugh Member <u> X </u>	Carl Murphy Alternate <u> X </u>	David Morin Selectman Rep <u> X </u>	Elvis Dhima Town Rep <u> X </u>

-
- I. CALL TO ORDER BY CHAIRPERSON AT 07:01 P.M.
 - II. PLEDGE OF ALLEGIANCE
 - III. ROLL CALL
 - IV. SEATING OF ALTERNATES: None seated
 - V. Public Input Related to Non-Agenda Items: None

VI. Old Business –

- A. Conditional Use Permit for 6 Executive Dr. Granite State Subaru; Map 210-Lot 001-000

Chairman Collins recognized Mr. Doug MacGuire, The Dubay Group to update the commission on the development project.

Mr. MacGuire updated the Commission on updates and changes to the project based on the feedback from site walk previously conducted. In addition, Mr. MacGuire reviewed the existing site conditions, including invasive species, reiterated plans to match the frontage on Lowell Rd. to match conditions at the dealership for continuation of aesthetics. The developer has added approximately 70 additional plantings to be added to the improvements for further mitigation purposes as well as improved visuals. The developer provided a planting layout along with detailed information on the specific species proposed.

Mr. Kallgren inquired if, during the review of the site walk input, the team had considered removing some of the display parking areas as further reduction of wetland impact. Mr. MacGuire indicated that it had been investigated; however, the developer is proposing the improved plantings to offset the concerns and allow elimination of the areas of high invasive species.

Mr. Dhima brought forth discussions if the wetland were artificially created during prior development to which the Mr. MacGuire indicated that this was likely based on prior input of their wetlands specialist. Mr. MacGuire further discussed the advantages of the additional plantings proposed in this area for mitigation.

Mr. MacGuire further reiterated that the parking area would be used for new cars that would not be expected to have same concerns as a facility storing older cars. Older cars would be more likely to have leaks.

Ms. Rumbaugh inquired to Mr. Dhima, if there were a change in use of the parking lot, for example a used car dealer, would there be a check and balance for this change. Mr. Dhima responded that there is no check and balance, a parking lot is a parking lot and would not be further regulated. This would only change if there were a significant change, such as adding a building. Ms. Rumbaugh further inquired if the current design met the requirements of a parking lot, to which Mr. Dhima responded – no it does not have a filtration system that would normally be expected with additional clarification on curbing and filtration requirements.

Mr. Collins provided additional explanation and description that the parking lot design would not be compliant and should the commission make a recommendation to the Planning Board regarding the project that a stipulation be added to address this.

Additional extensive discussions were held regarding sheet run-off of the parking area into the wetland buffer. The relative lack of slope on the parking area and high water table would restrict implementation of a retention basin and may likely result in standing water. These discussions included relative merits of a stone-based trench system or grass around the perimeter of the parking area for first flush of contaminants prior to flow into the wetland. After lengthy discussion, Mr. Dhima opined for this situation either strategy would work well.

Mr. Dickinson was happy with the new plantings proposed as adding a level of mitigation. He

recommended re-arranging some of the proposed planting to further distribute them to optimize filtration capability, to which the developer was agreeable.

Mr. Collins inquired if the developer would be open to a 20' wide driveway instead of 22'. Mr. MacGuire was open to the suggestion, but had safety concerns for anything narrower which would result in safety issues.

Mr. Pinsonneault was appreciative of the new plantings as a mitigation.

Mr. Kallgren made a motion to move the project to the planning board with discussed recommendations, seconded by Mr. Pinsonneault.

Motion carried 5-0-0

B. Dash Harvesting at Robinson and Ottarnic Ponds.

Mr. Collins recognized Ms. Amy Smagula NHDES to provide an update on Invasive species control projects by NHDES.

Ms. Smagula presented a number of tables and charts detailing statewide view of invasive species in various water bodies including 11 rivers and 80 lakes and ponds across the state. Milfoil is identified as the biggest problem and Fanwort second most problematic.

Ms. Smagula noted that Robinson Pond and Ottarnic Pond have both invasive species and noted that Ottarnic additionally has curly leaf pond weed invading. Robinson pond has continued problems around boat launch area as well as eastern side and southern tail of the pond. Ottarnic Pond is shallow and offers optimum growing conditions. Overall the control measures have been trending toward improvements.

Ms. Smagula noted that growing seasons vary, with Milfoil starting early, typically in May time frame, while Fanwort growing when temperatures are warmer with challenges to get a single treatment timed just right. To address this, NHDES is planning two treatments, one early for Milfoil, followed by a second treatment later for Fanwort. This will be supplemented by diving to support the treatments.

Mr. Dickinson inquired regarding comparative costs this year compared to four years ago. Ms. Smagula noted that the costs have generally been trending down as a result of prior year's successes. Ms. Smagula did note that the costs of materials hasn't increased dramatically, however with a split application there would be increase in labor.

Ms. Rumbaugh inquired what things the town might be able to help control further spread. Ms. Smagula noted that continuing with lake host project can help and with larger bodies of water that Lake Associations can be leveraged. Also there is possibility to have diving volunteers for manual removal. Such volunteers would need to go through appropriate training and get a certificate to perform such work.

Mr. Pinsonneault brought forth the discussion to potentially geolocate and mark possible

invasive areas in advance of a planned dive. Ms. Smagula recommended that photograph of the plant be provided with the location in advance as it can be difficult for the layperson to accurately identify the correct species.

Mr. Collins inquired regarding barrier matting being used in some areas. Ms. Smagula clarified that this is similar material like fiberglass staked to the pond bottom, which suppresses growth and eventually kills the plants. Such material can be temporarily installed or permanently; some consideration needs to be given that fishing, boat propellers and natural outgassing of the bottom sediment can result in pulling the barrier out.

VII. New Business

A. Conditional Use Permit for 3 Nathaniel Dr. Garage Addition; Map 242, Lot 028

Chairman Collins recognized Mr. Chris Michailides, Property Owner, 3 Nathaniel Dr.

Mr. Michailides reviewed the proposal discussed at prior site walk and for those who were not present at the site walk; Mr. Collins provided further descriptions of the wetland itself and existing condition.

Mr. Kallgren suggested that if the side drive were for limited access, it would seem that simple grass could be planted and that a gravel drive would encourage permanent parking capacity within the wetland buffer. Mr. Dhima noted that it would not be practical to enforce a conditional use restricting that area from parking, the system does not have a practical method to enforce that.

Mr. Kallgren noted that the owner should work with the town to find a suitable spot to relocate the in-ground tank, noting that in-ground tank is not allowed in wetland buffer area.

Mr. Collins questions necessity of gravel drive and the applicant suggested that they would like us to consider pavement. Additional discussions were made on relative merits of pavement and gravel. The applicant did request a paved sidewalk to the side of the building, approximately 4' wide for access to the side door. Additional discussions included using permeable materials such as pavers for sidewalk instead of asphalt. Mr. Collins recommended moving displaced vegetation to the sloped area on the side to stabilize the area.

Ms. Rumbaugh made a motion to move the project to the planning board with recommendations, seconded by Mr. Pinsonneault.

Motion Carried 5-0-0

VIII. Other Business

A - Robinson Pond, Watershed Study

Mr. Dhima provided an update on the project that showed a number of areas of opportunity to improve watershed quality. As example, it was noted that the parking area at Robinson Pond as a candidate for improvement noting that slowly and over years, sand would filter into the pond eventually, and over years, resulting in shallower water levels. Next steps will include public outreach activities as well as plans for contaminant monitoring strategies and impacts on nutrient loading.

B – Musquash pond “Nesting Box” Replacement

Mr. Pinsonneault provided an evaluation on the status of wood duck nesting boxes on Musquash pond, noting that they are in severe disrepair and should be placed at larger spacing to be more effective. A volunteer has been identified to build the nests and ideal placement time would be in winter when the pond is frozen. Mr. Collins recommended that a list of materials be developed along with associated costs and review at a future meeting.

C – Rangers Town Forest Site Visit Review

Mr. Collins provided an update on the site visit with Full Circle Forestry regarding Rangers town forest. The property was walked with identification of various invasive species and potential landing area for tree harvest. Full Circle Forestry provide a valuable insight into the rehabilitation process and possible opportunity to leverage federal funds for the project through a lease arrangement.

Ms. Rumbaugh and Mr. Murphy volunteered to establish a sub-committee with the support of Mr. Dickinson when available to help. First goal will be further research on funding options and lease options. It was noted that the project may be long term allowing time to plan accordingly.

D - Society for the Protection of New Hampshire Forests – Annual Donation.

Mr. Collins provide an overview of the program and suggested that a donation would have advantages for the town and that the town has benefited from this program in the past.

Ms. Rumbaugh made a motion for the minimum donation of \$55. Mr. Dickinson seconded the motion

Motion Carries 5-0-0

E - Volunteer – Old Home Days 2022

Discussion was deferred to a future meeting.

IX. Financial Status

Mr. Collins reviewed the current Financial Status, noting monies for encumbered services to be performed in the future.

X. Correspondence

Mr. Collins reviewed correspondence from the power utility that maintenance work was upcoming along the Musquash corridor.

XI. Approval of Minutes

Mr. Dickinson made a motion, Seconded by Ms. Rumbaugh, to Approve meeting minutes for March 14, 2022 and March 22, 2022.

Motion carried 5-0-0

XII. Commissioner's Comments

Ms. Rumbaugh noted that the "Pink Moon" would be peaking on Saturday April 16th and recommended a book titled Jane Yolen, which is a story about a father who takes his child owl spotting on a winter night. You have the opportunity to join "Owl Prowl" April 23 4:00Am – 7:00 am sponsored by the NH Audubon Seacoast Chapter whom you can contact for more details. Ms. Rumbaugh's question of the day was Jeepers Creepers what are Spring Peepers? - Boy frogs gone courting and a great opportunity to get children involved outside. Froglite.org is a recommended resource for more information.

April 22 is Earth Day and you can celebrate with activities at sponsored by NH Audubon Society on April 23, details available at their website, also visit the Sustainability Committee display case in the lobby at Rogers Memorial Library this month.

Mr. Collins noted that the Kimball Town Forest sub-division project is moving forward between Pelham and Hudson. Project needs legal review, a purchase and sale agreement is in place and will need to go before the Board of Selectmen to move forward.

Ms. Krisciunas introduced herself and is looking forward to being nominated to join the Commission.

Motion to adjourn:

Mr. Pinsonneault moved to adjourn tonight's meeting at 9:38p.m. Motion seconded by Mr. Dickinson. Motion Carried 5/0/0

Bill Kallgren

William Kallgren, HCC Clerk