



# TOWN OF HUDSON

## Conservation Commission



William Collins, Chairman      David Morin, Selectmen Liaison

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12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

### CONSERVATION COMMISSION MEETING AGENDA June 12, 2023

The Town of Hudson Conservation Commission will hold its next meeting on **June 12, 2023** 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. New Business:**

**II. Old Business:**

- a. Trail Maps- W. Collins
- b. Merrill Park – E. Dhima
- c. Rangers Town Forest- Tree Harvest – S. Rumbaugh
- d. ATV usage on Musquash Trail Systems
- e. Brush Fire Musquash and Merrill Park – D. Morin

**III. Other Business:**

- a. Trail Work Day – Sunday, July, 2023
- b. Trail Work Log-2023 Dickinson

**IV. Financial Status:**

Current Report

**V. Correspondence**

- a.** NHDES Brox Industries

**VI. Approval of Minutes:**

Meeting minutes May 8, 2023

**VII. Commissioner's Comments:**

*Next Regular Meeting: Monday, July 10, 2023 at 7:00 p.m.*

William Collins

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William Collins, Chairman



Expenditure Report - Including Carry Forward Activity  
Conservation Committee  
Town of Hudson, NH  
As Of: May 2023, GL Year 2023

Account Number	Budget	Prior Year Encumbered	Budget & PY Adjustments	Net Budget	MTD Exp	YTD Exp	Encumbered	Balance Available	%Used
Selected Year	52,753.00	0.00	0.00	52,753.00	0.00	5,679.59	65,961.70	-18,888.29	135.805
Prior Year	0.00	39,155.00	-12,700.00	26,455.00	0.00	23,044.00	3,411.00	0.00	100.000
Grand Total	52,753.00	39,155.00	-12,700.00	79,208.00	0.00	28,723.59	69,372.70	-18,888.29	123.846

**Town of Hudson, NH  
Conservation Cash Flow  
Fiscal Year 2023**

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>Conservation</b>												
Beginning Bal.	749,266.97	749,737.67	750,390.25	751,037.85	751,973.46	753,126.14	754,520.56	756,129.65	757,614.56	759,261.80	760,932.17	762,748.19
<b>Income</b>												
Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Interest	470.70	652.58	647.60	935.61	1,152.68	1,394.42	1,609.09	1,484.91	1,647.24	1,670.37	1,816.02	-
Total Income	470.70	652.58	647.60	935.61	1,152.68	1,394.42	1,609.09	1,484.91	1,647.24	1,670.37	1,816.02	-
<b>Expenditures</b>												
Expenditures	-	-	-	-	-	-	-	-	-	-	-	-
Bank Charges	-	-	-	-	-	-	-	-	-	-	-	-
Total Expend.	-	-	-	-	-	-	-	-	-	-	-	-
<b>Ending Balance</b>	749,737.67	750,390.25	751,037.85	751,973.46	753,126.14	754,520.56	756,129.65	757,614.56	759,261.80	760,932.17	762,748.19	762,748.19



The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

May 30, 2023

BROX INDUSTRIES INC  
C/O ERIK STEVENSON  
1471 METHUEN STREET  
DRACUT MA 01826

**Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2023-00753**  
**Subject Property: 85 Greeley St, Hudson, Tax Map #140/141, Lot #1/1**

Dear Mr. Stevenson:

On May 30, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

Wetland Delineation and After-the-Fact Impacts

- 1- NHDES completed a site inspection on May 16, 2023 and reviewed wetlands "A", "B", "F", "H" and "J". Disturbed conditions were present in these wetlands due to impacts to the hydrology. NHDES observed no signs of recent surficial disturbance such as ditching which would explain the widespread lack of hydrology. Please provide the following documentation to complete the wetland delineation.
  - a. Per the federal delineation method (Env-Wt 103.02), the wetland delineation for an area where disturbed conditions exist requires supplemental documentation as described in Section F for Atypical Situations. Please provide the documentation to provide a clear characterization of existing conditions. Part of this documentation must include a timeline of activities which may have contributed to alteration of hydrology.
  - b. For each wetland where disturbed conditions exist, please provide the U.S. Army Corps of Engineers wetland determination data sheets (Env-Wt 311.05(b)(6)). The April 15, 2022 wetland delineation report contained only one data sheet (sampling point "I-16") which noted significantly disturbed hydrology and dying vegetation.
  - c. For each wetland that was delineated, please provide a functional assessment pursuant to Env-Wt 311.10. The application includes a functional assessment narrative for wetland "F" and functional assessment forms for wetlands "A" and "F" only.
  - d. The project area was surveyed for vernal pools in spring of 2022 according to the "Vernal Pool Study Report" by BAG Land Consultants dated October 25, 2022. No vernal pool indicators were found, but the report noted a "high" likelihood of use by primary and secondary indicators at one time. On May 16<sup>th</sup>, NHDES identified secondary indicators in the large pool in the north of wetland "A" and agrees that there is a high potential for the site to support vernal pools currently and/or to have supported vernal pools in the recent past, prior to alteration of hydrology. For each potential vernal pool that was assessed, please provide the vernal pool documentation forms, including photos. Each form must detail which secondary indicators were assessed and which were identified. Several of these are identifiable in dry pools.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

- 2- Please provide evidence to demonstrate whether or not human activities on site (i.e. Brox Industries' quarry operations) have contributed to the degradation or loss of wetland functions in wetlands "A" and "J" due to the elimination of hydrologic connections which sustained these functions. As applicable, please provide the fee balance and a compensatory mitigation proposal for the after-the-fact impacts to these wetlands.
- 3- Pending item 2, please provide evidence to demonstrate whether or not the proposal to expand the quarry westward, up to 50 feet horizontally from wetlands "A" and "J", will result in further alteration of hydrology sources which enable the wetlands to sustain their functions.
- 4- NHDES is in receipt of the proposed monitoring plan for wetlands "A" and "J". Pending NHDES' review of the above information, if the monitoring is still applicable, NHDES will provide comment.

#### Priority Resource Area

- 5- Formal consultation with NHF&G regarding protected species and habitat is on-going. NHF&G is requesting specific protections for Blanding's turtles which include preservation of priority sites that offer long-term protections and are integral to the species survival. Please provide documentation of complete consultation with NHF&G (Env-Wt 307.06, Env-Wt 311.06(g)).

#### Compensatory Mitigation

- 6- Please provide the information required for compensatory mitigation proposals to be deemed administratively complete:
  - a. A summary of the conservation values and goals for the proposed preservation area that will be incorporated into the final conservation easement (Env-Wt 311.08(a)(1)(b)).
  - b. Where preservation of an upland buffer is being proposed, information showing that the proposal meets the criteria specified in Env-Wt 804 together with the following (Env-Wt 312.04(b)):
    - i. A baseline documentation report that describes current property conditions and includes color photographs that have been taken in the absence of snow cover that clearly and accurately show the nature and condition of the buffer area;
    - ii. A copy of the proposed conservation easement language or language noting conveyance of fee simple ownership which protects the conservation values in perpetuity, in accordance with Env-Wt 808.14;
    - iii. A surveyed plan, in accordance with Env-Wt 808.11, showing the location of the proposed conservation area boundaries; and
    - iv. A statement from the landowner or prospective seller that it is willing to transfer the property, and proposed grantee indicating that the proposed grantee will accept the easement or fee simple deed.

#### Plans

- 7- The application includes a stamped "Wetland Certification" sheet which includes the wetland delineation standards and methods. This information must be provided on the project plan set, not as a separate attachment. Please refer to the full requirements per Rules Env-Wt 311.05(a)(14), Env-Wt 311.05(b)(1), Env-Wt 311.05(b)(2) and Env-Wt 311.05(b)(5) and provide revised plans.
- 8- The stamped plans must identify the vernal pool survey dates, party, methodology and limits of area that was surveyed per Env-Wt 406.01(d).
- 9- NHDES understands that some wetland boundaries shown on the plans are outside the scope of this project. Please revise the plans to show the limits of delineation by BAG Land Consultants. Please add notes to clarify the source for the rest of the wetland boundaries shown on the plans. These have hatching but no labels or notes to indicate whether/when they were delineated.

Other

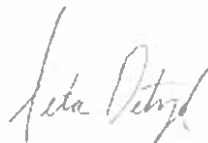
10- Please provide a phasing plan outlining the relative timing and progression of all work, including estimated time periods of proposed wetland impacts. Pursuant to RSA 482-A:3, XIV-b, permitted impacts to aquatic resources shall be postponed until such impacts become necessary for the operation of the excavation or mining area.

Please submit the required information as soon as practicable. Pursuant to RSA 482-A:3, XIV(a)(2), **the required information must be received by NHDES Wetlands Bureau within 60 days of the date of this request (no later than July 29, 2023), or the Application will be denied.** Should additional time be necessary to submit the required information, an extension of the 60-day time period may be requested. Requests for additional time must be received prior to the deadline in order to be approved. In accordance with applicable statutes and regulations, the applicant is also expected to provide copies of the required information to the municipal clerk and all other interested parties.

Pursuant to RSA 482-A:3, XIV(a)(3), NHDES Wetlands Bureau will approve or deny the Application within 30 days of receipt of all required information, or schedule a public hearing, if required by RSA 482-A or associated rules.

If you have any questions, please contact me at [Seta.Detzel@des.nh.gov](mailto:Seta.Detzel@des.nh.gov) or (603) 271-2917.

Sincerely,



Seta A. Detzel  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

cc: Hudson Municipal Clerk/Conservation Commission  
Bruce Gilday, BAG Land Consultants  
ec: NHDES Wetlands Bureau, Mitigation Program  
NHDES Alteration of Terrain Bureau  
NH Fish and Game Department (# NHB22-1081)  
Lindsey Lefebvre; Stephanie Morrison, U.S. Army Corps of Engineers  
Jean Brochi, U.S. Environmental Protection Agency



Vernal Pool topic from May 8<sup>th</sup>,

If you have a moment please read through the manual below. This was provided by Sandra

<https://www.wildlife.state.nh.us/nongame/documents/vernal-pool-manual.pdf>

Thanks

Bill

Hello Bill, yes there will be. We gave them till the 19<sup>th</sup> of June to remove it. So I will go after that date.

Chris

**From:** Bill Collins <[bcoll66956@comcast.net](mailto:bcoll66956@comcast.net)>  
**Sent:** Thursday, June 1, 2023 10:58 AM  
**To:** Sullivan, Christopher <[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)>  
**Subject:** Re: Notice of Violation 140 Kimball Hill Rd

**EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.**

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Hi Christopher,

Will there be any follow up to see if the applicant removes the rest of the debris from the edge of the wetlands?

Thanks  
Bill

Sent from my iPhone

On May 30, 2023, at 2:22 PM, Sullivan, Christopher <[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)> wrote:

See below

**From:** Sullivan, Christopher  
**Sent:** Tuesday, May 30, 2023 2:19 PM  
**To:** Groth, Brian <[bgroth@hudsonnh.gov](mailto:bgroth@hudsonnh.gov)>; Dhima, Elvis <[edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)>; 'bcoll6695@comcast.net' <[bcoll6695@comcast.net](mailto:bcoll6695@comcast.net)>  
**Cc:** Weissgarber, Lorrie <[lweissgarber@hudsonnh.gov](mailto:lweissgarber@hudsonnh.gov)>; Buttrick, Bruce <[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)>  
**Subject:** Notice of Violation 140 Kimball Hill Rd

Here is a notice of violation for 140 Kimball Hill Rd. Bruce and I visited the site and notice that some of the debris had been removed and the granite/concrete was still there.

Thank you

**Chris Sullivan**  
Zoning Administrator  
<[image001.png](#)>  
12 School Street  
Hudson, NH 03051  
603-816-1275 (Direct)  
603-594-1142 (Fax)

<[Notice of Violation - 5-25-23.pdf](#)>



# 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: May 8, 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  X

Carl Murphy  
Vice-Chair  X

Ken Dickinson  
Clerk  X

Brian Pinsonneault  
Member  E

Sandra Rumbaugh  
Member  X

Linda Krisciunas  
Alternate  X

Open Seat  
Alternate

David Morin  
Selectman Rep  X

Elvis Dhima  
Town Rep  E

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

PLEDGE OF ALLEGIANCE

ROLL CALL

SEATING OF ALTERNATES: Linda Krisciunas seated as a regular voting member.

Public Input Related to Non-Agenda Items: None

### I. New Business

a. none

## II. Old Business

### a. **Brox Industries, Inc. Expansion Project – NHDES Dredge & Fill Application Review:**

Chairman Collins presented his letter that was drafted following our site walk conducted on April 13, 2023. A brief discussion on the NHDES Dredge & Fill Application process followed. Mr. Collins informed us that the Commission now only has 10 days to intercede on a Dredge & Fill Application. Mrs. Rumbaugh moved to forward the application comments letter written by Chairman Collins to NHDES requesting monitoring of the two wetland areas to be protected for their consideration. Mrs. Krisciunas seconded the motion.  
Motion Carried 5/0/0

### b. **VHB recommendations for Wetland Overlay District:**

Chairman Collins reminded us that we need to address/formulate recommendations for a new Wetland Overlay District. He stated that it will be an agenda item for our regular June meeting and noted to review examples from similar communities throughout the region.

### c. **Dredge and Fill Permit Review Process:**

Chairman Collins explained the NHDES Dredge and Fill Permit Review Process using the Brox Application (report booklet) as an example. He noted that it is critical for the new Town Clerk to communicate receipt of Dredge and Fill Permit Applications to Chairman Collins, so the Commission can review prior to the 10 day notification period expiring. Chairman Collins encouraged everyone to read the Brox application.

Mrs. Krisciunas asked why the applicant's representatives did not discuss the presence of Blanding's Turtles during our recent site walk. Mr. Collins replied that it is difficult to explain all aspects of a project during the site walk itself. Mr. Dickinson reminded everyone that the mitigation package is not fully finalized as the review process with both NHDES and ACOE is still active. Blanding Turtle activity might be still monitored; however the current observations are not near the proposed project area. Mr. Collins stated that we still have the opportunity to submit additional correspondence to the NHDES. A brief discussion followed regarding Blanding Turtle monitoring. As a result, Mr. Collins will modify his NHDES comment letter requesting that operations staff be educated in identifying Blanding's Turtles and to have a clear process of how to protect these species upon observation. He will request that proper signage be installed in effort to warn and educate Brox employees. Mrs. Rumbaugh also had read through NHDES correspondence regarding the Brox Application. It notes that one wetland area was evaluated as a vernal pool, but it was lacking secondary indicators. Mrs. Rumbaugh asked what are the secondary indicators for vernal pools and will study the answer for our regular June meeting. Mrs. Krisciunas volunteered to review the Brox Dredge and Fill Permit Application Booklet prior to our next meeting.

### III. Other Business

#### a. Trail Work Day:

The conservation commission rescheduled our May trail work day to Sunday, May 21, 2023, 9 AM – 12 PM with meeting point at 68 Pelham Rd. Our work may also include installing a sign post on the southern end of the Nacook Loop at Musquash Conservation Area (MCA).

We scheduled our June trail work day on Sunday, June 11, 2023, 9 AM – 12 PM with meeting point at the Kimball Hill Town Forest parking area. Both work days will focus on establishing new hiking trail segments at each location. Several sign posts also are ready to be installed.

#### b. Trail Work Log:

Ken Dickinson reported one new blowdown on the Nash-Hamblett Trail between bridges on the northern end (near Woodland Dr.). A brief discussion continued regarding plans for Pelham Rd. Conservation Area workday on Saturday, May 21, 2023. Ken Dickinson also reported that the Nash-Hamblett Trail, Meetinghouse Trail and Colburn Trail all have a few wet, muddy portions that require repair. A brief discussion followed regarding the importation of gravel in effort to restore the original trail width and construct appropriate diverters to alleviate erosion issues. Chairman Collins tasked Mr. Dickinson with calculating the amount of gravel necessary to complete the task for our regular June meeting.

Chairman Collins noted that we should schedule a separate work day this summer to improve trails located on the Pelham (easterly side) of Musquash Conservation Area (MCA). He mentioned that we should complete the trail map project within the next month or two if possible. Chairman Collins asked Selectman Morin if there was an issue with public access for hiking trails within the Robinson Pond Recreation Area. Selectman Morin explained that there should not be an issue; however he would verify it for us tomorrow.

Mr. Dickinson stated that he has spoken with a few licensed contractors in effort to perform poison ivy treatment at MCA. He will create work plan and map indicating proposed areas for treatment along trails within proximity to the new parking lot. Chairman Collins requested that a Japanese Knotweed treatment area around the Merrill homestead barn foundation should be also added to the bid request if possible. Mr. Dickinson requested Chairman Collins to inquire regarding Eversource's work schedule to clear vegetation along the MCA powerline corridor. Chairman Collins noted that spraying would be conducted soon along the corridor, but that he would inquire regarding their maintenance schedule. Chairman Collins asked Mr. Murphy if he had a hedge trimmer attachment. Mr. Murphy responded positively to this request and mentioned that it would facilitate clearing the trails located within the powerline corridor amongst other areas.

### IV. Financial Status:

Chairman Collins will add a Forestry Fund line item to our Monthly Report. Chairman Collins noted that only DASH operations (no chemical treatments) are scheduled this year on the ponds, therefore in FY 2023-24 less money than usual will be expended from our professional services line item. Conservation Fund Balance = \$760,932.

**V. Correspondence:**

Chairman Collins reviewed our monthly correspondence which included the following:

VLAP Water Quality Testing memo (vacant position for Ottarnic Pond) as submitted by Jane Bowles. Mrs. Bowles noted that the VLAP monitor needs to have their own boat to conduct water quality testing around Ottarnic Pond and its tributaries. A short discussion regarding job posting locations followed. Mrs. Rumbaugh asked if it could be posted at Hudson Senior Center. Chairman Collins will pursue this posting.

Lake Host Grant (\$0 award due to position vacancy)

**VI. Approval of Minutes:**

Mrs. Krisciunas moved to approve the regular meeting minutes for April 10, 2023 and site walk minutes conducted on April 13, 2023. Mr. Murphy seconded the motion.

Motion Carried 5/0/0

**VII. Commissioner's Comments:**

Mrs. Rumbaugh informed us that the Rangers Town Forest landing area layout and tree marking activities will commence tomorrow May 9<sup>th</sup> in preparation for timber harvest operations. Chairman Collins asked Mrs. Rumbaugh to obtain clarification from Eric Radlof on the landing area layout dimensions. Chairman Collins is in favor of a larger size area in effort to maximize invasive species removal now as part of this operation. Mrs. Rumbaugh will further coordinate with Eric Radlof and Chairman Collins to determine exact landing "clearing" area dimensions.

Selecment Morin requested a clarification on the Lake Host position. Chairman Collins informed us that the seasonal Lake Host positions at both Robinson Pond and Ottarnic Pond Boat Launches remain open. He clarified that both Lake Host positions are a paid positions, however the VLAP water sampling is a volunteer position. Further efforts will be made to post the Lake Host employment advertisement in multiple locations (as time allows). Chairman Collins stated that more effort is required by the Pond Associations to fill these vacant positions.

Chairman Collins informed us that work will be commencing soon on the Merrill Park boat/kayak launch improvement project as a matching State grant was recently awarded.

**VIII. Motion to adjourn:**

Mrs. Rumbaugh moved to adjourn our regular meeting at 8:05 PM; seconded by Mrs. Krisciunas. Motion Carried 5-0-0

Ken Dickinson

Ken Dickinson, Clerk